GIS Tracking Sheet

Case No.: DCI 2003-00049

Intake Date: July 11, 2003

Project Name: Winkler Preserve

Post-it® eLabel 005 725 348

STRAP Number(s): 10-46-24-01-00001.0000, 10-46-24-01-00002.0000, 10-46-24-01-00003.0000 + 10-46-24-01-00004.0000 + 10-46-24-01-00029.0000 + 10-46-24-01-00030.0000 + 10-46-24-01-00031.0000 + 10-46-24-01-00033.0000 + 10-46-24-01-00034.0000 + 10-46-24-01-00035.0000 + 10-46-24-01-00036.0000

Planner Name: Jeff Laurien Ext. 8336

LEGAL DESCRIPTION VERIFICATION and **INITIAL GIS MAPPING**

Date: 8/19/2003 **INTAKE:** DCI03049

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: AJJJJ

If not, give brief explanation:

MAP UPDATE following **FINAL ACTION**

Date: 07APRIL04

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

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-03-064, DCI2003-00049, 15MAR04, APRVL TO REZONE A 109.85 ACRE PARCEL FROM AG-2 TO RPD TO ALLOW 282 SINGLE FAMILY UNITS; CONDS

MAP UPDATED ☑ YES ☐ NO Initials: AJJJJ

If not, give brief explanation: Deleted AG:2:000951 Created RPD:000109

DCI2003-00049

PROPERTY DESCRIPTION
EXHIBIT"A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 10; THENCE S.01°19'12"E. ALONG THE EAST LINE OF SAID FRACTION AND THE EAST LINE OF LOTS 1 THROUGH 4 OF SEMINOLE GARDENS AS RECORDED IN PLAT BOOK 4, PAGE 65, LEE COUNTY RECORDS, FOR 1231.02 FEET TO THE NORTHEAST CORNER OF BELLE MEADE SUBDIVISION AS RECORDED IN PLAT BOOK 55, PAGE 47, LEE COUNTY RECORDS; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION FOR THE FOLLOWING COURSES: S.88°44'24"W. FOR 1290.25 FEET; S.88°45'10"W. FOR 1345.49 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID FRACTION; THENCE CONTINUE ALONG THE NORTH LINE OF SAID BELLE MEADE SUBDIVISION S.88°44'24:W. FOR 1269.80 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF WINKLER ROAD (100.00 FEET WIDE); THENCE N.01°17'21"W. ALONG SAID RIGHT-OF-WAY FOR 1252.26 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 10; THENCE N.89°05'58"E. ALONG SAID NORTH LINE FOR 1269.57 FEET TO THE SOUTHWEST CORNER OF CROWN COLONY SUBDIVISION AS RECORDED IN PLAT BOOK 68, PAGE 23, LEE COUNTY RECORDS; THENCE N.89°02'07"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 2635.38 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 111.27 ACRES, MORE OR LESS.

DESCRIPTION PREPARED FROM THE BOUNDARY SURVEY BY BARRACO AND ASSOCIATES, INC., DATED 15AUG03.

Applicant's Legal Checked
by _____ 20AUG03

S:\WRITERS\WILKIEAW\DCI2003-00049.wpd

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65, Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01° 13' 18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89° 02' 07" E along said North line for 50.00 feet; thence run S 01° 13' 18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88° 45' 10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-¼) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89° 02' 07" E.

Scott A. Wheeler 1/24/03

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21608

DCI 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

SCOTT A. WHEELER No. 5949 STATE OF FLORIDA

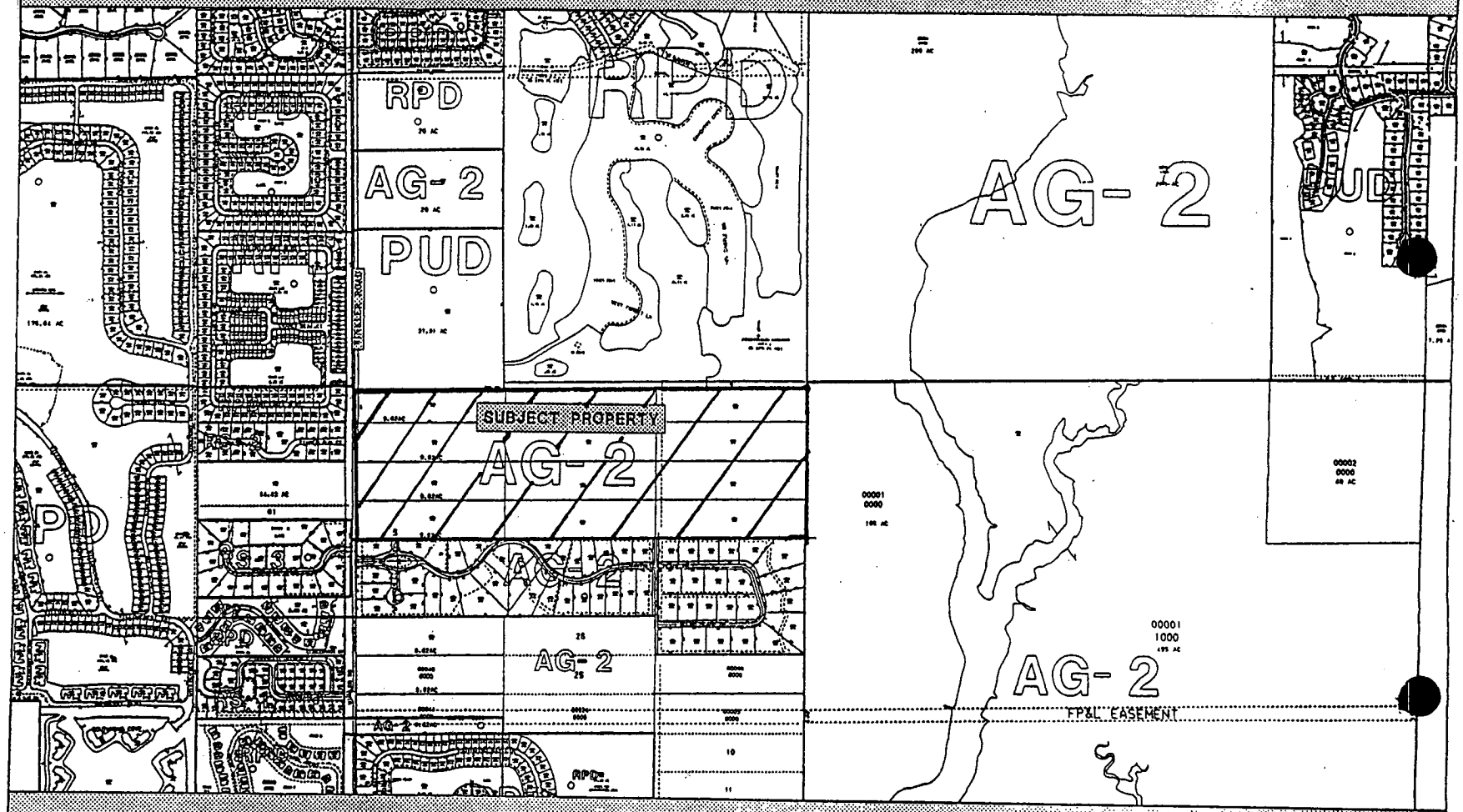
Applicant's Legal Checked
by

Exhibit A

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (941) 461-3170 • Fax (941) 461-3169

Official Records BK 03857 PG 1044

ZONING MAP


RPD
AG-2
PUD
SUBJECT PROPERTY
AG-2
AG-2
AG-2
FP&L EASEMENT
PUD
RPD
PD

A

RESOLUTION NUMBER Z-03-064

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

WHEREAS, Development Solution, LLC filed an application on behalf of the property owner, Winkler Preserve, LLC, to rezone 109.85-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Winkler Preserve RPD; and

WHEREAS, a public hearing was advertised and held on November 20, 2003, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2003-00049; and

WHEREAS, a second public hearing was advertised and held on March 15, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 109.85-acre parcel from AG-2 to RPD to allow 282 single-family units with a maximum height of 35 feet (two stories). No Blasting is proposed on the site. The property is located in the Outlying Suburban and Wetlands Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the one-page Master Concept Plan entitled "Winkler Preserve," stamped Received March 15, 2004 Permit Counter, attached hereto as Exhibit "C," except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

      Accessory uses and structures
      Dwelling units:

single family;
zero lot line
Entrance gates and gatehouse
Essential services
Essential service facilities: Group 1
Excavation: water retention
Fences, wall
Home occupation
Parking lot: accessory
Models: display center, model home, model display group
Real estate sales office
Residential accessory uses
Recreational facilities: personal, private on-site

b. Site Development Regulations

Single Family Dwelling Units and Zero Lot Line Units:

Minimum lot area:	6,500 square feet
Minimum lot depth:	130 feet
Minimum lot width:	50 feet

Minimum Building Setbacks:

Right-of-way (front entry garage or carport):	20 feet
Right-of-way (side entry garage or carport):	15 feet
Side yard (zero lot line)	0/5 feet
Side yard (single family)	5 feet
Rear yard setback:	15 feet; 35 feet south along south property line
Rear to water setback:	20 feet
Rear to preserve setback:	20 feet
Accessory structures (side and rear yard)	5 feet; 25 feet rear along south property line
Maximum building height:	35 feet/ 2 stories
Maximum lot and group activity center parcel coverage	45 percent

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

4. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.

5. If an Environmental Resource Permit is obtained to impact upon the freshwater wetlands on-site, the total maximum number of lots allowed to be developed may be recalculated based upon allowable density regulations (underlying land use) and the amount of

freshwater wetlands the Environmental Resource Permit allows to be impacted. Under no circumstances will the maximum number of lots to be developed on the subject site exceed 282. No impacts are allowed to the saltwater wetlands.

6. No mulching or stockpiling of debris will be allowed to be placed within 200 feet of the southern property line during site development.

7. A depth of 100 feet along the southern property line will remain in its existing state during site development, except for minor clearing activity necessary to excavate gopher tortoises and activities required by conditions herein. Once all other earthwork activities are completed, the southern 100 feet will be cleared and filled for single-family lots. This does not preclude this area from complying with all other conditions and applicable regulations. All such clearing and other activities must be reviewed by, and be acceptable to, County Staff prior to commencement.

8. Prior to the issuance of a certificate of compliance for infrastructure on the subject property, a buffer must be planted along the entire southern boundary of the subject property within the 20-foot-wide drainage berm easement shown on the submitted Master Concept Plan. This buffer must consist of a cocoplum hedge (24-inch, three-gallon container planted three-foot on center) and must be maintained by the Homeowner's Association.

10. No deviations or variances may be granted along the entire south property line of the subject property to reduce the 35-foot rear setback for main structures or the 25-foot rear setback for accessory structures.

11. No structures may encroach within the 20-foot-wide drainage berm easement depicted on the submitted Master Concept Plan.

12. No blasting is permitted on-site.

13. Prior to moving any gopher tortoise or commensal species to the gopher tortoise preserve, all invasive exotic vegetation must be removed by hand from the 1.7-acre preserve, unless other means are approved by the Division of Environmental Sciences Staff during an onsite meeting with the exotic vegetation removal contractor and the environmental consultant.

14. Prior to issuance of a Vegetation Removal Permit for clearing the development area, the westernmost berm with gopher tortoise burrows must be relocated to the already cleared area within the northern portion of the gopher tortoise preserve to provide burrowing habitat and a native seed source for foraging plants. These berms must be planted with bahia grass plugs and 50 prickly pear plugs.

15. A permanent fence, which will prevent gopher tortoises from crossing Winkler Road, must be installed along the gopher tortoise preserve abutting Winkler Road and the entrance road.

16. Prior to issuance of a Certificate of Compliance for the infrastructure, either a permanent fence or a continuous cocoplum hedge (minimum 24-inch three-gallon container size at planting; maintained at a minimum 60-inch height) must be installed along the gopher

tortoise preserve abutting the single family lots to prevent encroachment into the preserve and prevent the use of the preserve by dogs.

17. Dogs are prohibited within the gopher tortoise preserve.

18. Model display centers, model homes, and model display groups are permitted in compliance with the following conditions:

    a. They may only be located in the areas depicted on the approved Master Concept Plan (MCP); and

    b. A total maximum of eight model homes are permitted; and

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

    d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

    e. Parking areas for model display centers and model display groups must be buffered with a single row hedge (minimum 24-inch-high; three-gallon container; three-foot on center) and tree canopy for parking areas per LDC §10-416(c).

19. 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:

Deviation 1 requests relief from the LDC § 10-291(3) requirement that residential developments of more than five acres provide two or more means of ingress or egress to allow a stabilized emergency access as depicted on the MCP. This deviation is **APPROVED,** WITH THE CONDITION that the definitive design and location of the proposed emergency access will be determined at the time of local development order approval.

Deviation 2 requests relief from the LDC § 10-294 requirement that streets within a proposed development be connected to streets in the adjacent area, to allow no interconnection with streets in the adjacent development areas other than Winkler Road. This deviation is **APPROVED.**

Deviation 3 requests relief from the LDC § 10-295 requirement to provide street stubs to adjoining areas for proper circulation, to eliminate any street stubs to adjoining areas. This deviation is **APPROVED.**

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: The legal description of the property
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: The Master Concept Plan

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

10-46-24-01-00001.0000
10-46-24-01-00002.0000
10-46-24-01-00003.0000
10-46-24-01-00030.0000
10-46-24-01-00035.0000
10-46-24-01-00004.0000
10-46-24-01-00029.0000
10-46-24-01-00036.0000
10-46-24-01-00031.0000
10-46-24-01-00033.0000
10-46-24-01-00034.0000

SECTION E. FINDINGS AND CONCLUSIONS:

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

2. The rezoning, as approved:

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

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

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

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

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

3. The rezoning satisfies the following criteria:

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

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

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

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

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

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

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

DULY PASSED AND ADOPTED this 15th day of March 2004.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
Dawn E. Perry-Lehnert
County Attorney's Office

RECEIVED
MINUTES OFFICE
lp
2004 MAR 24 PM 1:26

DCI2003-00049

PROPERTY DESCRIPTION
EXHIBIT"A"

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CONTAINING 111.27 ACRES, MORE OR LESS.

DESCRIPTION PREPARED FROM THE BOUNDARY SURVEY BY BARRACO AND ASSOCIATES, INC., DATED 15AUG03.

Applicant's Legal Checked
by _____ 20AUG03

DESCRIPTION

Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65, Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

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Scott A. Wheeler 1/24/03
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21608

DCI 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

Applicant's Legal Checked
by

SCOTT A. WHEELER
STATE OF FLORIDA
No. 5949

Official Records BK 03857 PG 1044

EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

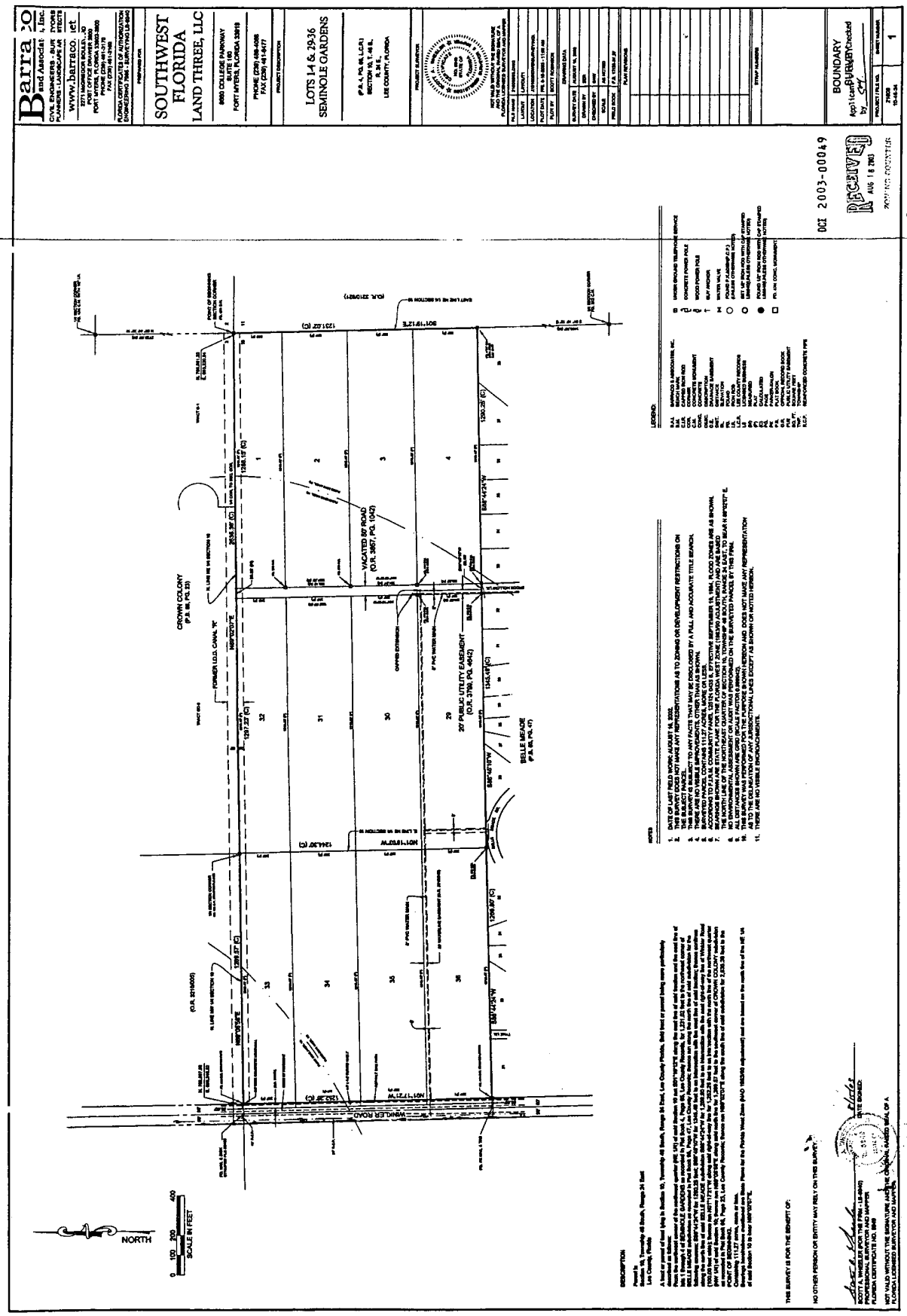
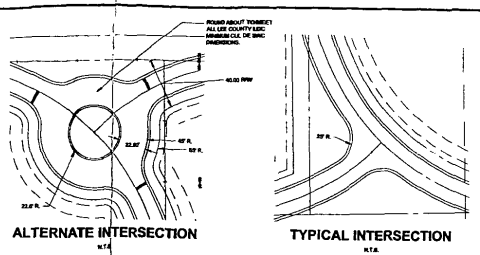


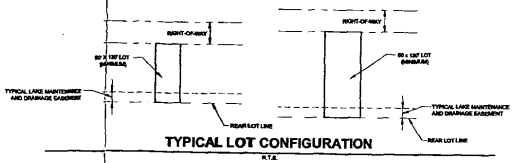
EXHIBIT A
LEGAL DESCRIPTION
Property located in Lee County, Florida

ZONING MAP
AG-2
AG-2
AG-2
AG-2
AG-2
RPD
AG-2
PUD
SUBJECT PROPERTY
A
TP&L EASEMENT

EXHIBIT B

EXHIBIT C





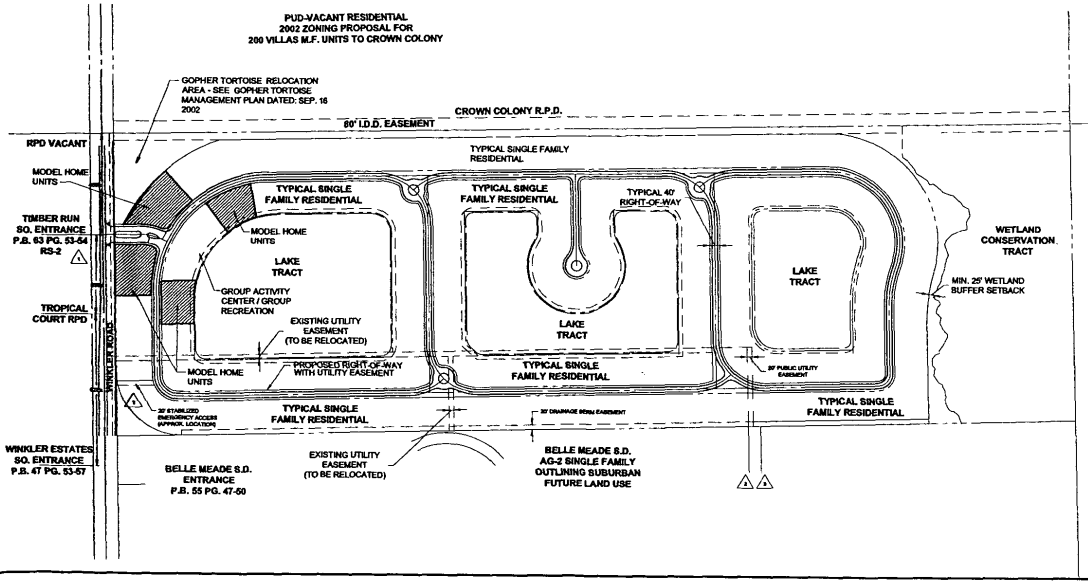
The Winkler Preserve Project Summary

Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	Up to 282 D.U. in compliance with condition 5 (Z-03-064)
Gross Residential Density	2.97 Du'sAcre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	N/A - All Lots Min. 6,500 sq. ft. or greater
Minimum Regulatory Native Open Space	N/A - 15.5 ac. East Side Tidal & Tidal Mangrove Wetland

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Project parking and circulation will conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq. ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for Winkler Preserve.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts.

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2406
EMAIL: Designer@Cyberstreet.com



LEGEND

DEVIATION LOCATION (SEE RESOLUTION)

APPROVED
Master Concept Plan
Site Plan # 03-064 Page 1 of 1
Subject to conditions in Resolution Z-03-064
Case # DCI 2003-00049

RECEIVED
MAR 15 2004
PERMIT COUNTER
DCI2003-00049

NORTH

0 100 200 400
SCALE IN FEET

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT SIGNATURE AND ORIGINAL RAISED SEAL. SIGNATURE AND DATE
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FILE NAME	21656MCP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21\70\DWG\MCP\
PLOT DATE	TUE, 3-30-2004 - 1:45 PM
PLOT BY	TODD VANN
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN-21737200
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

9-2002	PER COUNTY COMMENTS
7-2003	REDUCE SCALE TO 200'
7-23-2003	ADD DEVIATION #2
12-3-2003	PER COUNTY COMMENTS
7-19-2003	ADD EMERGENCY ACCESS
9-15-2003	PER SUFFICIENCY RESPONSE
3-23-04	PER LEE COUNTY COMMENTS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656	1

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

RECEIVED
JAN 06 2004
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

DATE: **January 6, 2004**

TO: **THE FILE**

FROM: **DIANA M. PARKER**
County Hearing Examiner

RE: **DCI2003-00049 - Winkler Preserve RPD**
Error/Omission in Hearing Examiner Recommendation

The Hearing Examiner's Recommendation contains an error or an omission. The following addition ("underlines") will correct the Recommendation:

In Section III, A. CONDITIONS [page 3]:

> 8. A depth of one hundred (100) feet along the southern property line will remain in its existing state during site development, except for minor clearing activity necessary to excavate gopher tortoises and activities required by conditions herein. Once all other earthwork activities are completed, the southern one hundred (100) feet will be cleared and filled for single family lots. This does not preclude this area from complying with all other conditions and applicable regulations. All such clearing and other activities must be reviewed by and be acceptable to County Staff prior to commencement.

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

cc: Tim Jones, County Attorney's Office
Billie Jacoby, Development Services Division
Jeff Laurien, Planner, Development Services Division
Dawn Perry-Lehnert, County Attorney's Office
Applicant/Applicant's Representative(s)
Hearing Participants

MEMORANDUM
FROM
THE OFFICE OF THE
LEE COUNTY HEARING EXAMINER

RECEIVED
DEC 31 2003
COMMUNITY DEVELOPMENT
REC'D SECOND FLOOR

DATE: December 31, 2003

TO: Board of County Commissioners **FROM: Diana M. Parker/Salvatore Territo**
County Hearing Examiners

RE: Hearing Examiner Recommendation

Enclosed you will find the following Hearing Examiner Recommendation:

HEARING DATE: NOVEMBER 20, 2003

DCI2003-00049 DEVELOPMENT SOLUTIONS, LLC., in reference to WINKLER PRESERVE RPD

The above referenced Hearing Examiner Recommendation has been rendered as of this date. The Development Services Division has advised that the BOCC Zoning Hearing is tentatively scheduled for **Monday, February 2, 2004.** Development Services will forward a copy of the Recommendation to the Board prior to that time in the pink zoning notebooks.

If you have any procedural questions, please let our office know.

cc: Tim Jones / Asst. Co. Atty.
Billie Jacoby / Community Development
Andy Getch / LCDOT
Sue Noe / Economic Development

DCI2003-00049
Dawn E. Perry-Lehnert/ Asst. Co. Atty.
Jeff Laurien / Community Development
Matt Noble / Community Development

BILLIE JACOBY
COMMUNITY DEVELOPMENT

OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

RECEIVED
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REZONING: DCI2003-00049
APPLICANT: DEVELOPMENT SOLUTIONS, LLC., in reference to WINKLER PRESERVE RPD
HEARING DATE: NOVEMBER 20, 2003

I. APPLICATION:

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

Filed by DEVELOPMENT SOLUTIONS, LLC, 6150 Diamond Center Court, Building 1300, Fort Myers, Florida 33912 (Applicant); WINKLER PRESERVE, LLC, 11220 Metro Parkway, Suite 27, Fort Myers, Florida 33912 (Owner); RONALD INGE, % DEVELOPMENT SOLUTIONS, LLC, 6150 Diamond Center Court, Building 1300, Fort Myers, Florida 33912; DAN DELISI, % BARRACO AND ASSOCIATES, INC., 2271 McGregor Boulevard, Fort Myers, Florida 33901; GREG STUART, % STUART AND ASSOCIATES, INC., 2180 West First Street, Suite 503, Fort Myers, Florida 33901; MARSHALL BAGLEY, % BAGLEY ENVIRONMENTAL AND PLANTING SERVICES, INC., 10680 SE Tuliptree Court, Lehigh Acres, Florida 33936; and RUSSELL SCHROPP, % HENDERSON, FRANKLIN, STARNES & HOLT, P.A., P. O. Box 280, Fort Myers, Florida 33902 (Agents).

Request is to rezone the 109.85-acre subject property from the Agricultural-2 (AG-2) zoning district to the Residential Planned Development (RPD) zoning district to allow 282 single-family units with a maximum height of 35 feet (two stories). No Blasting is proposed on the site.

The subject property is located at 17151 Winkler Road, Fort Myers, Florida, in Section 10, Township 46 South, Range 24 East, Lee County, Florida (District #3).

II. STAFF REPORT AND RECOMMENDATION: APPROVE WITH CONDITIONS

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

III. RECOMMENDATION OF HEARING EXAMINER:

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

A. CONDITIONS:

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Winkler Preserve," stamped received August 18, 2003, with a revision date of August 15, 2003, attached hereto as Exhibit "B," except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

a. Schedule of Uses

Accessory uses and structures
Dwelling units:
    single family;
    zero lot line
Entrance gates and gatehouse
Essential services
Essential service facilities: Group 1
Excavation: water retention
Fences, wall
Home occupation
Parking lot: accessory
Models: display center, model home, model display group
Real estate sales office
Residential accessory uses
Recreational facilities: personal, private on-site

b. Site Development Regulations

Single Family Dwelling Units and Zero Lot Line Units:

Minimum lot area:	6,500 square feet
Minimum lot depth:	130 feet
Minimum lot width:	50 feet

Minimum Building Setbacks:

Right-of-way (front entry garage or carport):	20 feet
Right-of-way (side entry garage or carport):	15 feet
Side yard (zero lot line)	0/5 feet
Side yard (single family)	5 feet
Rear yard setback:	15 feet; 35 feet along south property line
Rear to water setback:	20 feet
Rear to preserve setback:	20 feet
Accessory structures (side and rear yard)	5 feet; 25 feet rear along south property line

Maximum building height: 35 feet/ 2 stories

Maximum lot and group activity center parcel coverage: 45 percent

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

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table.

5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.

6. If an Environmental Resource Permit is obtained to impact upon the freshwater wetlands on-site, the total maximum number of lots allowed to be developed may be recalculated based upon allowable density regulations (underlying land use) and the amount of freshwater wetlands the Environmental Resource Permit allows to be impacted. Under no circumstances will the maximum number of lots to be developed on the subject site exceed 282. No impacts are allowed to the saltwater wetlands.

7. No mulching or stockpiling of debris will be allowed to be placed within 200 feet of the southern property line during site development.

8. A depth of one hundred (100) feet along the southern property line will remain in its existing state during site development, except for minor clearing activity necessary to excavate gopher tortoises and activities required by conditions herein and applicable regulations. All such clearing and other activities must be reviewed by and be acceptable to County Staff prior to commencement.

9. Prior to the issuance of a certificate of compliance for infrastructure on the subject property, a buffer must be planted along the entire southern boundary of the subject property within the 20-foot-wide drainage berm easement shown on the submitted Master Concept Plan. This buffer must consist of a cocoplum hedge (24-inch, three-gallon container planted three-foot on center), and must be maintained by the Homeowner's Association.

10. No deviations or variances may be granted along the entire south property line of the subject property to reduce the 35-foot rear setback for main structures or the 25-foot rear setback for accessory structures.

11. No structures may encroach within the 20-foot-wide drainage berm easement depicted on the submitted Master Concept Plan.

12. No blasting is permitted on-site.

13. Prior to moving any gopher tortoise or commensal species to the gopher tortoise preserve, all invasive exotic vegetation must be removed by hand from the 1.7-acre preserve, unless other means are approved by the Division of Environmental Sciences Staff during an onsite meeting with the exotic vegetation removal contractor and the environmental consultant.

14. Prior to issuance of a Vegetation Removal Permit for clearing the development area, the westernmost berm with gopher tortoise burrows must be relocated to the already cleared area within the northern portion of the gopher tortoise preserve to provide burrowing habitat and a native seed source for foraging plants. These berms must be planted with bahia grass plugs and 50 prickly pear plugs.

15. A permanent fence which will prevent gopher tortoises from crossing Winkler Road must be installed along the gopher tortoise preserve abutting Winkler Road and the entrance road.

16. Prior to issuance of a Certificate of Compliance for the infrastructure, either a permanent fence or a continuous cocoplum hedge (minimum 24-inch three-gallon container size at planting; maintained at a minimum 60-inch height) must be installed along the gopher tortoise preserve abutting the single family lots to prevent encroachment into the preserve and prevent the use of the preserve by dogs.

17. Dogs are prohibited within the gopher tortoise preserve.

18. Model display centers, model homes, and model display groups are permitted in compliance with the following conditions:

a. They may only be located in the areas depicted on the approved Master Concept Plan (MCP); and

b. A total maximum of eight (8) model homes are permitted; and

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

d. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

e. Parking areas for model display centers and model display groups must be buffered with a single row hedge (minimum 24-inch-high; three-gallon container; three-foot on center) and tree canopy for parking areas per LDC Chapter 10-416(c).

B. DEVIATIONS:

Deviation 1 requests relief from LDC Chapter 10-291(3) which requires residential developments of more than five (5) acres to provide two or more means of ingress or egress for the development, to allow a stabilized emergency access as depicted on the Master Concept Plan (MCP). The Hearing Examiner recommends **APPROVAL** of this deviation, on the condition that the definitive design and location of the proposed emergency access will be determined at the time of local development order approval.

Deviation 2 requests relief from LDC Chapter 10-294 which requires streets within a proposed development to be connected to streets in the adjacent area to provide for proper circulation, to have no interconnection to streets in the adjacent development areas other than Winkler Road. The Hearing Examiner recommends **APPROVAL** of this deviation.

Deviation 3 requests relief from LDC Chapter 10-295 that requires street stubs to adjoining areas for proper circulation to not have any street stubs to adjoining areas. The Hearing Examiner recommends **APPROVAL** of this deviation.

IV. HEARING EXAMINER DISCUSSION:

This is a request to rezone a 109+-acre parcel, located south of Summerlin Road on the east side of Winkler Road, from AG-2 (Agricultural) to RPD (Residential Planned Development) for development of single-family residential community. The subject property is rectangularly shaped, and is located just south of the Crown Colony golf course community. It is situated in the midst of a developing residential area, with single-family developments contained in a variety of zoning districts: AG-2; RPD; and several conventional residential districts. An 80-foot-wide IDD canal easement separates this property from the Crown Colony development, and a saltwater wetland area separates the subject property from the state-owned Hendry Creek preserve area on the eastern boundary. It is designated Outlying Suburban, with the eastern area being designated Wetlands in the Lee Plan.

The subject property has approximately 1,252 feet of frontage on Winkler Road and is approximately 3,905 feet deep. Applicant proposes to develop 282 homes, with an activity center, along the north, south and west boundaries and encircling three internal lakes. An internal loop road, with one access point onto Winkler Road, provides access to the lots. There is a possibility of a secondary, emergency access point, but that access will not be decided until the development order review process.

Although the property was cleared of any native plants and used for many years for farming, there is a colony of about 13 gopher tortoises and a 15.1± acre saltwater wetland on the site. The easternmost end of the subject property is designated "Wetland Conservation Tract" and will have an internal 25-foot-wide upland buffer to protect those on-site saltwater wetlands abutting the Hendry Creek Preserve. The gopher tortoises will be relocated to a "Gopher tortoise relocation area" in the northwest corner of the subject property, and protected by fencing and shrubbery form Winkler Road and the pets residing on the subject property.

The Outlying Surburban land use designation caps density at three units per acre, and the subject property will have a proposed density of about 2.57 units per acre. This density is consistent and compatible with the surrounding residential projects which have densities ranging from .97 (Belle Meade to the south) to 3.7 dwelling units per acre (Indian Farms Villas RPD to the west).

Applicant proposes to develop the three lakes without blasting, and Staff has included a condition in the recommended approval prohibiting blasting. The fill from the three lakes will be used on to raise the elevation of the site.

Three deviations from LDC Chapter 10 regulations were requested. The first Deviation is to allow the development to have only one access point - with the possibility of a secondary, emergency access to be decided during the development order process. The second and third Deviations are from the LDC requirements that Applicant provide street stub-outs and interconnections to adjacent properties. It was noted that the single-family projects on the north and south boundaries are or will be gated communities and do not want traffic from this project inside their project. This development is also expected to be a gated community, and, likewise, does not want to have the traffic from the adjoining developments traversing its streets.

Staff recommended approval of the requested rezoning, with conditions, and of the three Deviations, with conditions, finding that the requests, as conditioned, were consistent with the Lee Plan and the Land Development Code. They found that the proposed use and density would not be detrimental or injurious to the people or properties in the area, or to the environmentally sensitive lands along the eastern boundary.

The public hearing was attended by several residents of the Belle Meade development, or their representatives. The residents did not object to the proposed residential development, but had questions about the development process, particularly the depth of the lakes, and how the excavation would be done. Applicant's witnesses adequately responded to the questions.

The undersigned Hearing Examiner concurs with Staff's analysis, findings and recommendation of approval, with conditions, finding that the requests, as conditioned, meet the criteria for approval set out in LDC Section 34-145, and are consistent with the intent of the Lee Plan and the Land Development Code. She finds that the proposed development, as conditioned, will not be detrimental or injurious to the existing or planned development in the vicinity of the subject property, and will adequately protect and preserve the environmentally sensitive characteristics of the subject property.

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

It is also the opinion of the Hearing Examiner that the approved Deviations, as conditioned, will enhance the objective of the proposed planned development, and will promote and protect the public health, safety and welfare.

V. FINDINGS AND CONCLUSIONS:

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

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

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

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

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

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

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

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

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

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

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

VI. LIST OF EXHIBITS:

MASTER CONCEPT PLAN, prepared by Barraco and Associates, Inc., plot date FRI. 8-15-2003 - 9:33 AM, last revised 8-15-2003, date stamped "RECEIVED AUG 18 2003 ZONING COUNTER"

AERIAL MAP EXHIBIT III-A-3, prepared by Barraco and Associates, Inc., plot date THU. 7-10-2003 - 3:30 PM, no revisions, date stamped "RECEIVED JUL 11 2003 COMMUNITY DEVELOPMENT"

STAFF'S EXHIBITS

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

APPLICANT'S EXHIBITS

1 Aerial photograph depicting density, colored [board]

2 PAVING, GRADING AND DRAINAGE PLAN, dated THU. 11-20-2003 - 9:33 AM, no revisions, prepared by Barraco and Associates, Inc.

3 South West Florida Water Management District Staff Report, ERP36-04616-P, and sufficiency question and answer letters from Barraco and Associates, Inc., dated May 14, 2003 and September 3, 2003

4 Hydrology and Lake Construction Report, prepared by W. Kirk Martin P.G., of CDM Missimer

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

VII. PRESENTATION SUMMARY:

The Hearing Examiner explained the hearing process and placed all the participants under oath. First to speak was Russell Schropp, of Henderson, Franklin, Starnes & Holt, who stated that he had filed a pre-hearing statement with the Hearing Examiner's Office regarding the issues that concerned them. He believed those concerns had been addressed and Mr. Laurien would like to acknowledge the modifications.

Next, Jeff Laurien, Senior Planner with the Department of Community Development, announced that Mr. Schropp had submitted a letter, dated November 17, 2003 with three requested revisions to the Staff Report. Referring to page 2 of the Staff Report, Condition 6, he said there were two references to saltwater that should be changed to freshwater. Also, in Condition 8, the phrase "except for minor clearing activity necessary to excavate gopher tortoises" was added to the last sentence. Finally, in Condition 18, a new sub-condition 5 was added as follows: "Parking areas for model display centers and model display groups must be buffered with a single row hedge (minimum 24-inch-high; three-gallon container; three-foot on center) and tree canopy for parking areas per LDC Chapter 10-416(c)."

The Hearing Examiner acknowledged that "saltwater" had been changed to "freshwater" in Condition 6. However, the first part of the Staff Report referred to saltwater wetlands and asked if there were saltwater wetlands on the property? Mr. Laurien replied there were both areas on the subject property and the saltwater areas that would be preserved. However, the freshwater areas would be impacted.

Then, Mr. Schropp stated that he represented the Applicant, Land Solutions, Inc., in reference to the Winkler Preserve project. Marshall Bagley, the Applicant's Environmental consultant, would address the saltwater issue during his testimony. Mr. Schropp advised that the saltwater wetlands were located on the east side of the project and would be preserved in their entirety.

Continuing, he stated that the request was to rezone approximately 110 acres from AG-2 to RPD, to permit up to 282 single-family dwelling units. The property is located on the east side of Winkler Road, south of Summerlin Road and within the Outlying Suburban and Wetland land use classifications of the Lee Plan. This request was the second time the project was presented at a hearing. In December 2002, Mr. Territo presided over the request for a rezoning for a similar site plan and it proceeded to the Board of County Commissioners (BOCC) in early 2003 with a recommendation of approval by Mr. Territo. Before the final approval by the BOCC, the Applicant withdrew the request. At that time, the project included a provision to allow blasting to excavate the lakes. However, there was legislation in process at the time they went before the BOCC to prohibit blasting, which subsequently was enacted. The Applicant's concern at that time was that the decision would render the project infeasible and the request was withdrawn before final action was taken by the BOCC.

After that action, the Applicant met with the neighbors in the area to discuss under what conditions blasting might be appropriate. They were told that blasting would never be appropriate, even through the mediation process. Coinciding with that time frame, the BOCC issued a moratorium on blasting along Winkler Road. Based on those happenings, the Applicant decided the only alternative was to proceed with the project without blasting and they resubmitted the application as such. The Applicant was very specific in that blasting

was not requested and Condition 12 of the Staff Report expressly provided that no blasting was permitted on site.

He stated that, other than blasting, the Master Concept Plan (MCP) presented with this request was basically the same as the one that Staff and the Hearing Examiner recommended approval, and of which the BOCC was prepared to approve in early 2003, but without blasting. The density, site design and lot layouts were all similar to the plan reviewed the first time through. All of the conditions included in the original request to address concerns of adjoining residents and neighborhoods were continued into the current request and are reflected in the conditions of the Staff Report.

One other issue of significant controversy exists from the original request between their project and the Belle Meade subdivision to the south. An internal roadway within the Belle Meade subdivision terminates at the subject property line, and it was discussed whether or not they should connect the road for the two developments. The decision was reached to defer to whatever the County deemed to be appropriate. It was very clear at the BOCC level that no one wanted the connection to the Belle Meade subdivision. Therefore, it was not shown as an option on the current site plan. Deviations 1, 2 and 3 pertain to the necessity of providing that connection, and, in fact, the Applicant does not want to connect to the Belle Meade subdivision. Alternatively, there would be an emergency or secondary access onto Winkler Road, as requested by Staff, and the specific plans would be discussed during the development order phase. Therefore, the Applicant was not requesting and did not want connection to the Belle Meade Subdivision.

Mr. Schropp stated that they had no issues with the Staff Report and the conditions therein, as modified by Mr. Laurien at the beginning of the hearing. Conditions 1 through 4 were standard zoning conditions found in any planned development request.

Condition 5 acknowledged that agriculture would not be a permitted use on the site after the approved rezoning. Condition 6 dealt with the density, in the event a wetland permit was acquired for the freshwater uplands. As previously indicated, there would be no impacts to the saltwater wetlands. Conditions 7, 8 and 9 referred to buffers and treatment of development along the southern boundary and indicated there would be no stockpiling of materials within 200 feet of the southern property line shared with Belle Meade. It also provided a 100-foot vegetative strip along the southern boundary to be maintained while all of the other site clearing activity was in process. That would be addressed or removed after all other site work was complete, except for limited activity to remove gopher tortoises at those locations.

Condition 9 addressed the cocoplum hedge as part of the southern property line buffering. Condition 10 stated there would be no deviations or variances granted from the 25-foot setback provided along the souther property line for principal structures, or for a 25-foot setback for accessory structures. Condition 11 declared that no structures would encroach into the drainage easement along the property line, as shown on the MCP.

Condition 12 indicated that no blasting was allowed on the site. Conditions 13 through 17 address gopher tortoise relocations and on-site preserve areas, which Mr. Bagley would address during his presentation. Condition 18 dealt with model display centers.

They had requested the addition of Condition 5, which was read into the record by Mr. Laurien, so that the specifics relating to the type of required buffering for model homes,

display centers and parking areas would be clear at the time of the development order. They had previously experienced some interpretation difficulties during the development order stage and they found it helpful to have the actual requirements provided in a condition.

In summary, Mr. Schropp stated that they were in agreement with the Staff Report and the conditions therein, as clarified during the hearing. He further announced that Greg Stuart would provide a brief presentation to address the site plan and Lee Plan consistency issues. Carl Barraco, the project engineer, would address utilities and surface water management. And finally, Marshall Bagley would address the gopher tortoise and wetlands issues associated with the site.

Mr. Schropp then called Greg Stuart and requested that he be accepted as an expert witness in land use and comprehensive planning. It was noted that his resume was on file with the Hearing Examiner's Office and he had been previously accepted numerous times as an expert in those areas. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Stuart announced that he was the President of Greg Stuart and Associates, a planning and design firm in Fort Myers. The request was to rezone the subject property to an RPD to allow a density ranging from 249 single-family dwelling units to 282 single-family dwelling units. Multi-family units would not be built in the development. He related that the property was approximately 110 acres and was previously known as the Seminole Gardens platted subdivision. The MCP called for one and two-story homes on lots greater than 6,500 square feet in area.

The property is located on Winkler Road, 1.25 miles south of the Summerlin Road intersection on the peripheral of the Iona-McGregor planning community, and in the Outlying Suburban land use classification. Utilities were already in place to service the property through the Lee County Utilities franchise area. To the north, the property adjoins the Crown Colony, an RPD with 734 dwelling units. To the south, it borders the 52-lot AG-2 zoned Belle Meade development.

Mr. Stuart stated there were no outstanding issues and they agreed with Staff's general findings and recommendations, along with the revisions previously noted by Mr. Schropp and Mr. Laurien. They also agreed with Staff's Lee Plan consistency findings, specifically Lee Plan Policy 1.1.6, the Outlying Suburban policy. Their project density would range between 2.27 units per acre to 2.57 units per acre, which was well within the three-unit per acre cap. They were consistent with Lee Plan Policy 1.5.1, the wetlands policy, in that they were preserving an approximate 15.2-acre wetland system on the eastern portion of the property.

They were consistent with the 2020 overlay, Lee Plan Policy 1.7.6, by providing approximately 197 acres in the planning community to support the residential development. Further, he stated they were consistent with Lee Plan Objectives 2.1 and 2.2 pertaining to development location and timing. As noted by Staff, the subdivision would create a more compact, contiguous and compatible neighborhood within the south Winkler Road area. They were also consistent with Lee Plan Policy 5.1.5, the neighborhood protection policy.

Staff found them consistent for a number of reasons, including their construction conditions as referenced in Condition 7 which mentioned a 200-foot stock piling buffer zone to the south by the Belle Meade Subdivision. Condition 8 pertained to the 100-foot temporary tree buffer that was to be in place as the project was being developed. Condition 10 pertained to the

35 feet and 25 feet principle and accessory building setbacks from the Belle Meade north property line. Condition 9, with the 20-foot cocoplum hedge, allowed for consistency in neighborhood compatibility.

Addressing site access, Mr. Stuart stated Deviation 1 allowed for a secondary emergency access stub-out onto Winkler Road. The MCP showed a secondary access with a 20-foot-wide stabilized section. The Applicant agreed with the condition as it related to Deviation 1, which read in part, "The definitive design and location of the proposed emergency access will be determined at the time of local development order approval." That statement allowed flexibility to relocate the secondary street access or provide an alternative design, such as creating multiple turn lanes in the primary entrance to allow emergency access capability. That design issue would be resolved at the development order phase.

Deviations 2 and 3 dealt with the interconnecting street stub-out system stipulations granted by Staff and with which they agreed. The project was designed in a manner so as not to provide a south adjoining entrance to Belle Meade though a street stub-out pattern. In addition, the deviation was applicable to the north boundary line where a connection to Crown Colony was not warranted because of the existing IDD canal. Therefore, Deviations 1, 2 and 3 considered site access and were consistent with their concerns of ensuring a first-class gated community with no excessive intra-circulation to adjoining properties.

Mr. Stuart then presented an aerial photograph of the Winkler Road corridor density, labeled as Applicant's Exhibit 1. It delineated various residential planned developments and conventional subdivisions with the densities noted and was consistent with Staff's findings regarding comparable densities. Their maximum density of 2.5-units per acre was well within the range currently in, and planned for, the Winkler Road corridor.

He stated it was important to note that Deviations 2 and 3, along with the 20-foot cocoplum hedge mentioned in Condition 9, helped to ensure corridor compatibility to the south, which was Belle Meade subdivision.

Next, he explained how the MCP related to the LDC provisions. The MCP was designed as a gated subdivision. The three principal lakes were the dominant character of the project and the primary native open space preserve area pertained to the east adjoining tidal wetlands system. The MCP denoted specific locations for model homes and a group activity center. Also, there were internal traffic circles to help minimize speeding and to promote internal health, safety and welfare considerations.

The straightforward design worked well and the densities were well within the range of the Winkler Road area. He stated that Staff was correct, as noted in the findings on page 5 of the Staff Report and the project and MCP met or exceeded specific code standards. The densities were consistent with the corridor, the project was compatible with adjoining properties, and there were no adverse environmental impacts.

Further, the project was consistent with LDC Chapter 34-411(n), pertaining to neighborhood compatibility, consistent with LDC Chapter 34-411(d), pertaining to access and circulation systems and the relationship of those systems to public health safety benefits and LDC Section 34-411(h) related to creative open space. There would be approximately 45 acres of open space in the project, which exceeded the LDC standards, and included the buffers, the large environmental preserve, and the large lakes.

Lastly, he noted that the project was consistent with LDC Chapter 34-411(j), the provision of single-family housing opportunities, and LDC Chapter 34-411 (f), relating to compatibility issues that had already been discussed, as it pertained to the various conditions.

In conclusion, Mr. Stuart stated that the project was consistent with the Lee Plan and the LDC and that Staff had thoroughly documented that the analyses of their findings were correct.

At that point, Mr. Schropp announced that he had mistakenly indicated that the property was in the Suburban land use designation. He should have stated Outlying Suburban.

Introducing Carl Barraco, Mr. Schropp indicated that he was their project engineer and was a registered professional engineer in Florida. His resume was on file with the Hearing Examiner's Office and Mr. Schropp asked that Mr. Barraco be accepted as an expert witness in civil engineering. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Barraco stated he would address the water management system and the utilities servicing the system. He then entered the Paving, Grading and Drainage Plan into the record, which was labeled as Applicant's Exhibit 2. He pointed out the existing IDD canal to the north, the Belle Meade subdivision to the south, Winkler Road to the west and the tidal waters to the east. The water management system was designed so that all stormwater that drained onto the project would remain and then be directed into the proposed lakes where it would be treated before being discharged off site into the tidal lands to the east. The proposal also included lakes that could be excavated to 20 feet deep.

He then submitted Applicant's Exhibit 3 into the record, which consisted of letters received from the South Florida Water Management District (SFWMD) regarding the review of the project and their responses to SFWMD's concerns. It also included the SFWMD Staff Report and the SFWMD Environmental Resource Permit (ERP36-04616-P) that was issued on November 12, 2003.

Mr. Barraco related that wastewater would be collected through a gravity system and then directed to the proposed lift station and then pumped into the existing force main on Winkler Road. He believed the existing and proposed systems would serve the project adequately.

Next, he referred to Applicant's Exhibit 2 and pointed to an existing potable water line that began at the south property line, went through the Belle Meade development and continued to the west, where it tied into Winkler Road. Discussions had been held with Lee County Utilities and it was proposed that the existing water line be relocated to not only continue the loop from the south property line to Winkler Road, but would add internal parallel lines, thereby providing a multiple level of water service for their project and the Belle Meade project.

Therefore, after considering the existing utilities and the proposed facilities, he believed the potable water supply would adequately serve the project.

Dawn E. Perry-Lehnert, Assistant County Attorney, questioned the number of dwelling units depicted on Applicant's Exhibit 2? Mr. Barraco indicated that there were 282.

The Hearing Examiner asked Mr. Barraco to point out the water line loop that he referred to on the aerial photograph? Mr. Barraco explained that the loop would tie into two different locations with two layers of pipe, including the Belle Meade subdivision.

Next, the Hearing Examiner asked if there would be a problem with water pressure along the far side of the development if they split the incoming water into two parallel lines? Mr. Barraco explained that there was one existing eight-inch water main that would be replaced by two (2) eight-inch water mains. However, the water actually originated at a 12-inch water main on Winkler Road and would then connect with the two eight-inch mains. He believed it would be redundant to tie the lines together because, with two lines, if one line required repair, the second line would still be able to service the community. Therefore, it would have a beneficial effect.

Mr. Schropp introduced Marshall Bagley, their project environmentalist and stated that his resume was on file with the Hearing Examiner's Office. He asked that Mr. Bagley be accepted as an expert witness in ecology matters, as he had been in previous hearings. After hearing no objections, the Hearing Examiner accepted him as such.

Mr. Bagley stated that Winkler Preserve was shown on the Seminole Gardens outline as a conglomeration of parcels that ranged between nine and 20 acres in size. The majority of the parcels were highly disturbed by old agricultural uses and as a result, the site was dominated by Melaleuca or otherwise infested.

The saltwater wetlands on the eastern portion of the subject property, adjacent to the Estero buffer preserve, were the exception. As evidenced by the aerial photographs and by documentation from the SFWMD review, that area appeared to have been flooded more constantly and consistently in the past 10 to 20 years. This flooding helped to mold the site into an invasive group of Melaleuca and Brazilian Pepper trees that dominated what used to be upland sites with palmetto and pine trees.

After the Applicant closed on the subject property, it was determined during the protective species transects and FLUCCS mapping that there were several acres of agricultural dumps generated from old uses. Those dumps had been previously removed, at the expense of the Applicant, in a stewardship role.

The site contained 11.74 acres of disturbed freshwater wetlands, primarily dominated by Melaleuca trees and another wetland area that existed in an agricultural area shown on an aerial. With that in mind, and according to Mr. Barraco, the SFWMD finalized their review and the Environmental Resource Permit was issued. The site also contained 15.55 acres of preserved saltwater wetlands adjacent to the Estero preserve, as well as an additional 3.7 acres of upland preserve. It was primarily contiguous to the Estero buffer and would be used to prevent water quality degradation from development activities.

Turning his attention to the tortoise concern, Mr. Bagley stated that the tortoises were primarily found in two internal berms because the site had been flooded over the past 10 to 20 years. The tortoises were in a stranded condition and the Applicant was in the process of obtaining a State of Florida Incidental Take permit. Environmental Staff recommendations had been followed to set up a tortoise preserve plan for an upland area to relocate the tortoises to where they would be held in perpetuity.

In conclusion, Mr. Bagley stated that they were in full agreement with Environmental Sciences Staff's findings of the site and appreciated Lee County's involvement with their environmental planning process.

Next, Mr. Laurien indicated that he had not had an opportunity to review the November 12, 2003, SFWMD report. Ms. Lehnert advised him that it appeared there has been some slight adjustments to the freshwater wetland acreage that would be impacted. The impacted acreage reviewed by Lee County Staff was 11.56 acres; however, current testimony indicated that it was 11.74 acres. Mr. Laurien did not believe it would have a significant impact on the Staff Report, but he wanted the correct acreage reflected in the hearing record.

In response to Mr. Laurien's statement, Mr. Bagley explained that the amount was not the difference between impacts, but what had been mitigated. The actual impact on the site was 11.74 acres. There was an 0.18-acre isolated wetland area that was not required for mitigation purposes under the SFWMD Environmental Resource Permit and the difference was the mitigation table versus impact. Mr. Bagley said they were required to mitigate for the 11.56 acres, but the total impact was 11.74 acres.

In addition, Mr. Bagley did not believe the Applicant was actually in possession of the permit at the present time. He knew that Mr. Barraco had received a verbal confirmation from an SFWMD representative, and he (Mr. Bagley) had a conversation with Julian Harris, the environmental reviewer, who also advised him that the governing board had approved the permit. The Hearing Examiner understood that the permit had not actually been received.

Ms. Lehnert noted that the Hearing Examiner was in possession of a draft from an exhibit. She also indicated that, from her conversation with Mr. Barraco, that draft was missing exhibits regarding the location of the mitigation areas. She noted that the draft referred to it as Exhibit 29 and that it would be helpful for the Hearing Examiner to have a copy. Mr. Barraco agreed and indicated that he would try to acquire a copy of that exhibit for the Hearing Examiner immediately.

Mr. Bagley interjected that, in the absence of that specific exhibit, he would point out the approximate location of the mitigation areas. He pointed to Wetlands Area 2 and indicated that Melaleuca covered approximately one-half of the parcel and ended at the Belle Meade subdivision berm. Next, he referred to Wetlands Area 1 and stated that it was the .10-acre parcel previously discussed as not being a mitigation wetland. Lastly, he pointed out a small herbaceous area of approximately three (3) acres, which had been cleared for an agricultural use and left fallow. There was a wetland area on the aerial photograph, that he called jurisdictional and the State agreed, even though it had hydrological problems.

In conclusion, he noted that all of the permitted freshwater area was located on the Winkler Road side. The entire saltwater wetland preserve was subject to tidal flows during storm events and was a salt-dominated system. That entire area would be preserved and buffered by a strip of uplands and future enhancement would take place through the removal of Melaleuca and restoration. In general, all of the preserved wetlands were located on the eastern side of the property.

Next, Mr. Laurien indicated that he had recently became aware that a development order application had been submitted for 46 units on the subject property and asked if it was the Applicant's intent to develop only 46 units even though the rezoning application requested 282 units? Mr. Barraco explained that, after the last hearing, they reconsidered the entire

project because they were unsure of the direction they would take and, actually, went in both directions. He believed the Applicant would have the option of developing the site in accordance with the Development Order (DO), or more likely, amending the DO to be consistent with the current planned development.

The Hearing Examiner asked if the DO application was submitted before the rezoning application? Mr. Barraco believed the DO application was submitted before the rezoning application and noted that the Applicant expected to receive DO approval within the next few weeks.

Continuing, Mr. Barraco explained that the configuration of the lakes was basically the same on both plans and that, after the last board hearing, it was very difficult to decide which direction to go. Since the infrastructure will be the same, and depending on the outcome of the instant request, it could go in either direction.

In closing, Mr. Schropp indicated that, as per the Staff Report and Mr. Stuart's presentation, the proposed request was consistent with the Lee Plan and the Applicant agreed with all of Staff's proposed conditions, as modified during the hearing. He believed the proposed project was acceptable to Staff and would be acceptable to the residents of the surrounding area.

At that point, Jeff Laurien, Senior Planner with the Department of Community Development, stated that his resume was on file with the Hearing Examiner's Office and asked to be accepted as an expert in land use planning, as in previous hearings. After hearing no objections, the Hearing Examiner accepted him as such.

He agreed that the Applicant's representatives had adequately addressed the rezoning request and Staff's recommended conditions and deviations. Staff found the application consistent with the LDC, Lee Plan and other pertinent regulations. Therefore, Staff recommended approval of the proposed rezoning from AG-2 to RPD, for a total of 249 dwelling units (or a maximum of 282 units in compliance with Condition 6) with Conditions 1 through 18, as listed in the Staff Report and modified during the instant hearing, and Deviations 1 through 3.

In response to the Hearing Examiner's question of whether all the comments from Staff had been incorporated into the Staff Report, Mr. Laurien indicated that they had been.

At this time, the Hearing Examiner opened the floor for public input. Lea Ann Reeves introduced herself and said she was a resident of the Belle Meade subdivision, which was directly south of the subject property. She had questions about the depth of the lakes that were being proposed. It was her understanding that they would excavate, as long as they find useful fill material, to a maximum depth of 20 feet. Mr. Barraco indicated that, in order to maintain the lake, they would excavate to a minimum depth of eight feet. Beyond that, SFWMD, Army Corps of Engineers (ACOE) and Environmental Protection Agency (EPA) would like to see them excavate as deep as possible, but within reason. They would excavate as deep as possible, as long as they were getting useful fill material.

Ms. Reeves asked if the excavating would be accomplished without blasting? Mr. Barraco confirmed that there would be no blasting activities. She wondered if any of the excavating activities would impact the groundwater, such as fertilizer running off into the bottom of the lakes? Mr. Barraco indicated that, in Southwest Florida, it was determined that there was

better water quality found in deeper lakes. Therefore, the water leaving the lakes was cleaner and more suitable for the areas receiving runoff. In his opinion, the level of groundwater would not be affected.

Ms. Lehnert asked if they were going to dewater the site during excavation? Mr. Barraco said that was generally left up to the contractor, as sometimes dewatering took place and sometimes it did not.

To respond to some of the questions, Mr. Schropp introduced Kirk Martin, a professional geologist with CDM Missimer, who had previously been accepted in these types of hearings as an expert in hydrology or geology and water supply, and asked that he be accepted as an expert in those fields for this hearing. The Hearing Examiner asked Mr. Martin if he could respond to Ms. Reeves questions, and he confirmed that he could. First, he wanted to reiterate what Mr. Barraco had stated regarding the water quality issue and their report which showed that deeper lakes provided better water quality. From his perspective, he was mainly looking at water flow and if there were any confining materials that existed within the proposed 20-foot depth. If those types of materials (clays, etcetera) existed, and they were removed from the system, then the quality of the groundwater would be affected.

In this case, he had looked at the hydrology to a depth of about 250 feet. For the most part, the upper 25 to 30 feet was permeable sand and shell. There was some minor occurrence of permeable limestone and silt; however, there was nothing in the upper 25 to 30 feet that would impede groundwater flows. Therefore, the excavation of that material would not have any substantial effect on the groundwater.

Mr. Schropp asked Mr. Martin about the thickness of the confining layer below 25 to 30 feet of the upper layer? Mr. Martin referred to a photograph that demonstrated the answer to that question and explained that he had looked at the upper 250 feet, or so, of geology and that the reason it was important was because there were three hydro stratigraphic units. The upper 25 to 30 feet contained sand and shell, with the water table aquifer. The second layer, which extended to a depth of approximately 150 to 160 feet, contained a dense clay, which was the confining bed. The third layer was limestone, known as the Mid-Hawthorn Aquifer, which reached a depth of 250 feet.

He explained the graph illustrated typical dewatering for temporary lake construction, and indicated that the process had to be completed for SFWMD in order to obtain a permit. He noted there was a difference in long-term dewatering, which would be used in a mining operation, and the temporary dewatering that occurred with lake construction. He noted that the time period for small lake construction was typically a couple weeks per acre.

In response to whether dewatering could cause adverse conditions within that short of a time frame, Mr. Martin indicated that it could without proper control. He explained that the drawing illustrated the dewatering of the westernmost lake. The dewatering would occur by creating a conveyance trench, in this case along the southern boundary, to a containment area. First, a barrier to convey water to a containment area would be created by a berm. Then the water would be allowed to infiltrate into the groundwater system.

In addition, the Applicant would provide an emergency, or secondary, containment area for unforseen conditions or if the original containment area could not hold all the water. The primary objectives would be to not create any negative impacts on the adjacent property and to contain all the water on site. There would be no off-site water discharge. Once the first

lake was excavated and the next lake was started, the reverse process would take place. Water would be conveyed back through the same trench and into the newly excavated lake, and it would become the temporary holding area.

Mr. Schropp asked if the affect of transpiration and evaporation of the lakes would be significant during that process? Mr. Martin stated that evaporation and transpiration were the most fundamental elements of water supply and water budgets. It was actually one of the hardest things to measure because it was so big. In general, evapo-transpiration (ET) in Southwest Florida was considered any thing that evaporated directly from a water surface or through transpiration by plants. It was typically 75 to 100 percent of the evaporation rate, which comes directly off the water surface. The closer the water table gets to the land surface, the closer it gets to 100 percent. In the subject area, with fairly low land elevations and high water table, the ET rate was very similar to the evaporation rate.

Mr. Martin continued by explaining that opening up a waterbody does not significantly increase the amount of water going into the atmosphere. If there was any effect, it would only be a few percentage points. One of the major reasons for providing the lakes was for compensating storage. In development, houses, driveways and roads do not percolate water; water that runs off the proposed impervious surfaces would be conveyed into the lake system. So, if there was any minor increase in evaporation over the pervious land, it would be overly compensated for by the fact that water was being loaded back in from all the impervious surfaces created.

Jane Anne Archiable, of 8621 Belle Meade Drive, in Ft. Myers, stated she was concerned about water overflowing onto her property. Mr. Martin said that the barrier was designed to keep the water from flowing onto the adjoining property. In fact, there may be lower levels from the activity, because they intend to install barriers to keep that from happening. He explained a lot of effort goes into the design of the proposed project to enable them to obtain permits for the lakes. Adjacent landowners will be notified and will have time to comment as part of that permitting process. He explained he would also be working with the process to ensure that it worked correctly. Mr. Schropp noted that Mr. Martin had prepared a two-page report that incorporated those two drawings. Mrs. Archiable expressed her appreciation of how well the process had gone, but reiterated her objection to the two 21-foot-deep lakes.

Thomas Simon, of 8551 Belle Meade Drive, in Ft. Myers, introduced himself and noted he was a member of the Belle Meade Board of Directors. He stated that the "no blasting activities" pleased him very much. He also wanted to request that something be put into the development order that would prevent the developer from selling or removing the excavated material from the site. He supported the development order, regarding the emergency exit onto Winkler Road, because his development was a gated community and they did not want the public accessing their community.

Next, Tom Hart, introduced himself as the representative of the Belle Meade Homeowner's Association, which was in support of the proposed rezoning application. He addressed the three deviations and noted that the Belle Meade Homeowner's Association was very concerned about the potential for an interconnection between the two properties. He commended Mr. Laurien's analysis of Lee Plan Policy 5.1.5, and how that might be applicable. He had been present at the previous hearing before the BOCC, as was Mr. Schropp, and the issue regarding the interconnection was raised. He saw no reason to think that the BOCC had any great concern for requiring that interconnection because they

supported the deviation request at that time. He noted that the Belle Meade subdivision supported the deviations.

Mr. Schropp referenced Mrs. Archibald's and Mr. Simon's comments regarding the use of the excavated material and noted that the Applicant had not requested permission to sell and/or transport the material off the site. Under the current regulations, they would have to request and obtain specific approval to transport the excavated material off the site. He asserted that it was the Applicant's intent to utilize the excavated material as had been intended in the Shadow Lakes case. He noted that Mr. Barraco could address the specific fill requirements for the site and where they would come from.

Mr. Barraco explained that an estimate had been completed for the material that would be excavated at 12 feet and at 20 feet, and also the volume of fill material that would be required to elevate the site for homes. He concluded that there would, most likely, be a short fall from the property, which would probably require the importing of useful fill material onto the project site. The Hearing Examiner asked if that statement was correct, even if the lakes were excavated to a depth of 20 feet? Mr. Barraco stated that was correct and agreed with Mr. Schropp's statement regarding the LDC regulation that prohibited the removal of excavated material from the site.

In closing, Mr. Schropp stated that the Applicant would not object to the Hearing Examiner adding a condition that prohibited the transporting of excavated materials off the site. He expressed appreciation for Mrs. Archiable's, Ms. Reeves' and Mr. Simon's comments and willingness to work with the Applicant and keeping the lines of communication open. He asked the Hearing Examiner to recommend approval of the proposed request in accordance with Staff's recommendation and proposed conditions.

The Hearing Examiner did not see a particular problem with the case, however, she would conduct a site visit prior to issuing her recommendation, which would probably be around the middle of December 2003. The case would probably be scheduled before the Board of County Commissioners after the first of January 2004. The hearing was then closed.

VIII. OTHER PARTICIPANTS AND SUBMITTALS:

ADDITIONAL APPLICANT'S REPRESENTATIVES:

1. Carl A. Barraco, % Barraco and Associates, Inc., 2271 McGregor Blvd., Ft. Myers, FL 33901

2. Kirk Martin, CDM Missimer, 8140 College Parkway, Ft. Myers, Florida 33907

3. Robert L. Price, % Metro Transportation Group, 12651 McGregor Blvd., Ste 4-403, Ft. Myers, FL 33919

ADDITIONAL COUNTY STAFF:

1. Dawn E. Perry-Lehnert, Assistant County Attorney, P. O. Box 398, Ft. Myers, FL 33902-0398

PUBLIC PARTICIPATION:

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

For:

1. Jane Anne Archiable, 8621 Belle Meade Drive, Ft. Myers, FL 33908

Against: NONE

General:

1. Tom Hart, % Knott, Consoer, Ebelini, Hart & Swett, 1625 Hendry Street, Ft. Myers, FL 33901

2. Lea Ann Reeves, 8591 Belle Meade Drive, Ft. Myers, FL 33908

3. Thomas Simon, 8551 Belle Meade Drive, Ft. Myers, FL 33908

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

For: NONE

Against: NONE

IX. LEGAL DESCRIPTION:

See Exhibit A (scanned legal description).

X. UNAUTHORIZED COMMUNICATIONS:

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

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

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

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

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

XI. HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS:

A. This recommendation is made this 31st day of December, 2003. Notice or copies will be forwarded to the offices of the Lee County Board of County Commissioners.

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

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

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

XII. COPIES OF TESTIMONY AND TRANSCRIPTS:

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

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

PROPERTY DESCRIPTION
EXHIBIT"A"

A TRACT OR PARCEL OF LAND LYING IN SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA. SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS:

BEGIN AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF SAID SECTION 10; THENCE S.01°19'12"E. ALONG THE EAST LINE OF SAID FRACTION AND THE EAST LINE OF LOTS 1 THROUGH 4 OF SEMINOLE GARDENS AS RECORDED IN PLAT BOOK 4, PAGE 65, LEE COUNTY RECORDS, FOR 1231.02 FEET TO THE NORTHEAST CORNER OF BELLE MEADE SUBDIVISION AS RECORDED IN PLAT BOOK 55, PAGE 47, LEE COUNTY RECORDS; THENCE ALONG THE NORTH LINE OF SAID SUBDIVISION FOR THE FOLLOWING COURSES: S.88°44'24"W. FOR 1290.25 FEET; S.88°45'10"W. FOR 1345.49 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID FRACTION; THENCE CONTINUE ALONG THE NORTH LINE OF SAID BELLE MEADE SUBDIVISION S.88°44'24:W. FOR 1269.80 FEET TO AN INTERSECTION WITH THE EAST RIGHT-OF-WAY LINE OF WINKLER ROAD (100.00 FEET WIDE); THENCE N.01°17'21"W. ALONG SAID RIGHT-OF-WAY FOR 1252.26 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE NORTHWEST QUARTER (NW1/4) OF SAID SECTION 10; THENCE N.89°05'58"E. ALONG SAID NORTH LINE FOR 1269.57 FEET TO THE SOUTHWEST CORNER OF CROWN COLONY SUBDIVISION AS RECORDED IN PLAT BOOK 68, PAGE 23, LEE COUNTY RECORDS; THENCE N.89°02'07"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 2635.38 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 111.27 ACRES, MORE OR LESS.

DESCRIPTION PREPARED FROM THE BOUNDARY SURVEY BY BARRACO AND ASSOCIATES, INC., DATED 15AUG03.

Applicant's Legal Checked
by _____ 20AUG03

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PAGE 1 OF 2

DESCRIPTION

Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65, Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01° 13' 18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89° 02' 07" E along said North line for 50.00 feet; thence run S 01° 13' 18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88° 45' 10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-¼) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89° 02' 07" E.

Scott A. Wheeler 1/24/03
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21608

DCI 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

SCOTT A. WHEELER CERTIFICATE NO. 5949 STATE OF FLORIDA

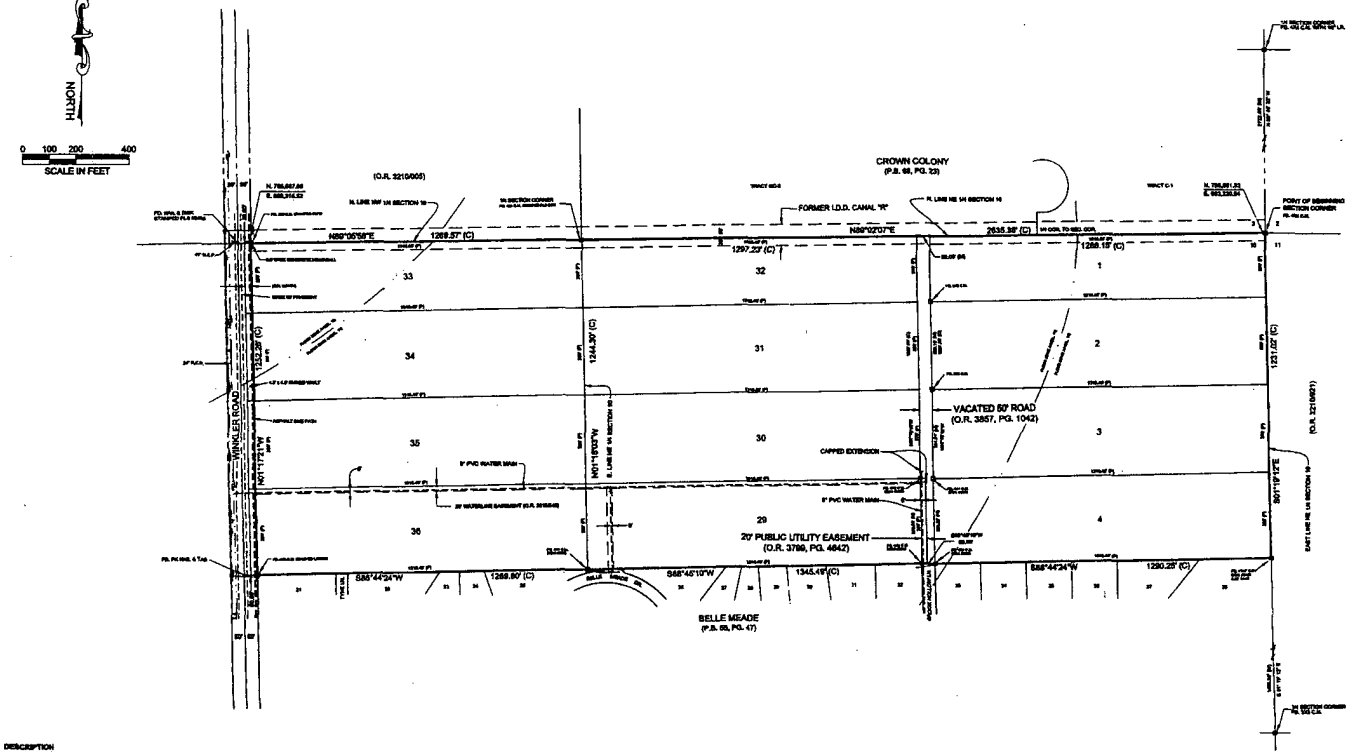
Official Records BK 03857 PG 1044

Applicant's Legal Checked
by

Exhibit A

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (941) 461-3170 • Fax (941) 461-3169

DCI2003-00049



DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County Florida, Said tract or parcel being more particularly described as follows:
From the northeast corner of the southeast quarter (SE 1/4) of said Section 10 run S01°19'12"E along the east line of said section and the east line of lots 1 through 4 of SEMINOLE GARDENS as recorded in Plat Book 4, Page 68, Lee County Records, for 1,331.02 feet to the northeast corner of BELLE MEADE subdivision as recorded in Plat Book 55, Page 47, Lee County Records; thence run along the north line of said subdivision for the following courses: S88°44'24"W for 1290.25 feet; S88°46'10"W for 1345.49 feet to an intersection with the west line of said section; thence continue along the north line of said BELLE MEADE subdivision S88°44'24"W for 1,269.90 feet to an intersection with the east right-of-way line of Winkler Road (100.00 feet wide); thence run N01°17'21"W along said right-of-way line for 1,262.28 feet to an intersection with the north line of the northwest quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said north line for 1,269.57 feet to the southwest corner of CROWN COLONY subdivision as recorded in Plat Book 66, Page 23, Lee County Records; thence run N89°02'07"E along the south line of said subdivision for 2,635.39 feet to the POINT OF BEGINNING.
Containing 111.27 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the NE 1/4 of said Section 10 to bear N89°02'07"E.

THIS SURVEY IS FOR THE BENEFIT OF:

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

Scott A. Wheeler 8/18/03
SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6949

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES

1. DATE OF LAST FIELD WORK: AUGUST 16, 2002.
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. THERE ARE NO VISIBLE IMPROVEMENTS, OTHER THAN AS SHOWN.
5. SURVEYED PARCEL CONTAINS 111.27 ACRES, MORE OR LESS.
6. ACCORDING TO F.I.R.M. COMMUNITY PANEL 125124 0435 E, EFFECTIVE SEPTEMBER 19, 1984, FLOOD ZONES ARE AS SHOWN.
7. BEARINGS SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TO BEAR N 89°02'07" E.
8. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM.
9. ALL DISTANCES SHOWN ARE GRID (SCALE FACTOR 0.9999942).
10. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREIN.
11. THERE ARE NO VISIBLE ENCROACHMENTS.

LEGEND:

B.A.S.	BARRACO & ASSOCIATES, INC.	UGT	UNDER GROUND TELEPHONE SERVICE
B.M.	BENCH MARK		
C.I.R.	CAPPED IRON ROD	CPP	CONCRETE POWER POLE
CON.	CORNER		
C.M.	CONCRETE MONUMENT		
CONC.	CONCRETE	WPP	WOOD POWER POLE
DESC.	DESCRIPTION		
D.E.	DRAINAGE EASEMENT		
DIST.	DISTANCE	W	WATER VALVE
EL.	ELEVATION		
FD.	FOUND		FOUND P.L.&D.REBAR (C.P.) (UNLESS OTHERWISE NOTED)
I.R.	IRON ROD		
L.C.R.	LEE COUNTY RECORDS		
L.B.	LICENSED BUSINESS		SET 1/2" IRON ROD WITH CAP STAMPED LB6940 (UNLESS OTHERWISE NOTED)
M.	MEASURED		
P.	PLAT		
(C)	CALCULATED		FOUND 1/2" IRON ROD WITH CAP STAMPED LB6940 (UNLESS OTHERWISE NOTED)
P.O.B.	POINT OF BEGINNING		
P.K.	PARKER-KALON		
P.B.	PLAT BOOK		P.K. NAIL
O.R.	OFFICIAL RECORD BOOK		FD. 4X4 CONC. MONUMENT
P.U.E.	PUBLIC UTILITY EASEMENT		
SQ. FT.	SQUARE FEET		
TWP.	TOWNSHIP		
R.C.P.	REINFORCED CONCRETE PIPE		

DCI 2003-00049
RECEIVED
AUG 18 2003
ZONING COUNTER

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2600
FORT MYERS, FLORIDA 33902-2600
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7996 - SURVEYING LB-6940

PREPARED FOR

SOUTHWEST FLORIDA LAND THREE, LLC

8680 COLLEGE PARKWAY
SUITE 160
FORT MYERS, FLORIDA 33919

PHONE (239) 489-4099
FAX (239) 481-8477

PROJECT DESCRIPTION

LOTS 1-4 & 29-36
SEMINOLE GARDENS

(P.B. 4, PG. 68, L.C.R.)
SECTION 10, T. 46 S.,
R. 24 E.,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	21609BND.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21609\SURVEY\WG\
PLOT DATE	FRI, 8-15-2003 - 11:05 AM
PLOT BY	SCOTT ROBINSON
DRAWING DATA	
SURVEY DATE	AUGUST 16, 2002
DRAWN BY	WDR
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	F.B. 1709/24-27

PLAN REVISIONS

STRAP NUMBERS

BOUNDARY SURVEY

Applicant's Legal Checked by _____

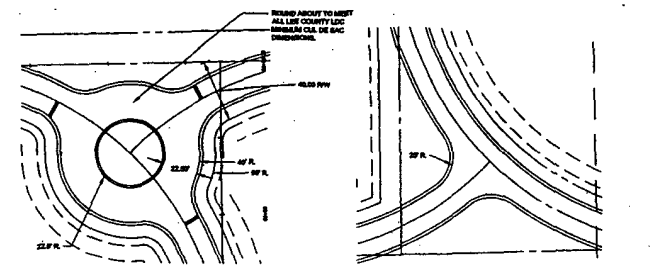
PROJECT / FILE NO.	SHEET NUMBER
21609 10-46-24	1

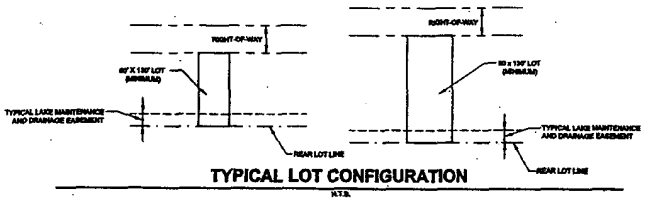
DCI2003-00049

30-Dec-03 - Page 23

DCI2003-00049

EXHIBIT "B"





The Winkler Preserve Project Summary

Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	292
Gross Residential Density	2.57 DU/acre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	N/A - All Lots Min. 6,500 sq. ft. or greater
Minimum Regulatory Native Open Space	N/A - 16.6 ac. East Side Tidal & Tidal Mangrove Wetland

Residential Development Standards:

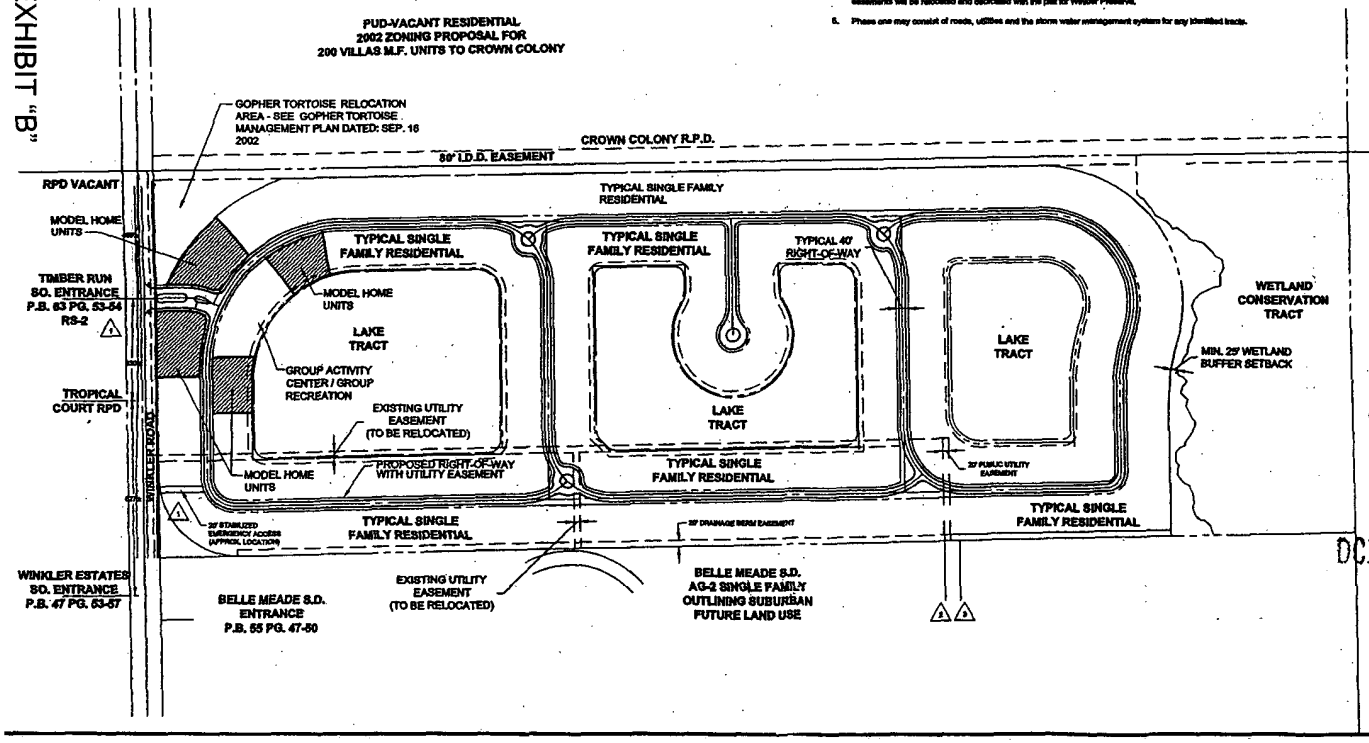
Single Family Dwelling Units

Min. Area Dimensions:	
- Min. Lot Area	6,500 sq. ft.
- Min. Lot Depth	130 ft.
- Min. Lot Width	50 ft.
Min. Building Setbacks:	
- Right-of-Way (Front Entry Garage)	20 ft.
- Right-of-Way (Side Entry Garage)	15 ft.
- Side Yard	6 ft.
- Zero Lot Lines	0/0 ft.
- Rear Yard Setback	15 ft., 35 ft. along south property line
- Rear To Water Body	20 ft.
- Rear To Preserve Setback	20 ft.
- Accessory Structures (Side & Rear Yard)	6 ft., 25 ft. rear along south property line
Max. Building Height	35 ft./2 stories
Max. Lot & Group Activity Center Parcel Coverage	45%

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other locational elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq. ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for Winkler Preserve.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts.

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #303
FT. MYERS, FLA. 33901
PH:(941)337-7175
FAX:(941)337-2490
EMAIL: Designer@Cybenstreet.com



LEGEND

⚠ DEVIATION LOCATION (SEE RESOLUTION)

RECEIVED
AUG 18 2003
HENDRY CREEK
ZONING COUNTER
DCI 2003-00049

NORTH

0 100 200 400
SCALE IN FEET

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7990 - SURVEYING LB-6942

PREPARED FOR

Land Solutions, Inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA
PHONE (239) 489-8
FAX (239) 481-8477
WWW.LANDSOLUTIONSLINET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT ORIGINAL SEAL, SIGNATURE AND DATE
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FILE NAME	ZXBMSCP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21656\PDP\MSCP\
PLOT DATE	FRI, 8-08-2003 - 11:07 AM
PLOT BY	TODD WIPF
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN-01737239
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS	
6-2003	PER COUNTY COMMENTS
7-2003	REDUCE SCALE TO 200'
7-23-2003	ADD DEVIATION #2
13-8-2003	PER COUNTY COMMENTS
7-18-2003	ADD EMERGENCY ACCESS
8-18-2003	PER SUFFICIENCY RESPONSE

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656	1

LEE COUNTY, FLORIDA

ZONING DIVISION

STAFF REPORT

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

CASE NUMBER: **DCI2003-00049**

HEARING EXAMINER DATE: **November 20, 2003 (HEX)**

I. APPLICATION SUMMARY:

A. Applicant: Land Solutions, Inc., in reference to Winkler Preserve

B. Request: To rezone the 109.85+/- acre subject property from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow 282 single-family units with a maximum height of 35 feet (2 stories). No Blasting is proposed on the site.

C. Location: The subject property is located at 17151 Winkler Road, Fort Myers, in S10-T46S-R24E, Lee County, FL. (District #3)

D. Land Use Plan Designation: Outlying Suburban and Wetlands

E. Surrounding Land Use:

	Existing Zoning & Land Use	Future Land Use Map
North:	Across 80' IDD easement, Crown Colony RPD single and multi-family development with golf course	Suburban
East:	AG-2 zoned state-owned preserve land (Hendry Creek)	Wetlands
South:	AG-2 zoned Belle Meade single-family development	Outlying Suburban
West:	Across Winkler Rd., RPD zoned Indian Farm Villas single-family development, RS-2 zoned Timber Run single-family development, vacant RPD zoned Tropical Court, and RS-3 zoned Winkler Estates single-family development.	Outlying Suburban

F. Size of Property: 109.85+/- acres total.

II. RECOMMENDATION:

Staff recommends **APPROVAL** of the Applicant's request for rezoning from AG-2 to RPD for a total of 249 dwelling units (or a maximum of 282 units in compliance with condition 6 below) with the following conditions and deviations:

A. Conditions

1. The development of this project must be consistent with the one (1) page Master Concept Plan entitled "Winkler Preserve," stamped received Aug 18, 2003, with a revision date of 8-15-2003, except as modified by the conditions below. This development must comply with all requirements of the Lee County LDC at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

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

   a. Schedule of Uses

      Please see attachment 'C'

   b. Site Development Regulations

      Please see attachment 'C'

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

4. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table.

5. Agriculture is not a permitted use in the approved Schedule of Uses for this property. All existing agricultural uses must cease upon approval of the requested rezoning.

6. If an Environmental Resource Permit is obtained to impact upon the saltwater wetlands on-site, the total maximum number of lots allowed to be developed may be recalculated based upon allowable density regulations (underlying land use) and the amount of saltwater wetlands the Environmental Resource Permit allows to be impacted. Under no circumstances will the maximum number of lots to be developed on the subject site exceed two hundred eighty-two (282).

7. No mulching or stockpiling of debris will be allowed to be placed within two hundred feet (200') of the southern property line during site development.

8. One hundred feet (100') along the southern property will remain in its existing state during site development. Once all other earthwork activities are completed,

the southern one hundred feet (100') will be cleared and filled for single-family lots. This does not preclude this area from complying with all other conditions and pertinent regulations.

9. Prior to the issuance of a certificate of compliance for infrastructure on the subject property, a buffer must be planted along the entire southern boundary of the subject property within the twenty foot (20') wide drainage berm easement shown on the submitted Master Concept Plan. This buffer must consist of a cocoplum hedge (24-inch, 3-gallon container planted 3-foot-on-center), and must be maintained by the Home Owners Association.

10. No deviations or variances may be granted to reduce the thirty-five foot (35') rear setback for main structures or the twenty-five foot (25') rear setback for accessory structures along the entire south property line of the subject property.

11. No structures may encroach within the twenty foot (20') wide drainage berm easement depicted on the submitted Master Concept Plan.

12. No blasting is permitted on-site.

13. Prior to moving any gopher tortoise or commensal species to the gopher tortoise preserve, all invasive exotic vegetation must be removed by hand from the 1.7 acre preserve, unless other means are approved by the Division of Environmental Sciences staff during an onsite meeting with the exotic vegetation removal contractor and the environmental consultant.

14. Prior to issuance of a Vegetation Removal Permit for clearing the development area, the western most berm with gopher tortoise burrows must be relocated to the already cleared area within the northern portion of the gopher tortoise preserve to provide burrowing habitat and a native seed source for foraging plants. These berms must be planted with bahia grass plugs and fifty (50) prickly pear plugs.

15. A permanent fence which will prevent gopher tortoises from crossing Winkler Road must be installed along the gopher tortoise preserve abutting Winkler Road and the entrance road.

16. Prior to issuance of a Certificate of Compliance for the infrastructure, either a permanent fence or a continuous cocoplum hedge (minimum 24-inch 3-gallon container size at planting; maintained at a minimum 60-inch height) must be installed along the gopher tortoise preserve abutting the single family lots to prevent encroachment into the preserve and prevent the use of the preserve by dogs.

17. Dogs are prohibited within the gopher tortoise preserve.

18. Model display centers, model homes, and model display groups are permitted in compliance with the following conditions:

1. They may only be located in the areas depicted on the approved Master Concept Plan (MCP); and

2. A total maximum of 8 model homes are permitted; and

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

4. Hours of operation are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.

B. Deviations:

Deviation 1 requests relief from LDC Section 10-291(3) which requires residential developments of more than five (5) acres to provide two or more means of ingress or egress for the development, to allow a stabilized emergency access as depicted on the Master Concept Plan. Where feasible, these alternate access points should not be on the same roadway. Staff recommends APPROVAL of this deviation with the following condition:

The definitive design and location of the proposed emergency access will be determined at the time of local development order approval.

The submitted Master Concept Plan depicts a "20' stabilized emergency access (approx. Location)". This emergency access will meet the intent of two or more means of ingress or egress for the development in the event of any single access being unusable, and it is not feasible to locate this access on any roadway other than Winkler Road since it is the only road upon which access can be obtained from the subject property.

Deviation 2 requests relief from LDC Section 10-294 which requires streets within a proposed development to be connected to streets in the adjacent area to provide for proper circulation, to not have to connect to streets in the adjacent areas other than Winkler Road. Staff recommends APPROVAL of this deviation.

With the subject property being gated, the development to the south (Belle Meade) being gated, and Crown Colony to the north separated from the subject property by an I.D.D. canal, circulation through these other developments would be impractical, and proper traffic circulation will be accommodated as depicted on the MCP within the subject property.

Deviation 3 request relief from LDC Section 10-295 that requires street stubs to adjoining areas for proper circulation to not have any street stubs to adjoining areas. Staff recommends APPROVAL of this deviation.

Again, with the subject property being gated, the development to the south (Belle Meade) being gated, and Crown Colony to the north separated from the subject property by an I.D.D. canal, circulation through these other developments would be impractical, and proper traffic circulation will be accommodated as depicted on the MCP within the subject property.

C. Findings and Conclusions:

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

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

2. The requested zoning, as conditioned:

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

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

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

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

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

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

5. The proposed mix of uses is appropriate at the subject location.

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

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

8. The deviations recommended for approval and as conditioned:

   a) enhance the objectives of the planned development; and

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

III. BACKGROUND INFORMATION AND ANALYSIS:

Introduction/Synopsis

This is a request to rezone approximately 109.85 acres from Agricultural (AG-2) to Residential Planned Development (RPD) to permit 282 single-family units, a group activity/recreation center, three (3) lakes, nine (9) model home units, and a stabilized

emergency access as depicted on the submitted Master Concept Plan (MCP). The subject property is located on the east side of Winkler Road, directly south of the Crown Colony RPD. The property has approximately 1,260 lineal feet of frontage on Winkler Road, and is comprised of eleven (11) separate parcels. The property is covered with vegetation, is vacant of any buildings, and has been used for agricultural (grazing) purposes. The applicant is aware that all agricultural uses must cease upon any approval of this rezoning request. The far eastern portion of the property is designated as wetlands on the Lee Plan Land Use Map and is proposed to be preserved in a wetland conservation tract as depicted on the submitted MCP. Other portions of the property (approximately 11.56 acres) are also designated as wetlands and are proposed to be impacted. Gopher tortoises are found on-site, and thus, must be adequately addressed. This is expanded upon within the report from the Environmental Sciences Division attached.

No blasting is proposed on-site to excavate the proposed lakes.

Master Concept Plan

The proposed Master Concept Plan is a one (1) page document entitled "Winkler Preserve", prepared by Barraco and Associates, Inc. stamped received August 18, 2003. The applicant has requested approval of 282 single-family dwelling units/lots. Three man-made lakes, a group activity/recreation area, a wetland conservation tract, nine (9) model home units, a gopher tortoise preserve area, and a stabilized emergency access are also part of the proposed MCP. The wetland conservation tract is in the far eastern portion of the property and is approximately 15.55 acres in size. The proposed gopher tortoise preserve area is located along the northwestern portion of the property adjacent to Winkler Road. The three lakes are spread throughout the development as shown on the MCP.

Lee Plan Considerations

The majority of the subject property is located in the Outlying Suburban Land Use category with a portion of the property within the Wetlands Land Use Category (approximately 27 acres).

The Outlying Suburban Land Use category is described in Policy 1.1.6 of the Lee Plan as follows:

POLICY 1.1.6: *The Outlying Suburban areas are characterized by there peripheral location in relation to established urban areas. In general, these areas are rural in nature or contain existing low-density development. Some, but not all, of the prerequisite infrastructure needed for higher density development is generally planned or in place. It is intended that these areas will develop at lower residential densities than other Future Urban Areas. As in the Suburban areas, higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. The standard density range is from one dwelling unit per acre (1du/acre) to three dwelling units per acre (3du/acre). In the Outlying Suburban area in North Fort Myers east of I-75 and in the Buckingham area (see Goal 17), the maximum density permitted is two dwelling units per acre (2du/acre).*

The application is proposing a density of 2.99 dwelling units per acre with the requested 282 dwelling units (utilizing the wetlands area to be impacted (11.56 acres), which will receive a permitted density of 1-3 dwelling units per acre upon obtaining an Environmental Resource

Permit, should it be obtained (Please see discussion below under Policy 1.5.1) which will effectively classify this land as being Outlying Suburban) within the property effectively classified as Outlying Suburban (current Outlying Suburban lands, and wetlands to be impacted upon). This is within the range of the permitted 1 to 3 dwelling units per acre of the Outlying Suburban land use category. Thus, this application is consistent with this policy. However, should an Environmental Resource Permit to impact upon the wetlands as proposed not be obtained, this application will not be consistent with this Policy (Please see discussion below under Policy 1.5.1).

The Wetlands Land Use category is described in Policy 1.5.1 of the Lee Plan as follows:

POLICY 1.5.1: *Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of the wetlands. All development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1du/20 acres) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.*

There are approximately 27 acres of saltwater Wetlands on the subject property. Wetlands density is limited to a maximum of 1 dwelling unit per 20 acres. The submitted application is proposing to impact upon approximately 11.56 acres of saltwater wetlands and preserve approximately 15.55 acres of saltwater wetlands. Since saltwater wetlands (as opposed to freshwater wetlands) are to be impacted, Table 1(a) (wetlands note 9) of the Lee Plan does not apply. However, an Environmental Resource Permit must be obtained from South Florida Water Management District to impact upon these wetlands as proposed. Without this impact on the wetlands, and the appropriate permit, the maximum number of dwelling units allowable on the subject property given its Outlying Suburban land use classification would be 249 (109.85 acres total - 27.11 acres of wetlands) x 3.0 units per acre (maximum outlying suburban density) = 248.22 + 1 unit for 27.11 acres of wetlands = 249 (rounded). At this time, this permit has not been obtained. If the appropriate permit is obtained, the impacted wetlands would be treated as uplands and be eligible for a maximum of 3 dwelling units per acre per the Outlying Suburban land use category. This would allow a maximum of 282 units/lots on the subject property (94.03 acres of uplands (assuming the permit allows all 11.56 acres of freshwater wetlands to be impacted) x 3.0 dwelling units per acre of uplands = 282.9 dwelling units rounded down to 282). Thus, without an Environmental Resource Permit to impact upon the 11.56 acres of freshwater wetlands at this time, only 249 of the proposed 282 lots currently comply with this policy. However, staff believes that this policy will be complied with by recommending a condition which allows additional lots to be approved (above and beyond 249 lots) based on allowable density calculations (underlying land use) completed with regard to any Environmental Resource Permit being obtained to a total maximum of 282 lots. This means that if an Environmental Resource Permit is obtained allowing the impacting of any of the freshwater wetlands, the number of additional lots above and beyond 249 allowed will be the number of acres of freshwater wetlands permitted to be impacted upon multiplied by three dwelling units per acre to allow up to a maximum of 282 total lots on the subject property. However, until such time as this permit is obtained and submitted to staff, staff can only recommend approval of a total of 249 units/lots.

POLICY 1.7.6: *The Planing Communities map and Acreage Allocation Table (see Map 16 and Table 1 (b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2020. Acreage totals are provided for land in*

each Planning Community in unincorporated Lee County. No final development orders or extensions to final development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.

The proposed development is within the Iona/McGregor Planning Community, and it falls within the Outlying Suburban and Wetlands land use category. The Planning Division's existing land use data base indicates that 197.21 acres of land within the Outlying Suburban land use category have been developed with residential uses leaving 198.79 acres available for residential development. The subject property consists of approximately 82.74 acres of Outlying Suburban classified land. Thus, there is currently enough available acreage to accommodate the proposed development, however, this will be reviewed at the development order stage. Consistency with the acreage allocation table at the zoning stage does not necessarily guarantee that the acreage will still be available at the time of development order submittal.

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.*

The subject property is located in an area along Winkler Road that has emerged as a residential corridor. There are existing residential subdivisions south, west, and north of the subject property. Attachment 'B' of the staff report shows some of the existing development in the area as it relates to the subject property. The subject property is also in close proximity to employment and shopping centers. Given the level of development immediately surrounding the subject property, staff believes that this application promotes a contiguous and compact growth pattern consistent with Objective 2.1 of the Lee 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)) shall 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.*

The subject property is located within the water and sewer franchise area for Lee County Utilities. There is a 10-inch sewer line and 12-inch water line located along Winkler Road that is available to serve the project.

The subject property is located on Winkler Road, a major collector roadway, and is located approximately one-and-a-half (1.5) miles south of Summerlin Road, an arterial roadway. According to the 2000 traffic count report issued by Lee County Department of Transportation (LCDOT), Summerlin Road and Winkler Road will both operate at a level of service "C" without the proposed development in the 2004 buildout year. Staff notes, from the staff report written for the Crown Colony rezoning to the north, that it was stated in that report that when the project traffic from Crown Colony, which is to be built out in 2004 is added to the background traffic, both Summerlin Road and Winkler Road will operate at a

level of service"D". The Summerlin Road service was based on the fact that the road is scheduled to be widened to 6 lanes in the year 2003/2004. Thus, with the addition of traffic from the subject property, and the buildout of Crown Colony to the north, both Summerlin Road and Winkler Road will operate at a level of service "D". A level of service "D" is acceptable according to Lee County standards. Thus, staff believes that the surrounding road network is adequate to accommodate the proposed development.

Thus, this application is consistent with Objective 2.2 of the Lee Plan.

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

A gross density of three (3) dwelling units per acre (3 du/acre) is the maximum density allowed in the Outlying Suburban land use category in which the subject property is located. The subject development is proposing a gross density of 2.57 dwelling units per acre which is below the maximum allowable density in the Outlying Suburban land use category.

The subject property is surrounded by existing developments on the north, east and south (see attachment 'B'). To the north, across an eighty foot (80') I.D.D. easement is the Crown Colony RPD which has a density of 1.38 dwelling units per acre (1.38 du/acre). Across Winkler Road to the northwest is the Indian Farms Villas RPD with a density of 3.7 dwelling units per acre (3.7 du/acre). Directly across Winkler Road to the northwest is the RS-2 zoned Timber Run development which is developed at a density of 2.09 dwelling units per acre (2.09 du/acre). Directly across Winkler Road is the recently approved (Resolution Z-02-022) RPD zoned Tropical Court (currently vacant) which is to be developed per the approved MCP at a gross density of 2.43 dwelling units per acre (2.43 du/acre). Also across Winkler Road to the southwest is the RS-3 zoned Winkler Estates which is developed at a density of one dwelling unit per acre (1 du/acre). Directly to the south of the subject property is the AG-2 zoned Belle Meade subdivision which is developed at a density of 0.92 dwelling units per acre (0.92 du/acre). Thus, there are existing developments in the immediate vicinity (Timber Run, Tropical Court, and Indian Farms Villas) which have similar and greater densities than what is being proposed on the subject property.

Also along Winkler Avenue are several other residential developments which were approved and have been developed including the Wellington RPD at a density of 5.0 dwelling units per acre and the Summerset Villas at Lexington at a density of 3.6 dwelling units per acre. Thus, Winkler Avenue is a corridor which has seen significant residential development recently and will likely continue to be developed in the near future at these similar densities.

Directly to the east of the subject property is wetlands which are part of a state owned preserve (Hendry Creek). As discussed earlier, the entire portion of wetlands on the eastern

portion of the subject property will be preserved and thus, will not adversely impact upon the state preserve wetlands. Thus, this application is compatible with the land use to the east.

Although Crown Colony to the north is of a lesser gross density than the proposed project, Crown Colony is a large golf course community with enclaves that are of comparable densities. Only the existence of a golf course on Crown Colony reduces the gross density below that of what is proposed on the subject property. In addition, Crown Colony is separated from the subject property by an 80' wide I.D.D. canal along its entire length and a golf course along the majority of the subject property.

Belle Meade to the south is of a lessor density than the subject property. However, Belle Meade is the exception to the rule along the entire length of McGregor Boulevard south of Summerlin Road. It is the only residentially developed property still with an AG-2 zoning. This is not consistent with recent and continuing development along this corridor. With this said, compatibility of the proposed development with the existing Belle Meade development must still be carefully reviewed.

Belle Meade with a density of 0.92 dwelling units per acre is approximately one-third (1/3) the density of the proposed subject development. This means that smaller residential lots will be developed on the subject property, and will have back yards facing Belle Meade. This would pose a compatibility concern with respect to the character of Belle Meade being adversely affected if no measures are taken to soften the impact of the higher density lots within Winkler Preserve on Belle Meade. To address this issue, the applicant has agreed to restrict the lots directly abutting the Belle Meade subdivision with a rear setback of thirty-five feet (35') for main structures and twenty-five feet (25') for all accessory structures as detailed on the submitted Master Concept Plan (this measurement is taken from the perimeter property boundary with Belle Meade, and is inclusive of the 20 foot drainage berm easement depicted on the MCP). The applicant has also offered landscaping (buffering) along the entire length of the subject property abutting the Belle Meade subdivision in the form of Areca Palms planted three feet (3') on center. Since Areca Palms are not a native species, staff recommends that a cocoplum hedge be planted instead on the same three-feet-on-center, to be maintained by the Homeowner's Association, and placed within the twenty foot (20') wide drainage easement depicted on the submitted Master Concept Plan. To ensure these setbacks and the twenty foot (20') wide drainage easement are not encroached upon by any structures, and thus maintain compatibility with Belle Meade, staff recommends in the conditions of approval above that no deviations or variances to these setbacks be granted and that no structures may encroach within the drainage easement. Staff believes that this will adequately address any potential compatibility issues between Winkler Preserve and Belle Meade. Thus, with the conditions as recommended by staff, this application complies with Policy 5.1.5.

Neighborhood Compatibility

Please refer to discussion above under Policy 5.1.5.

Environmental Issues

The Division of Environmental Sciences recommends approval of this application with conditions as outlined above in the conditions section of the staff report. Comments from the Environmental Sciences Division address vegetation cover, protected species, gopher

tortoise management, and open space & indigenous preservation. Please see the attached Division of Environmental Sciences staff report for further details (Attachment F).

Traffic:

The level of service (LOS) of Winkler Road prior to construction of this application is 'C'. After build-out of this application, the LOS will be 'D', which is acceptable per Lee County standards (see attachment G).

IV. ATTACHMENTS:

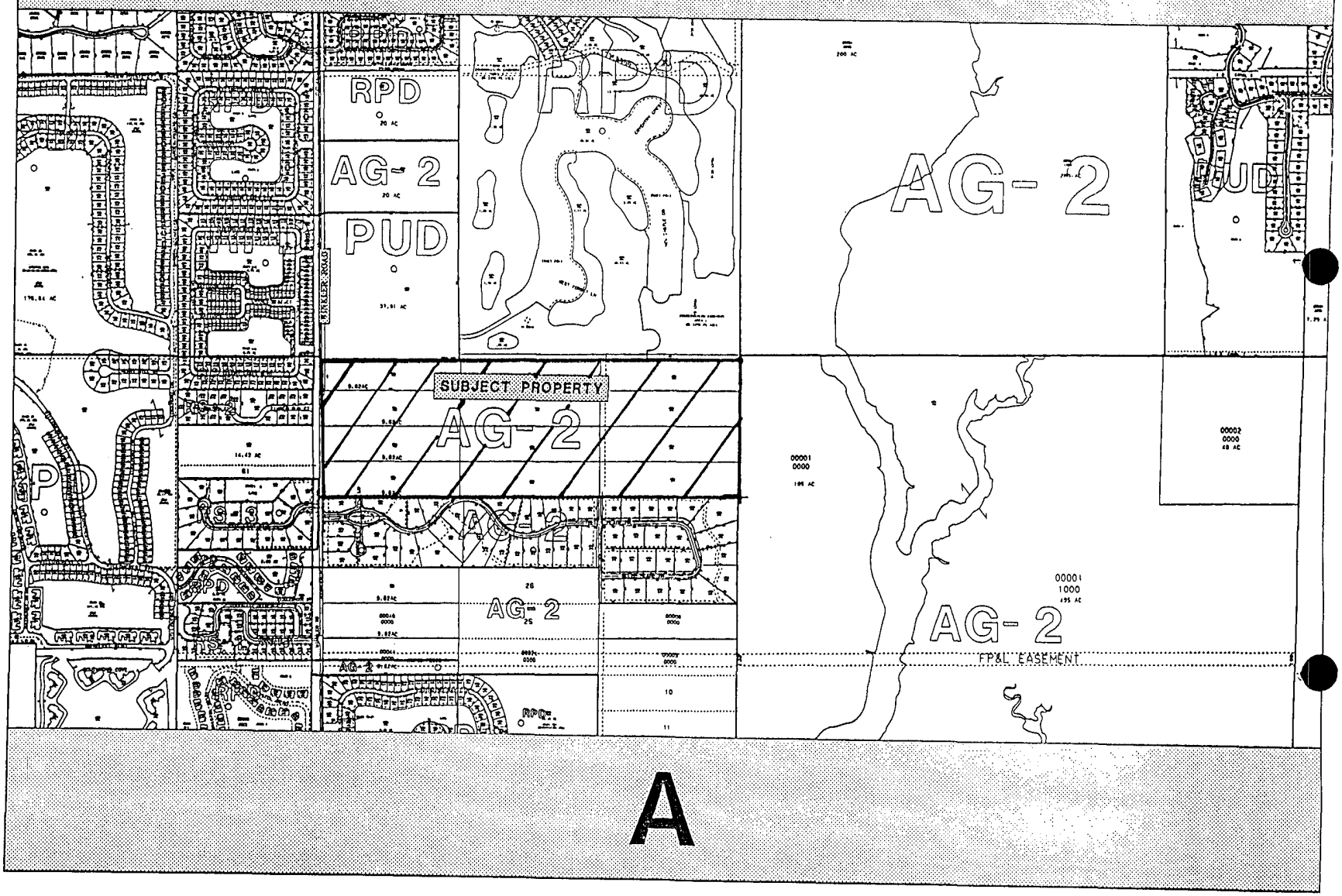
A. Map of surrounding zoning
B. Map of surrounding uses/density
C. Schedule of Uses and Development Parameters
D. Master Concept Plan (reduced)
E. Aerial (reduced)
F. Environmental Sciences Division Staff Report
G. Traffic Analysis

V. EXHIBITS:

A. Master Concept Plan (full-size)
B. Aerial (full-size)

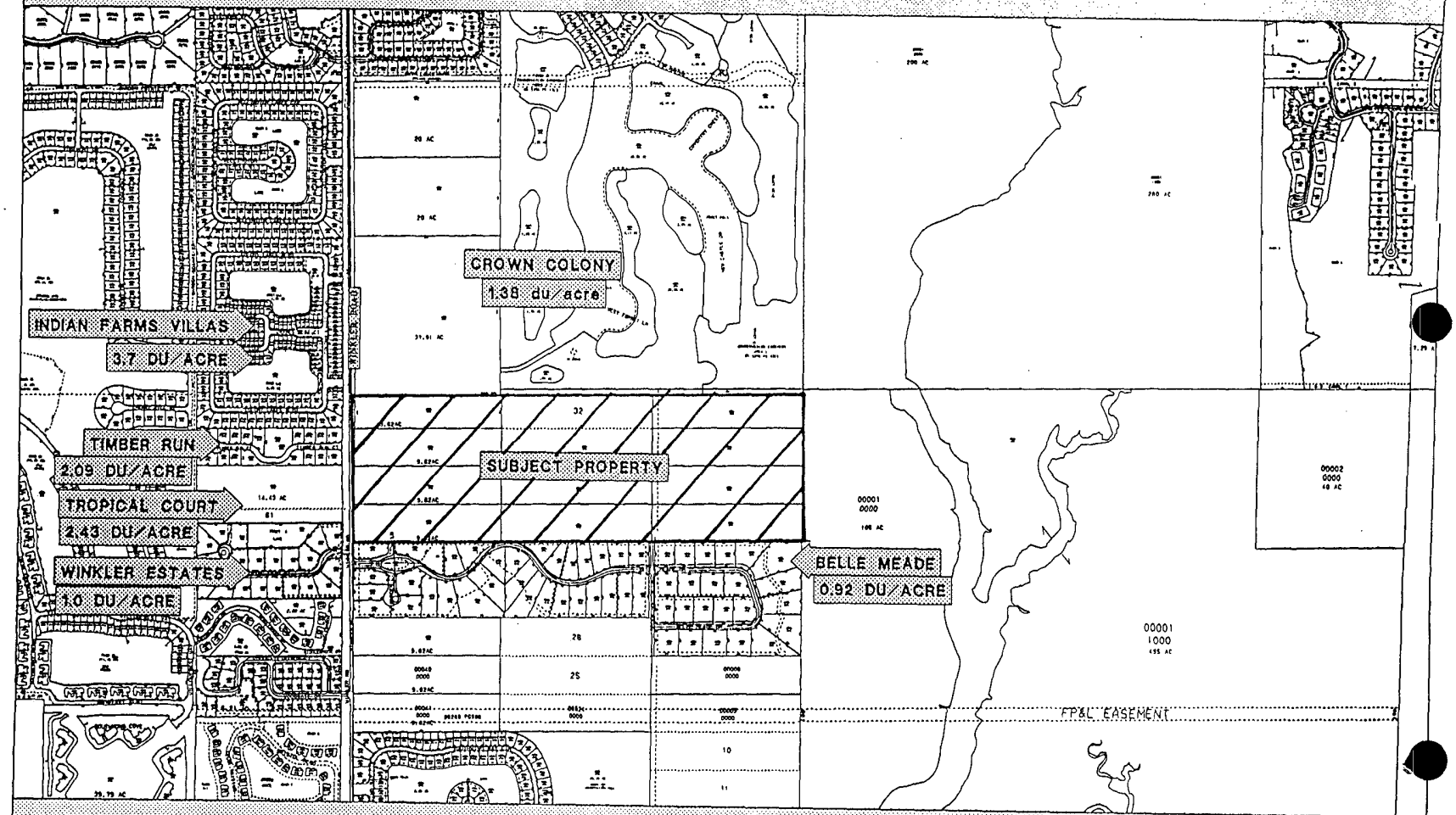
cc: Applicant
County Attorney
Zoning/DCI File

ZONING MAP



A

DENSITY MAP



B

ATTACHMENT 'C'

SCHEDULE OF USES

Accessory uses and structures
Dwelling units:
    single family;
    zero lot line
Entrance gates and gatehouse
Essential services
Essential service facilities: Group 1
Excavation: water retention
Fences, wall
Home occupation
Parking lot: accessory
Models: display center, model home, model display group
Real estate sales office
Residential accessory uses
Recreational facilities: personal, private on-site

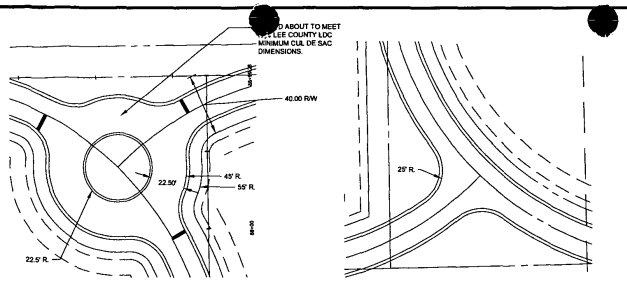
DEVELOPMENT PARAMETERS

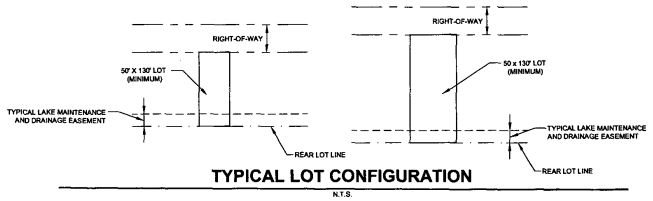
Single Family Dwelling Units and Zero Lot Line Units:

Minimum lot area:	6500 square feet
Minimum lot depth:	130 feet
Minimum lot width:	50 feet

Minimum Building Setbacks:

Right-of-way (front entry garage or carport):	20 feet
Right-of-way (side entry garage or carport):	15 feet
Side yard (zero lot line)	0/5 feet
Side yard (single family)	5 feet
Rear yard setback:	15 feet; 35 feet along south property line
Rear to water setback:	20 feet
Rear to preserve setback:	20 feet
Accessory structures (side and rear yard)	5 feet; 25 feet rear along south property line
Maximum building height:	35 feet and no more than 2 stories
Max. lot and group activity center parcel coverage	45%





The Winkler Preserve Project Summary

Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	282
Gross Residential Density	2.57 DU's/acre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	N/A - All Lots Min. 6,500 sq. ft. or greater
Minimum Regulatory Native Open Space	N/A - 16.5 ac. East Site Tidal & Tidal Mangrove Wetland

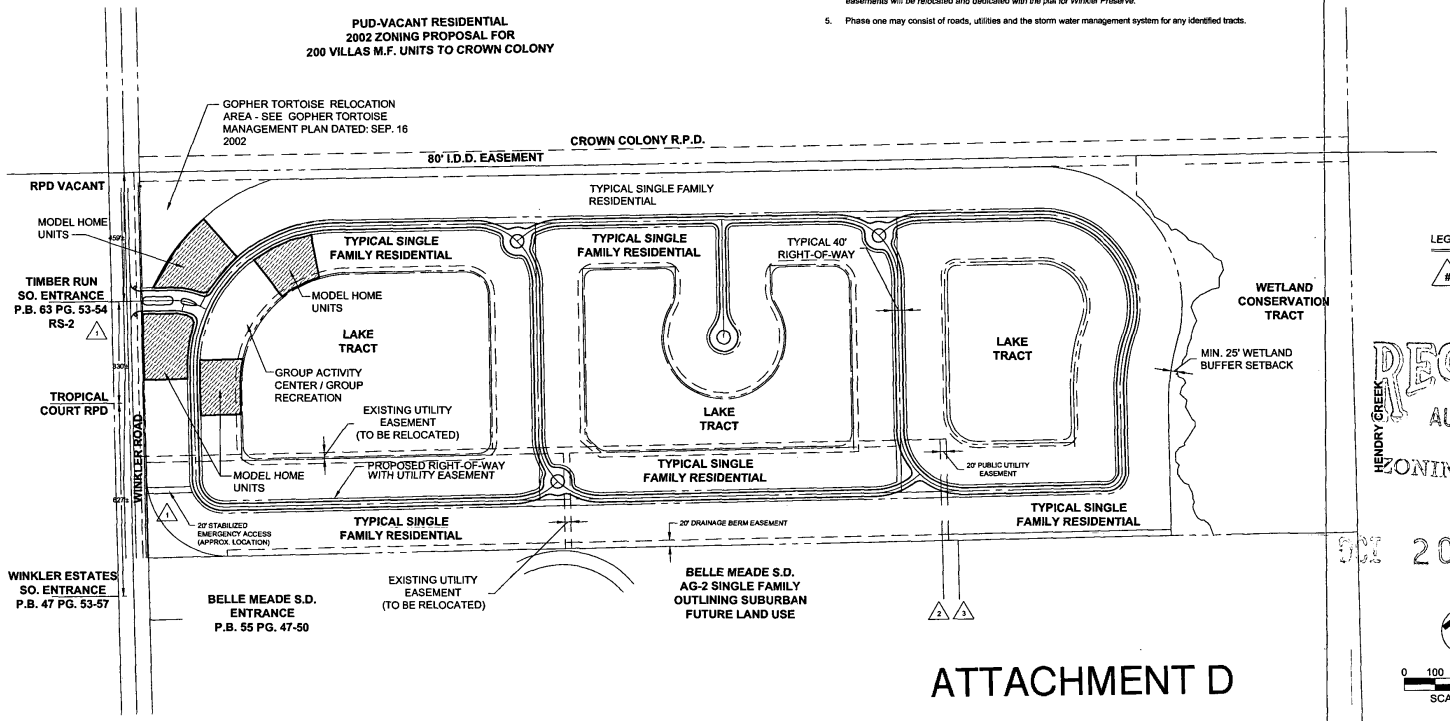
Residential Development Standards:

Single Family Dwelling Units

Min. Area Dimensions:	
- Min. Lot Area	6,500 sq. ft.
- Min. Lot Depth	130 ft.
- Min. Lot Width	50 ft.
Min. Building Setbacks:	
- Right-of-Way (Front Entry Garage)	20 ft.
- Right-of-Way (Side Entry Garage)	15 ft.
- Side Yard	5 ft.
- Zero Lot Lines	5/0 ft.
- Rear Yard Setback	15 ft., 35 ft. along south property line
- Rear To Water Body	20 ft.
- Rear To Preserve Setback	20 ft.
- Accessory Structures (Side & Rear Yard)	5 ft., 25 ft. rear along south property line
Max. Building Height	35 ft./2 stories
Max. Lot & Group Activity Center Parcel Coverage	45%

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq. ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for *Winkler Preserve*.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts.



ATTACHMENT D

LEGEND

△ # DEVIATION LOCATION (SEE RESOLUTION)

RECEIVED
AUG 18 2003
ZONING COUNTER

2003-00049

NORTH

0 100 200 400
SCALE IN FEET

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21656MCP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\MCP\
PLOT DATE	FRI, 8-15-2003 - 11:47 AM
PLOT BY	TODD VANA
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN=21737Z00
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

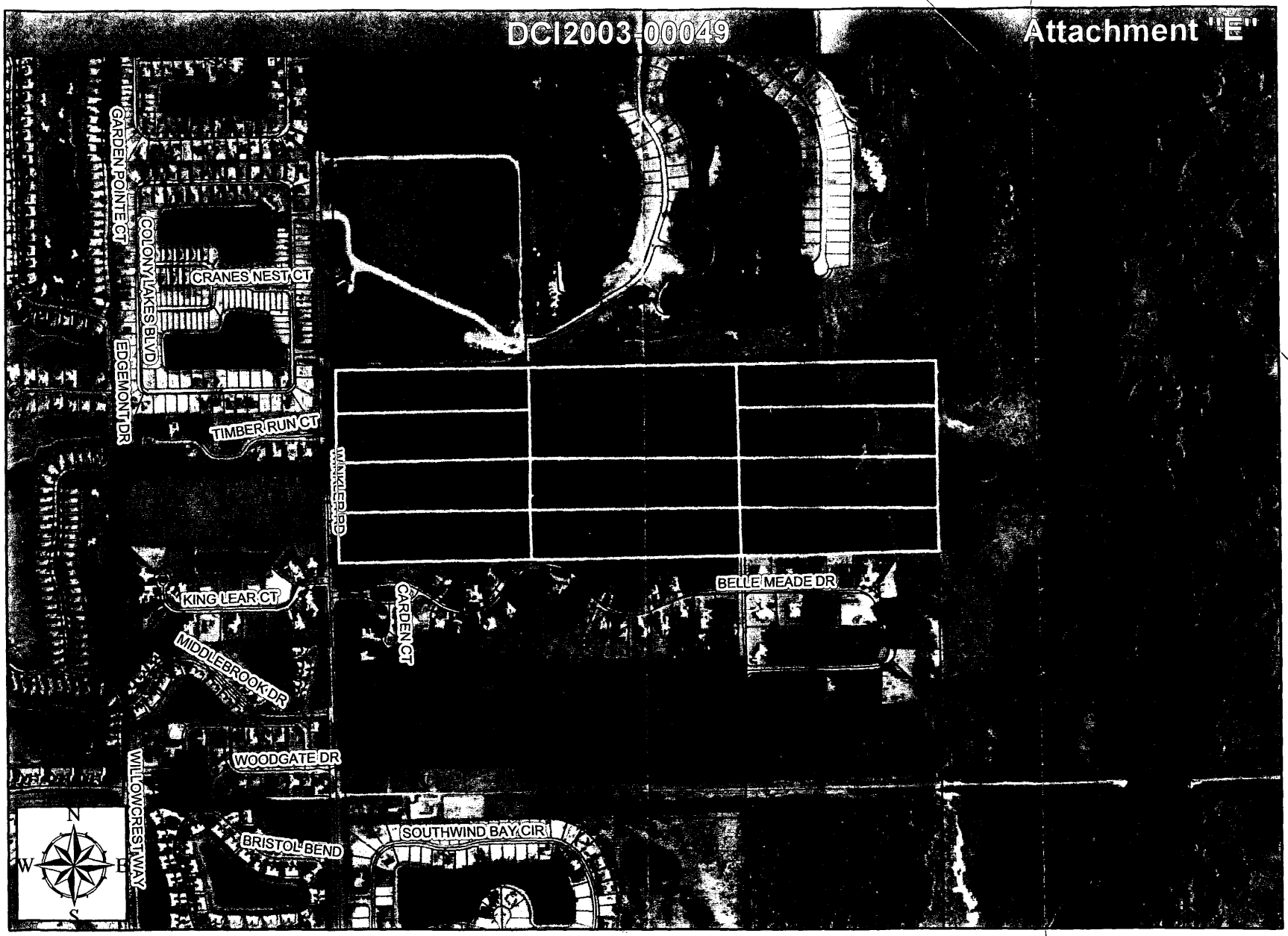
PLAN REVISIONS	
5-2002	PER COUNTY COMMENTS
7-2002	REDUCE SCALE TO 200'
7-22-2002	ADD DEVIATION #2
12-3-2002	PER COUNTY COMMENTS
7-10-2003	ADD EMERGENCY ACCESS
8-15-2003	PER SUFFICIENCY RESPONSE

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656	1


DCI2003-00049
Attachment "E"
GARDEN POINTE CT
COLONY LAKES BLVD
CRANES NEST CT
EDGEMONT DR
TIMBER RUN CT
WINKLER RD
KING LEAR CT
MIDDLEBROOK DR
WOODGATE DR
WILLOWCREST WAY
BRISTOL BEND
GARDEN CT
BELLE MEADE DR
SOUTHWIND BAY CIR
N
W
E
S

REVISED STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Date: **September 19, 2003**

To: **Jeff Laurien, Senior Planner**
From: **Kim Trebatoski, Principal Environmental Planner**
Phone: (239) 479-8183
E-mail: trebatkm@leegov.com

Re: **Winkler Preserve RPD**
DCI 2003-00049
STRAP 10-26-24-01-00001.0000; -00002.0000; -00003.0000; -00004.0000; -00029.0000; -00030.0000; -00031.0000

The Division of Environmental Sciences (ES) staff have reviewed the proposed Winkler Preserve Residential Planned Development (RPD), and conducted a number of field inspections. The following are ES staff findings and revised recommended conditions based on revisions submitted to the county:

Vegetation:
The vegetative cover was mapped by Bagley Environmental & Planting Services, Inc.(BE&P) utilizing the Florida Land Use Cover and Classification System (FLUCCS). The 110 acre property consists of a mixture of native plant communities and exotic vegetation. The indigenous plant communities (40.6 acres) existing onsite include:

palmetto prairie (FLUCCS 321; 8.0 acres)
pine flatwoods, 25-75% exotic vegetation (FLUCCS 411I; 17.5 acres)
live oak/cabbage palm hammock (FLUCCS 427/428; 2.6 acres)
cabbage palm hammock, hydric (FLUCCS 428H; 0.8 acres)
mangrove swamp (FLUCCS 612; 6.0 acres)
mangrove swamp, 25-75% exotic vegetation (FLUCCS 612I; 2.7 acres)
saltwater marsh (FLUCCS 642; 3.0 acres)

Protected Species:
A protected species survey for Lee County listed species meeting the requirements of LDC Section 10-473 was conducted by BE&P. Thirty two active and inactive gopher tortoise burrows were located primarily along two berms adjacent to ditches transecting the property. The estimated tortoise population is thirteen tortoises. A proposed gopher tortoise management plan was submitted to ES staff on September 16, 2002 by BE&P

ES staff field verified the protected species survey, and confirmed the results.
Gopher Tortoise Management Plan:

ATTACHMENT F

A proposed gopher tortoise management plan was submitted to ES staff on September 16, 2002 by BE&P. The plan proposes to obtain an Incidental Take Permit from the Florida Fish and Wildlife Conservation Commission. This permit will allow the "taking" of the tortoise burrows and tortoises. However, Lee County does not allow the entombment of gopher tortoises or the commensal species. Therefore the management plan proposes to move the gopher tortoises to a 1.7 acre upland preserve in the northwest portion of the property. Due to the lower elevation of the property, the creation of berms within the preserve will enhance the habitat for gopher tortoises through providing burrowing and foraging opportunities. The plan also proposes the planting of native vegetation on the berms.

The proposed management plan offers a safe habitat for the gopher tortoises. ES staff recommend the following condition to confirm the gopher tortoise management plan and implementation specifications:

Gopher Tortoise Management:

- ***Prior to moving any gopher tortoise or commensal species to the gopher tortoise preserve, all invasive exotic vegetation must be removed by hand from the 1.7 acre preserve, unless other means are approved by the Division of Environmental Sciences staff during an onsite meeting with the exotic vegetation removal contractor and the environmental consultant; and***

- ***Prior to issuance of a Vegetation Removal Permit for clearing the development area, the western most berm with gopher tortoise burrows must be relocated to the already cleared area within the northern portion of the gopher tortoise preserve to provide burrowing habitat and a native seed source for foraging plants. These berms must be planted with bahia grass plugs and fifty (50) prickly pear plugs; and***

- ***A permanent fence which will prevent gopher tortoises from crossing Winkler Road must be installed along the gopher tortoise preserve abutting Winkler Road and the entrance road; and***

- ***Prior to issuance of a Certificate of Compliance for the infrastructure, either a permanent fence or a continuous cocoplum hedge (minimum 24-inch 3-gallon container size at planting; maintained at a minimum 60-inch height) must be installed along the gopher tortoise preserve abutting the single family lots to prevent encroachment into the preserve and prevent the use of the preserve by dogs; and***

- ***Dogs are prohibited within the gopher tortoise preserve.***

Open Space & Indigenous Preservation:
The proposed residential lot size is a minimum 6,500 square foot with a maximum 45% lot coverage. This size lot with the proposed maximum lot coverage is not required to provide open space per the Land Development Code.

The Master Concept Plan delineates a wetland conservation tract consisting of coastal wetlands and hammocks (15.1 acres) and a 1.7 acre gopher tortoise preserve consisting of pine flatwoods. The native plant communities within these areas will be preserved.

MEMORANDUM
FROM THE
DEPARTMENT OF COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: September 17, 2003

TO: Jeff Laurien
Senior Planner

FROM: Robert G. Rentz, P.E.
Development Review
Engineer

RE: **Winkler Preserve**
Case No. DCI2003-00049

The proposed project will consist of 282 single-family dwelling units. Based on the ITE Trip Generation Report 6th Edition the project will generate 275 net new external trips in the peak hour. The anticipated build out year is 2006.

Based on manual traffic counts taken by Metro Transportation Group, the 2007 background peak hour, peak season, peak direction volume of flow on Winkler Rd. north of the site will be 356 vehicles per hour. At this volume, based on the Lee County D.O.T. link-specific service volumes, the road will operate at level of service **"C"**. When the project traffic is added to this background traffic the level of service will drop to **"D"**.

ATTACHMENT G

BGR
S:/WRITERS/RENTZRG/DCI200300049SUBSTANTIVETRAFFICCOMMENTS

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 Development Services Division in the following manner:

a. Signs for case **#DCI2003-00049** must be posted by **November 4, 2003.**
b. The sign must be erected in full view of the public, not more than five (5) feet from the nearest street right-of-way or easement.
c. The sign must be securely affixed by nails, staples or other means to a wood frame or to a wood panel and then fastened securely to a post, or other structure. The sign may not be affixed to a tree or other foliage.
d. The applicant must make a good faith effort to maintain the sign in place, and readable condition until the requested action has been heard and a final decision rendered.
e. If the sign is destroyed, lost, or rendered unreadable, the applicant must report the condition to the Development Services Division, and obtain duplicate copies of the sign from the Development Services 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 DEVELOPMENT SERVICES DIVISION, 1500 MONROE ST., FT. MYERS, FL 33901.

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

AFFIDAVIT OF POSTING NOTICE

STATE OF FLORIDA
COUNTY OF LEE

BEFORE THE UNDERSIGNED AUTHORITY, PERSONALLY APPEARED Ronald Inge

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

Ronald Inge, Agent
NAME (TYPED OR PRINTED)

6150 Diamond Centre Court, Bldg. 1300
ST. OR PO BOX

Fort Myers, Florida 33912
CITY, STATE & ZIP

#DCI2003-00049/Winkler /November 20, 2003 / bjj

STATE OF FLORIDA
COUNTY OF LEE

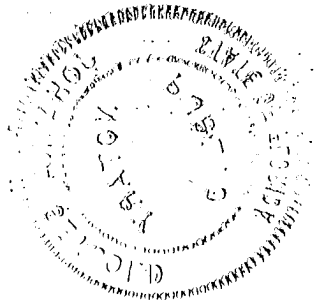
The foregoing instrument was sworn to and subscribed before me this 4 day of November, 2003 by Ronald Inge, (personally known to me) or who produced _____ as identification and who did/did not take an oath.

Johanna Seybold
Signature of Notary Public

Johanna Seybold
Printed Name of Notary Public

My Commission Expires:
(Stamp with serial number)

Johanna Seybold
MY COMMISSION EXPIRES
February 18, 2007
#DD172588
Bonded thru
Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA



LEE COUNTY
RECEIVED

03 NOV 10 AM 9:16

COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

LEE COUNTY

APPLICATION FOR PUBLIC HEARING FOR PLANNED DEVELOPMENT UNINCORPORATED AREAS ONLY

Applicant's Name:	**Development Solutions, LLC**
Project Name:	**Winkler Preserve RPD**
STRAP Number(s):	**10-46-24-01-00001.000; 10-46-01-00002.0000; 10-46-24-01-00003.0000, 10-46-24-01-00030.0000; 10-46-24-01-00035.0000; 10-46-24-01-00004.0000; 10-46-24-01-00029.0000; 10-46-24-01-00036.0000; 10-46-24-01-000031.0000, 10-46-24-01-00033.0000; 10-46-24-01-00034.0000**

****

STAFF USE ONLY

Commissioner District:	#03	*Case Number:*	DCI2003-00049
Planning Community	IONA/McG	*Date of Application:*	07-11-03
Current Zoning:	AG-2	*Date found sufficient:*	
Land Use Classification(s):	OUTLYING SUB & WETLAND	*Date HEX Public Hearing:*	
Lee Plan Density Range:		*Fee:*	# 9,200 —
		Planner in charge:	

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

TYPE OF APPLICATION

____ *DRI*	X *DCI - Major*	____ *DCI - Minor*
____ *PD - Existing Development*	____ *PD - Amendment*	

****

LEE COUNTY
COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET)
FORT MYERS, FLORIDA 33902
PHONE (941) 479-8585

DCI 2003-00049

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

RECEIVED
AUG 18 2003
ZONING

A. **Application Initiated By:**

A.1. N/A Application is owner-initiated or applicant is authorized by a Covenant of Unified Control. A copy of the Covenant of Unified control is attached as **Exhibit I-A-1.** *[34-202(b)(1)b.]*

A.2. X Applicant has been authorized by the owner(s) to represent them for this action. A copy of the Notarized Authorization form is attached as **Exhibit I-A-2.** *[34-202(b)(1)c.]*

A.3. N/A Applicant is a contract purchaser/vendee. A copy of the Notarized Authorization form is attached as **Exhibit I-A-3.** *[34-202(b)(1)d.]*

B. **Name of applicant:** Development Solutions, LLC

Mailing Address: Street 6150 Diamond Centre Court, Building 1300

City: Fort Myers State: FL Zip: 33912 Ext:

Phone Area Code: 239 Number: 482-1500

Fax Area Code: 239 Number 481-8477

E-mail:

C. **Property Ownership**

C.1. Name of property owner(s) Winkler Preserve, LLC

Mailing Address: Street: 11220 Metro Parkway, Suite 27

City: Fort Myers State: FL Zip: 33912

Phone Area Code: 239 Number: 939-9996 Ext:

Fax Area Code: 239 Number 939-5316

E-mail:

C.2. N/A **Property owners list:** A list of all owners of the subject property and their mailing addresses, is attached as **Exhibit I-C-2.** *[34-202(a)(5)]*

D. **Date property was acquired by present owner(s):**

D.1. X The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I- D-1.** *[34-202(b)(1)a]*

D.2. N/A The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-2.** *[34-202(b)(1)a]*

E. **Deed Restrictions:**

E.1. N/A Existing deed restrictions or other covenants on this property may affect this request. A copy of the deed restrictions or other covenants is attached as **Exhibit I-E-1.** *[34-202(b)2]*

E.2. N/A A narrative statement explaining how the restrictions may affect the requested action is attached as **Exhibit I-E-2.** *[34-202(b)2]*

F.1. **Authorized Agent: This is the person who will receive all county-initiated correspondence regarding**

Company Name: Development Solutions, LLC

Address: 6150 Diamond Centre Court, Building 1300

Contact Person: ~~Kathy Morgan~~ Ronald Inge

Phone Number: 239-482-1500 Fax Number: 239-481-8477

E-mail: ~~kmorgan@ldevelopmentsolutions.net~~ ringe@landsolutions.net

x

F.2. **Additional Agent(s): List the names of other authorized agents the county may contact concerning this application.** *[34-202(b)(1)c.]*

F.2.a. Company Name: Barraco and Associates, Inc.

Address: 2271 McGregor Blvd., Fort Myers, FL 33901

Contact Person: Dan DeLisi

Phone Number: 239-461-3170 Fax Number: 239-461-3169

E-mail: dand@barraco.net

F.2.b. Company Name: Stuart and Associates, Inc.

Address: 2180 West First Street, Suite 503, Fort Myers, FL 33901

Contact Person: Greg Stuart

Phone Number: 239-337-7176 Fax Number: 239-337-2496

E-mail:

F.2.c. Company Name: Bagley Environmental and Planting Services, Inc.

Address: 10680 SE Tuliptree Court, Lehigh Acres, FL 33936

Contact Person: Marshall Bagley

Phone Number: 239-693-3919 Fax Number: 239-694-2496

E-mail:

F.2.d. Company Name: Henderson, Franklin, Starnes & Holt, P.A.

Address: P.O. Box 280, Fort Myers, FL 33902

Contact Person: Russell Schropp

Phone Number: 239-334-4121 Fax Number: 239-332-4494

E-mail:

RECEIVED
NOV 12 2003
COMMUNITY DEVELOPMENT

DCI 2003-00049

this application. *[34-202(b)(1)c.]*

Company Name: Development Solutions, LLC

Address: 6150 Diamond Centre Court, Building 1300

Contact Person: Kathy Morgan

Phone Number: 239-482-1500 Fax Number: 239-481-8477

E-mail: kmorgan@ldevelopmentsolutions.net

F.2. **Additional Agent(s): List the names of other authorized agents the county may contact concerning this application.** *[34-202(b)(1)c.]*

F.2.a. Company Name: Barraco and Associates, Inc.

Address: 2271 McGregor Blvd., Fort Myers, FL 33901

Contact Person: Dan DeLisi

Phone Number: 239-461-3170 Fax Number: 239-461-3169

E-mail: dand@barraco.net

F.2.b. Company Name: Stuart and Associates, Inc.

Address: 2180 West First Street, Suite 508, Fort Myers, FL 33901

Contact Person: Greg Stuart

Phone Number: 239-337-7176 Fax Number: 239-337-2496

E-mail:

F.2.c. Company Name: Bagley Environmental and Planting Services, Inc.

Address: 10680 SE Tuliptree Court, Lehigh Acres, FL 33936

Contact Person: Marshall Bagley

Phone Number: 239-693-3919 Fax Number: 239-694-2496

E-mail:

F.2.d. Company Name: Henderson, Franklin, Starnes & Holt, P.A.

Address: P.O. Box 280, Fort Myers, FL 33902

Contact Person: Russell Schropp

Phone Number: 239-334-4121 Fax Number: 239-332-4494

E-mail:

DCI 2003-00049

PART II
GENERAL INFORMATION

A. **Action Requested**

X **Rezoning** from: AG-2 TO: RPD

___ **Other** - Provide specific details: A 282 Unti Single Family RPD Subdivision

B. **Legal Description and Certified sketch of description:**

B.1. X Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** *[34-202(a)(1)]*

X Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2. X Attached is a Certified sketch of description as set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** *[34-202(a)(2)]*

B.3. X The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3**, with the subject property clearly marked. *[34-202(a)(2)]*

B.4. **Subdivision Name:** *Seminole Gardens PB 4 PG 65*

Plat Book: 4 Page 65 Unit ___ Block ___ Lot(s) ___

Section: 10 Township 46 Range 24

B.5. **STRAP Number:** 10-46-24-01-00001.000; 10-46-01-00002.0000; 10-46-24-01-00003.0000, 10-46-24-01-00030.0000; 10-46-24-01-00035.0000; 10-46-24-01-00004.0000; 10-46-24-01-00029.0000; 10-46-24-01-00036.0000; 10-46-24-01-000031.0000, 10-46-24-01-00033.0000; 10-46-24-01-00034.0000

C. **Property Location**

C.1. **Project Street Address:** 17151 Winkler Road, Fort Myers, FL 33908

C.2. **General Location Of Property**: Along the east side of South Winkler Road between the Crown Colony RPD and the Belle Meade S.D.

D. **Notice Information**

DCI 2003-00049

D.1. X Planning Community(ies) in which located: Iona McGregor Planning Community #12

D.2. X Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2**: *[34-202(a)(4)]*

D.3. X A list of surrounding property owners is attached as **Exhibit II-D-3.** *[34-202(a)(6)]*

D.4. X A map displaying all surrounding parcels attached as **Exhibit II-D-4.** *[34-202(a)(7)]*

D.5. X Two copies of mailing labels attached as **Exhibit II-D-5**.

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E. **The Lee Plan & Other Narrative Statements**

E.1. X The Land Use Classification(s) is/are: *Outlying Suburban Land Use*

E.2 X Attached as **Exhibit II-E-2**, is a narrative explanation as to how the proposed development complies with the Lee Plan. *[34-373(a)(5)*

E.3. N/A The attached proposed amendment to the Lee Plan may affect this property. The proposed amendments and a statement as to how the proposed amendment will affect the property is attached as **Exhibit II-E-3.**

E.4 X Attached as **Exhibit II-E-4**, is a narrative explanation as to how the proposed development complies with the Design Standards set forth in Section 34-411. *[34-373(a)(5)]*

E.5 X Attached as **Exhibit II-E-5**, is a narrative explanation as to how the proposed development complies with the guidelines for decision-making embodied in sections 34-145(c)(2)a and e., and 34-145(d)(3). *[34-373(a)(5)]*

F. Waivers from Application Submission Requirements

N/A The following waivers have been approved by the Director of Development Services. Copies of the approved waivers(s) are attached as Exhibit II-F-1.

Section Number	Name of Item

PART III
EXISTING CONDITIONS

A. **Location, Zoning and Surrounding land uses.**

A.1. X Attached as **Exhibit III-A-1** is a map showing the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. *[34-373(a)(4)a.]*

A.2. X Attached as **Exhibit III-A-2** is a map or other depiction of the existing zoning and current land uses surrounding the tract or parcel to a distance of 500 feet. *[34-373(a)(4)b.]*
(See surrounding property owners list and Zoning map)

A.3. X Attached as **Exhibit III-A-3** is an aerial photograph with the site clearly delineated. *[34-373(a)(4)c.]*

B. **Archaeological/Historical**

B.1 X Attached as **Exhibit III-B-1** is a map indicating the nature and location of known or recorded historical or archaeological sites and the location of any part of the property that is located within level 1 or level 2 zones of archaeological sensitivity pursuant to chapter 22. The plan shows the outline of historic buildings and approximate extent of archaeological sites. *[34-373(a)(4)f.]*
(See enclosed 30 January 02 May Gloria Sajgo.letter).

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B.2. N/A Attached as **Exhibit III-B-2** is a description of proposed improvements that may impact archaeological or historical resources. *[34-373(a)(4)f.]*

C. **Drainage, Water Control and Environmental Issues**

C.1. N/A The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

C.2 X The minimum elevation required for the first habitable floor is *19.0 '* NGVD (MSL)

C.3. X Attached is **Exhibit III-C-3,** the Environmental Assessment Report required by Section 34-1573.

C.4. X Environmentally sensitive lands on the subject property are delineated on the following maps.

C.5. X **Exhibit III-C-5:** Soils, classified in accordance with the USDA/SCS System;

C.6. X **Exhibit III-C-6:** Vegetation and ground cover in accordance with the FLUCCS.

DCI 2003-00049

C.7. X **Exhibit III-C-7:** Topography or a USGS quadrangle map showing the subject property.

C.8. X **Exhibit III-C-8:** Protected Species Survey (if applicable) as required by Section 10-473.

D. **Public Transit**

D.1. N/A Property is within the Lee Tran public transit service area.

D.2. X **Exhibit III-D-1** shows the property in relation to existing and proposed public transit routes, including bus stops.

E. **Property Dimensions** *[34-202(a)(8)]*

E.1	Width (average if irregular parcel)	*1252*	Feet		
E.2	Depth (average if irregular parcel):	*3905*	Feet		
E.3	Frontage on road or street:	*1252*	Feet	Street Name:	*Winkler Road*
E.4.	Total land area:	*109.82 +/-*	Acres		

F. **Land Area Calculations** ***(Based on total property)***

F.1 Undevelopable Areas:

a.	Existing natural and manmade waterbodies.	
b.	Freshwater wetland areas:	*11.56 ac +/-*
c.	Other wetland areas:	
d.	Submerged land subject to tidal influence	*15.55 ac +/-*
e.	Total (a + b + c + d):	*27.11 ac +/-*

F.2 Remaining developable land (E.4 less F.1.e): *82.74 ac +/-*

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PART IV
PROPOSED DEVELOPMENT

A. **Copies of Master Concept Plan**

A.1. X Attached are copies of **Exhibit IV-A-1** entitled "Proposed Master Concept Plan" drawn to scale on 24 inch by 36 inch medium. *[34-373(a)(6)]*

A.2. X Attached are copies of **Exhibit IV-A-2**. entitled "Proposed Master Concept Plan" drawn to scale on 11 inch by 17 inch medium. *[34-373(a)(6)]*

B. **Vehicular Ingress & Egress, Public Transit**

B.1. X The master concept plan indicates the exact location of all points of vehicular ingress and egress from existing easements or rights-of-way into the development. *[34-373(a)(6)a]*

B.2. X The proposed development includes plans for subdividing. The master concept plan shows the general location of all proposed internal street rights-of-way or easements *[34-373(a)(6)a]*

B.3. X The master concept plan indicates the general location from the proposed internal rights-of-way or easements into multiple-family, commercial and industrial lots. *[34-373(a)(6)a]*

B.4. N/A Proposed access and public transit facilities have been indicated on the master concept plan as required by Sections 34-411(e) and 10-442. *[34-373(a)(4)e]*

C. **Parks, Open Space and Indigenous areas.**

C.1. X The general location of proposed parks and recreation areas and facilities, has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.2. X The general location of indigenous areas to be preserved has been shown and identified on the master concept plan. *[34-373(a)(6)e]*

C.3. X The development is a subdivision consisting solely of conventional single-family units on lots of no less than 6,500 square feet. *[34-373(a)(6)f]* (Yes - See enclosed MCP)

C.4. N/A Approximately _____ percent of the property will be open space. *[34-373(a)(6)f]*

C.5. N/A The minimum open space required by Section 10-329(f)(7) for commercial and industrial lots and outlots has been indicated on the master concept plan. *[34-373(a)(6)f]*

D. **Buffers**

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D.1. X The master concept plan indicates the types and minimum widths of buffers proposed along the perimeter of the property as well as between the individual development areas where required. *[34-373(a)(6)g]*

D.2. X All buffer types shown refer to buffers described in Chapter 10 of the Land Development Code unless clearly noted otherwise. *[34-373(a)(6)g]*

E. **Surface Water Management**

E.1. X The property is located within a flood plain or flow way and compensation for impacts to flood storage capacity or flow ways due to filling of the site will be made at the time of local development order or district permitting . *[34-373(b)(1)]* (See Surface Water Management Plan)

E.2. X A written description of the proposed surface water master plan is submitted as **Exhibit E.2.**

DCI 2003-00049

F. **Excavations**

F.1. X The general location of excavations for on-site fill and wet retention have been indicated on the master concept plan. *[34-373(a)(6)i]*

F.2. X Preliminary calculations for cuts and fills have been made and:

F.3. X No excavated materials will be removed from the site.

F.4. N/A Excavated materials to be removed from the site will comply with the definition of . "surplus material" or will not exceed ten percent of the total material excavated.

F.5. N/A Excavated materials to be removed from the premises exceed the definition of "surplus materials" or will exceed ten percent of the total material excavated. Calculations have been submitted as **Exhibit IV-F-5**. *[34-373(a)(6)i]*

F.6. N/A This application includes "mining" as a requested use and a "general mining permit" has been requested in accordance with section 10-329(f)(7). *[34-373(a)(6)i]*

G. **Subdivisions**

G.1. X The proposed development will be divided into lots or parcels. *[34-373(a)(6)b]* (See enclosed Master Concept Plan)

G.2. X The uses proposed for each lot or parcel have been indicated and keyed to the proposed list of uses submitted with the application. *[34-373(a)(6)b]* (All lots are SF see enclosed Master Concept Plan)

G.3. X The master concept plan indicates the general location, configuration, and approximate dimensions of the lots or parcels (including outparcels), lot coverage, and the minimum proposed setbacks for principal buildings. *[34-373(a)(6)b]*

G.4. X Special property development regulations are proposed for this development and are set forth in **Exhibit IV-G-4**. To the extent a property development is not indicated in the exhibit, the regulations of the Land Development Code will be used. (See enclosed Master Concept Plan)

X The property development regulations for the RPD zoning district will be used. *[34-373(a)(6)b]*

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H. **Individual Development Areas** *[34-373(a)(6)c]*

H.1. X The boundary of each individual development area within which buildings, parking or other uses will be located has been delineated on the master concept plan indicating:

H.2. X Residential uses by type for each development area have been indicated (if applicable) including the maximum number of living units by type.

H.3. N/A Development areas proposed for hotel or motel use have been indicated as well as the number of hotels/motels and the maximum number of rooms by size.

H.4. N/A Development areas proposed to contain health care facilities have been indicated as well as the maximum number of beds.

H.5. N/A Commercial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.6. N/A Industrial uses by type for each development area have been indicated (if applicable) including the maximum floor area proposed. Where the use includes outdoor areas for display or storage, the outdoor area has been indicated separately from the floor area.

H.7. N/A Parking under the building(s) is proposed and the number of parking stories has been indicated.

H.8. X The total number of living stories has been indicated. (*2 stories see enclosed Master Concept Plan)*

H.9. X The maximum height of the buildings, including parking stories, has been indicated.

H.10 N/A The general location of service areas for delivery of goods or services has been delineated on the master concept plan.

I **Summary list of uses.**

I.1. X A list of all uses, including types and number of units for residential, hotel/motel and assisted living facilities as well as square footage of each type of commercial and industrial use, proposed for the entire development is attached as **Exhibit IV-I-1.** *[34-373(a)(8)]*

J. **Master list of deviations. [34-373(a)(6)j]**

J.1. X A list of all deviations requested as well as a written justification for the deviation, has been submitted as **Exhibit IV-J-1.**

J.2. X The proposed location for each requested deviation, keyed to the schedule of requested deviations (Exhibit IV-J-1), has been indicated on the master concept plan.

J.3. N/A Drawings demonstrating the effect of the requested deviations are submitted as **Exhibit IV-J-3.**

J.4. ____ No deviations are requested.

K. **Traffic Impact Statement** *[34-373(a)(7)]*

K.1. X The Traffic Impact statement has been submitted as **Exhibit IV-K-1.**

K.2. N/A The director has waived the requirement for this minor planned development. The signed waiver is attached hereto as **Exhibit II-F-1.**

L **Phasing Plan**

L.1. N/A The project will be developed in phases OR the Traffic Impact Statement utilized phasing . A description of the phasing plan has been submitted as **Exhibit IV-L-1.** *[34-376(b)(3)]*

M. **Special Concerns**

M.1. N/A This project includes a private port facility. Attached is a Hazardous Materials Emergency Plan labeled **Exhibit IV-M-1.** *[34-202(b)(4)]*

M-2 N/A This project includes rezoning of a mobile home park. Attached as **Exhibit IV-M-2** is the information required by section 34-203(d). *[34-203(d)].*

M-3 N/A This project includes a request to use Bonus Density units. Attached as **Exhibit IV-M-3** is information on the type of bonus density units to be used, the source of the bonus density units, and the effect on the overall project. *[34-202(b)(5)]*

M-4 N/A The project is a Residential Planned Development located in either a Rural or Outer Island land use classification. Attached as **Exhibit IV-M-4** is the impact analysis. *[34-442]*

M-5 N/A This project is subject to the airport hazard regulations. Attached is **Exhibit IV-M-5.** *[34-1001]*

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PART VI - SUBMITTAL REQUIREMENTS

COPIES REQUIRED including 1 original					Exhibit #	Item
SUB	NR	DRI	DCI	MINOR		
X		12	11	11		Completed application [34-201(b) & 34-373(a)(1)]
	X	3	3	3	I-A-1	Covenant Of Unified Control [34-202(b)(1)b & 34-373(a)(3)]
X		3	3	3	I-A-2, I-A-3	Authorization Form [34-201(a)(1)] & [34-202(b)(1)c]
	X	2	2	2	I-C-2	Subject property owners list [34-202(a)(5)]
X		3	3	3	I-D-1, I-D-2	Disclosure Form [34-201(b)(1)a]
	X	3	3	3	I-E-1	Deed Restrictions [34-202(b)(2)]
	X	3	3	3	I-E-2	Deed Restrictions Narrative [34-202(b)(2)]
X		3	3	3	II-B-1-A	Legal Description [34-202(a)(1)]
X		1	1	1	II-B-1-B	Electronic version of legal description
X		3	3	3	II-B-2	Certified sketch of description [34-202(a)(2)]
X		3	3	3	II-B-3	Plat Book Page [34-202(a)(1)]
X		2	2	2	II-D-2	Area Location Map on 8 ½ by 11 paper [34-202(a)(4)]
X		2	2	2	II-D-3	Surrounding Property Owners List [34-202(a)(6)]
X		2	2	2	II-D-4	Surrounding parcels Map [34-202(a)(7)]
X		2	2	2	II-D-5	Mailing labels (sets)
X		12	11	11	II-E-2	Compliance with Lee Plan. [34-373(a)(5) & 34-491]
	X	12	11	11	II-E-3	Lee Plan Amendment [34-373(a)(5) & 34-491]
X		3	3	3	II-E-4	Compliance with design standards of 34-411. [34-373(a)(5)]
X		3	3	3	II-E-5	Compliance with decision-making guidelines. [34-373(a)(5)]
	X	3	3	3	II-F-1	Waivers
X		12	11	11	III-A-1	Existing easements and r-o-w map. [34-373(a)(4)a.]
X		12	11	11	III-A-2	Exist. zoning & current land use map/photo [34-373(a)(4)b]
X		3	3	3	III-A-3	Aerial photograph [34-373(a)(4)c]
X		3	3	3	III-B-1	Map of Historical & Archaeological sites [34-373(a)(4)f]
	X	3	3	3	III-B-2	Possible impacts on Hist. & Arch. sites [34-373(a)(4)f]
X		12	11	4	III-C-3	Environmental Assessment Report
X		12	11	4	III-C-5	Soils [34-373(a)(4)d.i]
X		12	11	4	III-C-6	Vegetation\ground cover [34-373(a)(4)d]
X		12	11	4	III-C-7	Topography. [34-373(a)(4)d.iv]
X		4	4	-	III-C-8	Protected Species Survey (if applicable) [34-373(b)(2)]
X		12	11	4	III-D-1	Public transit routes map (if applicable) [34-373(a)(4)e.]
X		12	11	11	IV-A-1	Master Concept Plan 24 X 36 inches [34-373(a)(6)a.]
X		3	3	3	IV-A-2	Master Concept Plan 11 X 17 inches [34-373(a)(6)a.]
X		4	4	-	IV-E-2	Surface Water Management Plan [34-373(b)(1)]
	X	4	4	4	IV-F-5	Excavation calculations [34-373(a)(6)i]
X		12	11	11	IV-I-1	Master List of uses for entire development [34-373(a)(8)]
X		12	11	11	IV-J-1	List of deviations & justification [34-373(a)(9)]
	X	12	11	11	IV-J-3	Drawings demonstrating deviations [34-373(a)(6)j]
X		4	4	4*	IV-K-1	Traffic Imp. Statement [34-373(a)(7)]
	X	12	11	11	IV-L-1	Program for phased development [34-373(a)(3)]
X		12	11	11	IV-M	Facilities for the development
	X	4	4	4	IV-M-1	Haz. Mat Emer Plan [34-202(b)(4)]
	X	4	4	4	IV-M-2	Mobile Home Park Information [34-203(d)]
	X	4	4	4	IV-M-3	Bonus Density units 34-202(b)(5)
	X	4	4	4	IV-M-4	Sanitary Sewer Facilities
	X	4	4	4	IV-M-5	Airport Hazard

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EXHIBIT IV-M

FACILITIES FOR THE DEVELOPMENT

1. Fire District: Iona McGregor

2. Estimated daily consumption of potable water:

2.a.	282 Residential Units:	70,500	gpd
2.b.	Mobile Home units:		gpd
2.c.	Rec. Vehicle units:		gpd
2.d.	Commercial:		gpd
2.e.	Industrial:		gpd

3. Source of Potable Water: Lee County Utilities

3.a. Agreement with the utility company is attached as **Exhibit IV-M-3.**

4. Source of Non-Potable Water N/A

5. Estimated daily production of wastewater:

5.a.	282 Residential Units:	70,500	gpd
5.b.	Mobile Home units:		gpd
5.c.	Rec. Vehicle units:		gpd
5.d.	Commercial:		gpd
5.e.	Industrial:		gpd

6. N/A Special effluent is anticipated. See **Exhibit IV-M-4**

7. Source of sanitary sewer service: Lee County Utilities

7.a. Agreement with the utility company is attached as **Exhibit IV-M-7**.

7.b. N/A A private on-site disposal facility will be used. See **Exhibit IV-M-4**.

7.c. N/A Individual sewage disposal systems will be used.

7.d. N/A Spray irrigation will be used. See **Exhibit IV-M-4**.

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LEE COUNTY
SOUTHWEST FLORIDA

Case # DCI2003-00049

Jurisdiction : Lee County

Agent/Applicant : EAST BAY GROUP, LLC

Owner WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT IA 52807

Description of Request

Following is a list of submittal requirements which were missing from your application received on 7/11/03

Thank you

We appreciate your submitting all required documents for the above referenced Planned Development application.

This document is for informational purposes only and is not intended to be construed as a finding of sufficiency or completeness of the application or documentation submitted.

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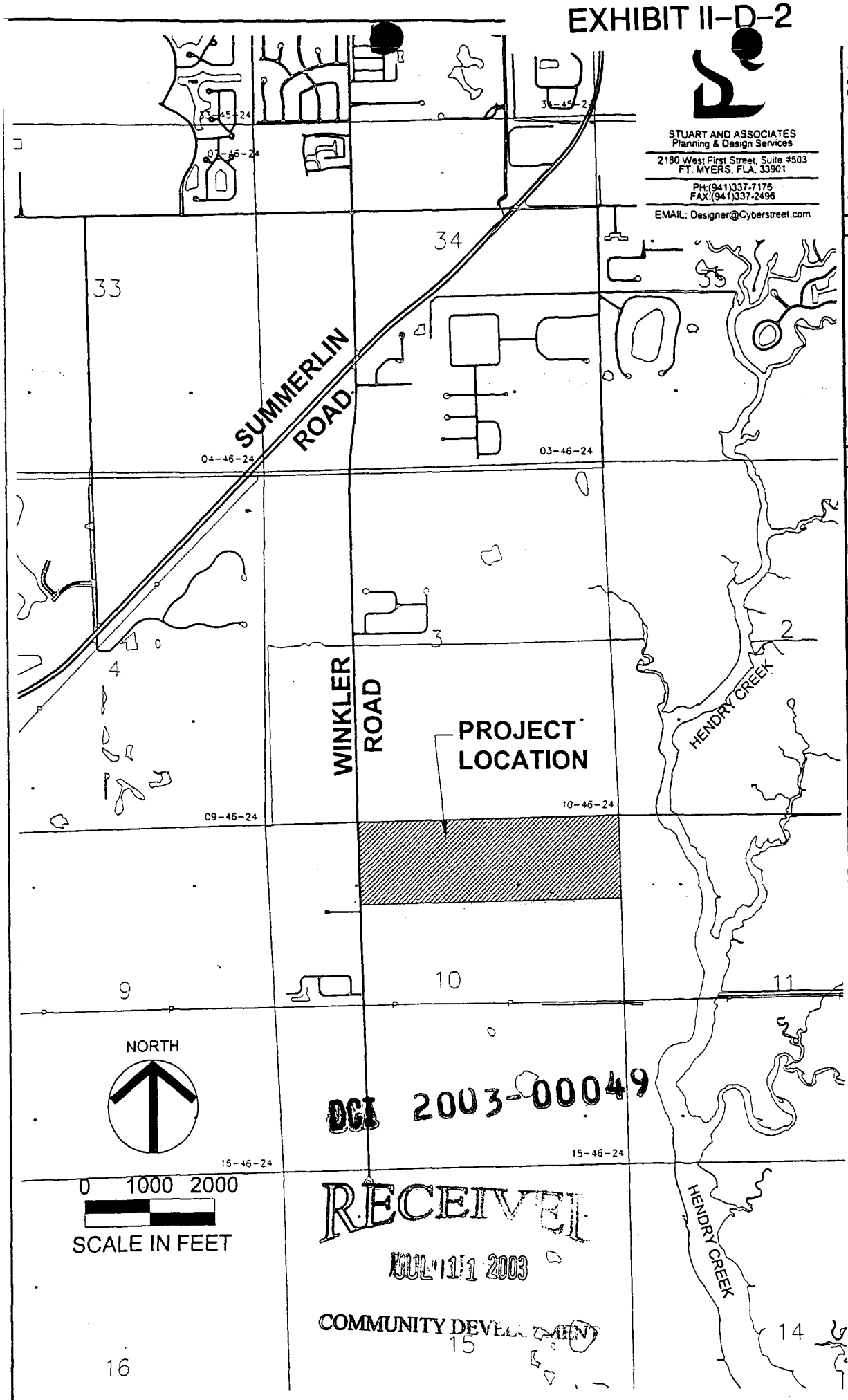
EXHIBIT II-D-2



STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
8660 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919
PHONE (941) 489-4066
FAX (941) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
CARL A. BARRACO, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 38536

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FILE NAME	21656X-LOC8X11.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21656\DWG\EXHIBITS\
PLOT DATE	WED, 3-13-2002 - 3:19 PM
PLOT BY	JENNIFER PARKER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

AREA LOCATION MAP
EXHIBIT II-D-2

PROJECT / FILE NO.	SHEET NUMBER
21656 10-46-24	1

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

Winkler Preserve RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNIT: SINGLE FAMILY, ZERO LOT LINE
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALL
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: DISPLAY CENTER, MODEL HOME, MODEL DISPLAY GROUP
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

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2271 McGregor Blvd. • Fort Myers, FL 33902
Phone (239) 461-3170 • Fax (239) 461-3169

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

September 2, 2003

Mr. Jeff E. Laurien
Senior Planner
Lee County Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

Re: Winkler Preserve
DCI2003-00049 – PDL Application (Major PD)

Dear Mr. Laurien:

Attached pleased find a revised schedule of uses for the Winkler Preserve RPD. Per our phone conversation, we have removed "Accessory Apartments" and added "Model Display Group".

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Daniel DeLisi, AICP
Vice President of Planning

DD/cmh
21737
Enclosure

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PART II
GENERAL INFORMATION

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A. **Action Requested**

Rezoning from: AG-2 TO: RPD

Other - Provide specific details: A 282 Unit Single Family RPD Subdivision

DCI 2003-00049

B. **Legal Description and Certified sketch of description:**

B.1. XX Attached is a legible copy of the legal description labeled **Exhibit II-B-1.A.** *[34-202(a)(1)]* (see enclosed)

Attached is an electronic copy of the legal description labeled **Exhibit II-B-1.B.**

B.2. XX Attached is a Certified sketch of description as set out in chapter 61G 17-6.006 FAC. labeled **Exhibit II-B-2.** *[34-202(a)(2)]* (see enclosed)

B.3. XX The property consists only of one or more undivided lots within a platted subdivision recorded in the Official Plat Books of Lee County. Attached is a copy of the Plat Book Page labeled **Exhibit II-B-3**, with the subject property clearly marked. *[34-202(a)(2)]*

B.4. **Subdivision Name:** Seminole Gardens PB 4 PG 65 See Attached List Ex. I-C-2 & Barraco Survey

Plat Book: 4 Page 65 Unit Block Lot(s)

Section: 10 Township 46 Range 24

B.5. **STRAP Number** See Attached List Ex. I-C-2

C. **Property Location**

C.1. **Project Street Address:** 17151 Winkler Road Fort Myers, FL 33908; See Attached List Ex. I-C-2,

C.2. **General Location Of Property:** Along the east side of South Winkler Road between the Crown Colony RPD and the Belle Meade S./D.

D. **Notice Information**

D.1. XX Planning Community(ies) in which located: Iona McGregor Planning Community #12

D.2. XX Area Location Map: An area location map, 8 by 11 inches in size, is attached as **Exhibit II-D-2**: *[34-202(a)(4)]* (see enclosed)

D.3. XX A list of surrounding property owners is attached as **Exhibit II-D-3.** *[34-202(a)(6)]* (see enclosed)

PART V AFFIDAVIT A2

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, * KATHY MORGAN as PRESIDENT of DEVELOPMENT SOLUTIONS, 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.

*** Name of Entity (corporation, partnership, LLP, LC, etc)**

Kathy Morgan
Signature

Kathy Morgan
(Type or printed name)

PRESIDENT OF DEVELOPMENT SOLUTIONS, LLC
(title of signatory)

STATE OF
COUNTY OF
The foregoing instrument was sworn to (or affirmed) and subscribed before me this Aug 1, 2003 (date) by Kathy Morgan (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Amy Dighton
Signature of person taking oath or affirmation

Name typed, printed or stamped
Amy Dighton

Title or rank

Serial number, if any

AMY DIGHTON
Notary Public - State of Florida
My Commission Expires Aug 16, 2007
Commission # DD204627
Bonded By National Notary Assn.

* NOTARY SEAL

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership..*

DCI 2003-00049

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EXHIBIT I-A-2

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned do hereby swear or affirm that they are the fee simple title holders and owners of record of property commonly known as ***Winker Preserve*** *and legally described in Exhibit A attached hereto.*

The property described herein is the subject of an application for zoning or development. We hereby designate ***Kathy Morgan with Development Solutions, LLC and Barraco Associates, Inc.*** *as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.*

Owner (signature)*

W. Michael Kerver, Vice President
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this ***20th*** day of ***June***, 20***03***, by

W. Michael Kerver as Vice President of Winkler Preserve, LLC, who is personally known to me or who has produced

personally known as identification.

Notary Public

(SEAL)

OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

Janet E. Allison
(Name typed, printed or stamped)

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DCI 2003-00049

PART I
APPLICANT\PROPERTY OWNERSHIP INFORMATION

A. **Application Initiated By:**

A.1. N/A Application is owner-initiated or applicant is authorized by a Covenant of Unified Control. A copy of the Covenant of Unified control is attached as **Exhibit I-A-1.** *[34-202(b)(1)b.]*

A.2. X Applicant has been authorized by the owner(s) to represent them for this action. A copy of the Notarized Authorization form is attached as **Exhibit I-A-2.** *[34-202(b)(1)c.]*

A.3. N/A Applicant is a contract purchaser/vendee. A copy of the Notarized Authorization form is attached as **Exhibit I-A-3.** *[34-202(b)(1)d.]*

B. **Name of applicant:** Development Solutions, LLC

Mailing Address: Street 6150 Diamond Centre Court, Building 1300

City: Fort Myers State: FL Zip: 33912 Ext:

Phone Area Code: 239 Number: 482-1500

Fax Area Code: 239 Number 481-8477

E-mail:

C. **Property Ownership**

C.1. Name of property owner(s) Winkler Preserve, LLC

Mailing Address: Street: 11220 Metro Parkway, Suite 27

City: Fort Myers State: FL Zip: 33912

Phone Area Code: 239 Number: 939-9996 Ext:

Fax Area Code: 239 Number 939-5316

E-mail:

C.2. N/A **Property owners list:** A list of all owners of the subject property and their mailing addresses is attached as **Exhibit I-C-2.** *[34-202(a)(5)]*

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D. **Date property was acquired by present owner(s):**

D.1. X The owner(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I- D-1**. *[34-202(b)(1)a]*

D.2. X The property is subject to a sales contract or sales option and the contract purchaser(s) is/are required to file a disclosure form. The completed disclosure form is attached as **Exhibit I-D-2.** *[34-202(b)(1)a]*

E. **Deed Restrictions:**

E.1. N/A Existing deed restrictions or other covenants on this property may affect this request. A copy of the deed restrictions or other covenants is attached as **Exhibit I-E-1**. *[34-202(b)2]*

E.2. N/A A narrative statement explaining how the restrictions may affect the requested action is attached as **Exhibit I-E-2.** *[34-202(b)2]*

DCI 2003-00049

F.1. **Authorized Agent: This is the person who will receive all county-initiated correspondence regarding**

PART I AFFIDAVIT A1

AFFIDAVIT
APPLICATION IS SIGNED BY AN INDIVIDUAL OWNER OR APPLICANT

I, Ronald Inge, 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

Ronald Inge
(Type or printed name)

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DC12003-00049
PERMIT COUNTER

STATE OF Florida

COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this October 31, 03 (date) by Ronald Inge (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Johanna Seybold
Signature of person taking oath or affirmation

Johanna Seybold
Name typed, printed or stamped

Title or rank

Serial number, if any

Johanna Seybold
MY COMMISSION EXPIRES
February 18, 2007
#DD172588
Bonded thru Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

PART I AFFIDAVIT A2

AFFIDAVIT
APPLICATION IS SIGNED BY A CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, * Ronald Inge as President

of Developments Solutions, 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.

Development Solutions, LLC.
*Name of Entity (corporation, partnership, LLP, LC, etc)

Signature

Ronald Inge
(Type or printed name)

President
(title of signatory)

RECEIVED
NOV 04 2003
DCI2003-00049
PERMIT COUNTER

STATE OF Florida
COUNTY OF Lee

The foregoing instrument was sworn to (or affirmed) and subscribed before me this October 31, 2003 (date) by Ronald Inge (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

Johanna Seybold
Signature of person taking oath or affirmation

Johanna Seybold
Name typed, printed or stamped

Title or rank

Serial number, if any

Johanna Seybold
MY COMMISSION EXPIRES February 18, 2007
#DD172588
Bonded thru Troy Fain-Insurance
NOTARY PUBLIC, STATE OF FLORIDA

STATE OF FL

Notes:

- *If the applicant is a corporation, then it is usually executed by the corp. pres. or v. pres.*
- *If the applicant is a Limited Liability Company (L.L.C.) or Limited Company (L.C.)., then the documents should typically be signed by the Company's "Managing Member."*
- *If the applicant is a partnership, then typically a partner can sign on behalf of the partnership.*
- *If the applicant is a limited partnership, then the general partner must sign and be identified as the "general partner" of the named partnership.*
- *If the applicant is a trustee, then the they must include their title of "trustee."*
- *In each instance, first determine the applicant's status, e.g., individual, corporate, trust, partnership, estate, etc., and then use the appropriate format for that ownership.*

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

July 9, 2003

Ms. Pam Houck, Zoning Director
Lee County Development Services
1500 Monroe Street
Fort Myers, Florida 33901

Re: Winkler Preserve RPD

Dear Ms. Houck:

Enclosed please find the resubmittal of the Application for Public Hearing for the Winkler Preserve RPD. As you may recall, this is a rezoning for a property along Winkler Road that was submitted in March 2002, was recommended for approval by both staff and the Lee County Hearing Examiner, but then withdrawn at the Board of County Commissioners Public Hearing.

Since that time, the applicant has been evaluating how best to proceed with the proposed project and has decided to resubmit the Application for Public Hearing. Included in this package are staff's sufficiency letters and the applicant's sufficiency responses. The only changes to the request submittal are based on our efforts to work with the Belle Meade Community and to address their concerns:

1. Removal of the access road to Belle Meade, causing the applicant to request a deviation from LDC Section 10-291(3). To offset any concerns this may cause for Lee County with regard to providing only one access location, we have added an additional emergency access location along Winkler Road.
2. Removal of the request to blast.

It is our hope that given the recent favorable review and recommendation of this project, and the information provided as part of this submittal, this application can move quickly through the review process and again be considered by the Board of County Commissioners.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Dan DeLisi, AICP
Vice President of Planning

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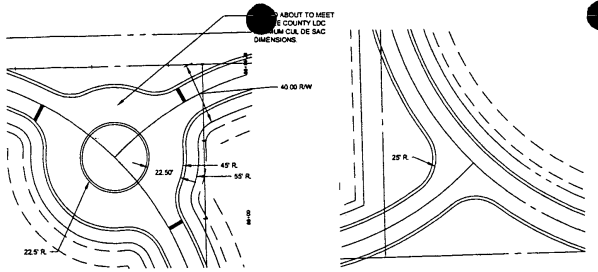
COMMUNITY DEVEL...
DCI 2003-00049

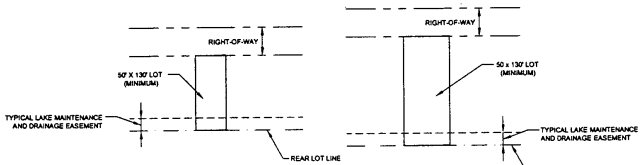
21737
cc: Kathy Morgan w/enclosures
Russell Schropp w/enclosures

EXHIBIT IV-A-2

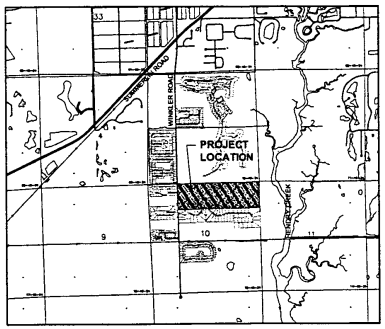


ALTERNATE INTERSECTION
N.T.S.

TYPICAL INTERSECTION
N.T.S.



TYPICAL LOT CONFIGURATION
N.T.S.



LOCATION MAP
N.T.S.

PROJECT NOT LOCATED ON LEE TRANSIT ROUTE

The Winkler Preserve Project Summary

Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	282
Gross Residential Density	2.57 DU/Acre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	NA – All Lots Min. 6500 sq.ft. or greater
Minimum Regulatory Native Open Space	NA - 15.5-ac East Site Tidal & Tidal Mangrove Wetland

The Winkler Preserve RPD Use Schedule

ACCESSORY USES AND STRUCTURES
DWELLING UNIT: SINGLE FAMILY, ZERO LOT LINE
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALL
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: DISPLAY CENTER, MODEL HOME
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

Residential Development Standards:

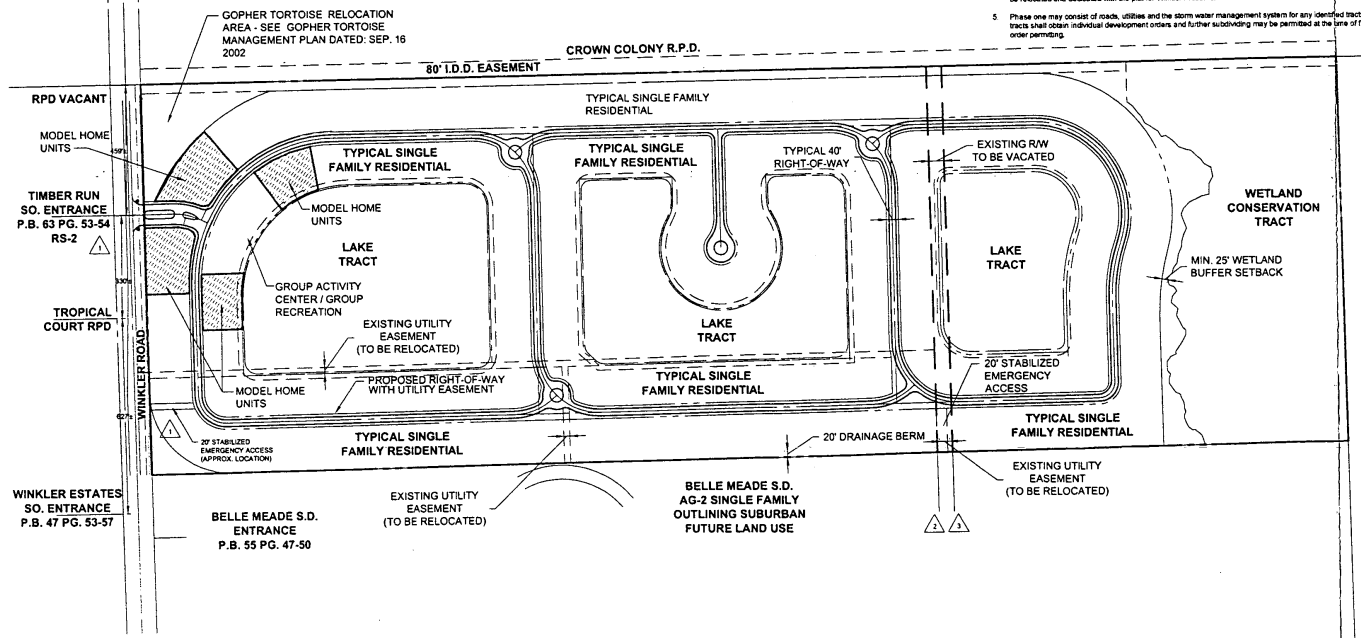
Single Family Dwelling Units–

Min. Area Dimensions:	
◆ Min. Lot Area	6500 sq.ft.
◆ Min. Lot Depth	130-ft.
◆ Min. Lot Width	50-ft.
Min. Building Setbacks:	
◆ Right-of-Way (Front Entry Garage)	20-ft.
◆ Right-Of-Way (Side Entry Garage)	15-ft.
◆ Side Yard	5-ft.
◆ Rear Yard Setback	15-ft., 35-ft. along south property line
◆ Rear To Water Body	20-ft.
◆ Rear To Preserve Setback	20-ft.
◆ Accessory Structures (Side & Rear Yard)	5-ft., 25-ft. rear along south property line
Max. Building Height	35-ft./2 stories
Max. Lot & Group Activity Center Parcel Coverage	45%

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 – 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq.ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for Winkler Preserve.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts. Lots and tracts shall obtain individual development orders and further subdividing may be permitted at the time of final development order permitting.

PUD-VACANT RESIDENTIAL
2002 ZONING PROPOSAL FOR
200 VILLAS M.F. UNITS TO CROWN COLONY



DCI 2003-00049

REQUESTED DEVIATIONS:

1. DEVIATION 1: A REQUEST TO DEVIATE FROM LDC SECTION 10-291(3) THAT REQUIRES RESIDENTIAL DEVELOPMENT OF MORE THAN FIVE ACRES TO PROVIDE TWO OR MORE MEANS OF INGRESS OR EGRESS FOR THE DEVELOPMENT. WHERE FEASIBLE, THESE ALTERNATE ACCESS POINTS SHOULD NOT BE ONTO THE SAME ROADWAY.
2. DEVIATION 2: A REQUEST TO DEVIATE FROM LDC SECTION 10-294 THAT REQUIRES STREETS WITHIN A PROPOSED DEVELOPMENT TO BE CONNECTED TO STREETS IN THE ADJACENT AREA TO PROVIDE FOR PROPER TRAFFIC CIRCULATION.
3. DEVIATION 3: A REQUEST TO DEVIATE FROM THE LDC SECTION 10-299 THAT REQUIRES STREET STUBS TO ADJOINING AREAS FOR PROPER CIRCULATION.

NORTH

0 100 200 400
SCALE IN FEET

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

Barraco and Associates, Inc.
CIVIL ENGINEERS, LAND SURVEYORS
LAND PLANNERS AND CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE
RESIDENTIAL DEVELOPMENT
PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

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NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
© COPYRIGHT 2003, BARRACO AND ASSOCIATES, INC
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FILE NAME	21656MCP-7-10-03.DWG
LAYOUT	LAYOUT1
LOCATION	J:\2173\DWG\MCP\
PLOT DATE	THU, 7-10-2003 - 2:15 PM
PLOT BY	TOM HOLMLUND
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN=2173T200
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

5-2002	PER COUNTY COMMENTS
7-2002	REDUCE SCALE TO 200'
7-22-2002	ADD DEVIATION #2
12-3-2002	PER COUNTY COMMENTS
7-10-2003	ADD EMERGENCY ACCESS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656 10-46-24	1

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

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Winkler Preserve
R.P.D. Surface Water Management Plan

Exhibit IV-E-2

DCI 2003-00014

The following is a written description of the Winkler Preserve Water Management concept:

A. Run-off characteristics of the property in its existing state.

The run-off characteristics of the property in its existing state include sheet flow from west to east to wetlands along the western boundary into Hendry Creek.

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:

The property is bound by Crown Colony RPD to the north, Belle Meade subdivision to the south, Winkler road to the east, and Hendry Creek to the west. It appears that all adjacent land flows to the west to Hendry Creek via existing water management system and there is no off-site flow anticipated to enter the project. Run-off from the developed land will be directed to proposed lakes, which will provide both water quality and attenuation of run off, prior to discharging via a control structure to the west. Discharge will be directed via the control structure from the proposed lake into a spreader swale, which will convey discharge from the property as sheet flow to the wetlands along the parcel's western boundary.

C. The retention features including existing natural features that will be incorporated into the drainage system and legal mechanism, which will be guaranteed their maintenance.

The retention features will include a spreader swale prior to discharging to the wetlands along the western boundary of the property, in order to emulate existing conditions. A Home Owner's Association will be established which will guarantee maintenance of the stormwater management system.

D. How will existing natural features be preserved? Include an estimate of the ranges of existing post-development water table, elevations, where appropriate.

The wetlands along the western boundary, and upland vegetative buffer along the western boundary are proposed to be preserved. The water table elevation and therefore the proposed lake control elevation will be based upon site investigation and water surface elevations established for adjacent surface water management permits.

E. The requirement for fill material proposed post-development for other than building pads.

Fill material will be generated from excavation from the proposed on-site lakes. This fill will be used for embankment to create the on-site roadways and building pads.

F. If the property is subject to seasonal inundation or is 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 affects of expectable flooding.

The property is located within Zone A-12 and A-14, elevation 11.0 and 10.0 NGVD as shown on FIRM (Flood Insurance Rate Map), Community Panel #125124 0435 B, dated September 19, 1984. All finish floor elevations will reference a minimum of 11.0 NGVD.

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

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DCI 2003-00046

Winkler Preserve
R.P.D. Surface Water Management Plan

Exhibit IV-E-2

The following is a written description of the Winkler Preserve Water Management concept:

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The run-off characteristics of the property in its existing state include sheet flow from west to east to wetlands along the western boundary into Hendry Creek.

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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

EXHIBIT IV-J-1

SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

Deviation Requested

1.) A request to deviate from LDC Section 10-291(3) which requires residential developments of more than five acres to provide two or more means of ingress or egress for the development. Where feasible, these alternate access points should not be on the same roadway.

2.) A request to deviate from LDC Section 10-294 which requires streets within a proposed development to be connected to streets in the adjacent area to provide for proper traffic circulation.

3.) A request to deviate from the LDC Section 10-295 that requires street stubs to adjoining areas for proper circulation.

Deviation Justification

The project was originally designed with ingress/egress points at both Winkler Road and the Belle Meade subdivision along the project's southern boundary. As requested by the Belle Meade community, the second access has been eliminated. To offset the loss of the second access point, the project has been designed to provide a 20' stabilized emergency access point to Winkler Road. The need for these deviations is based solely on the applicant's efforts to address community concerns. With the addition of the emergency access point on Winkler Road, this request does not have any negative impacts on the health, safety and general welfare of the public.

DCI 2003-00049

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JUL 11 2003
PERMIT COUNTER

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

EXHIBIT I-D-1

DISCLOSURE OF INTEREST FORM FOR:

STRAP NO. **See Attached** **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, Address, and Office	Percentage of Stock
Winkler Preserve, LLC	**Advance Homes, Inc. 100%**
11220 Metro Parkway, Suite 27	
Fort Myers, Florida 33912	

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

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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, Address, & Office (if applicable)	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	

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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)

W. Michael Kerver, Vice President Winkler Preserve, LLC
(Printed or typed name of applicant)

STATE OF FLORIDA

COUNTY OF LEE

The foregoing instrument was certified and subscribed before me this ***20th*** *day of* ***June*** *200* ***3*** *,*

By ***W. Michael Kerver, as Vice President of Winkler Preserve, LLC*** *who is personally known to me or who has produced*

personally known *as identification.*

(SEAL)

_____
Signature of notary public

JANET E. ALLISON
Printed name of notary public

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

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DCI 2003-00049

DISCLOSURE OF INTEREST FORM FOR:

STRAP NO:

10-46-24-01-00001.0000
10-46-24-01-00002.0000
10-46-24-01-00003.0000
10-46-24-01-00004.0000
10-46-24-01-00029.0000
10-46-24-01-00030.0000
10-46-24-01-00031.0000
10-46-24-01-00033.0000
10-46-24-01-00034.0000
10-46-24-01-00035.0000
10-46-24-01-00036.0000

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EXHIBIT II-B-1.A

Barraco and Associates, Inc.

www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County Florida. Said tract or parcel being more particularly described as follows:

From the northeast corner of the northeast quarter (NE 1/4) of said Section 10 run S01°19'12"E along the east line of said fraction and the east line of lots 1 through 4 of SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records, for 1,231.02 feet to the northeast corner of BELLE MEADE subdivision as recorded in Plat Book 55, Page 47, Lee County Records; thence run along the north line of said subdivision for the following courses: S88°44'24"W for 1290.25 feet; S88°45'10"W for 1345.49 feet to an intersection with the west line of said fraction; thence continue along the north line of said BELLE MEADE subdivision S88°44'24"W for 1,269.80 feet to an intersection with the east right-of-way line of Winkler Road (100.00 feet wide); thence run N01°17'21"W along said right-of-way line for 1,252.26 feet to an intersection with the north line of the northwest quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said north line for 1,269.57 feet to the southwest corner of CROWN COLONY subdivision as recorded in Plat Book 68, Page 23, Lee County Records; thence run N89°02'07"E along the south line of said subdivision for 2,635.38 feet to the POINT OF BEGINNING.

Containing 111.27 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the NE 1/4 of said Section 10 to bear N89°02'07"E.

21608s02desc.doc

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Scott A. Wheeler 7/9/03
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

OCT 2003-00049

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

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Exhibit II-E-2 Lee Plan Consistency Report

The 110-acre Residential Planned Development is located within the Future Outlaying Suburban Land Use category. The Outlying Suburban land use catergory is fundamentally oriented towards providing residential uses and activities, with very limited commercial development. The Lee Plan allocates residential densities of up to 3 units per acre with no bonus densities or density transfers from non-urban areas. In this particular case the Winkler Preserve RPD is consistent with Policy 1.1.6 in that the project is designed to support a 283 dwelling unit single family subdivision at a gross residential density of 2.57 dwelling units per acre. No density transfers or bonus densities are proposed. Hence, the project is well within the permitted densities stipulated in 1.1.6. Finally, the project's development standards stipulate that all single-family lots will be equal to or greater than 6,500 sq. ft. In so doing, the project is exempt from minimum regulatory open space requirements.

The project is consistent with Special Treatment Areas Objective 1.7. The Winkler Preserve RPD is not located in an Urban Reserve area, a Privately Funded Infrastructure Overlay area, a Water Dependent Overlay area, a Public Acquisition Overlay area, the Airport Noise Zone Overlay area, and the Agricultural Overlay area. Similar to the many other residential subdivisions within the south Winkler Road neighborhood, the project is located in the 100-year flood plane. Consequently the projects roads and residential finish floor elevations will be elevated so as to meet the standards set by FEMA.

The project is located within the Iona McGregor Planning Community. The Planning Community has 222 available acres within the Outlying Suburban land use district. Thus the project is consistent with Policy 1.7.6. The project is consistent with Lee Plan Goal Two Growth Management along with Development Location Objective 2.1. The property is located within the Lee Utility Franchise area with central water and sanitary sewer available to serve the project. In fact, the project is best characterized as an urban infill development location that serves to promote a continuous and compact growth pattern. This growth pattern is consistent with the low to medium density residential development pattern associated south Winkler Road neighborhood. Within the Winkler Road south corridor one finds RS-1, RS-2, RS-3, RPD and AG-2 residential communities. For example, the project adjoins the Crown Colony RPD and the Belle Meade subdivision. Along Winkler Road one finds a variety of residential developments and subdivisions including Colony Lakes, Wellington, Southwind Preserve and Lexington Country Club. The project is consistent with the Development Timing Objective 2.2 in that appropriate utilities and services are available at adequate levels to service the residential planned development. For that reason the project will continue to advance the growth management goal and Objective 2.1 and 2.2, both along Winkler Road and also within the Iona McGregor community. Finally, shopping opportunities to support the project are available along the Summerlin Road corridor such as and including the new Publix shopping center at Winkler Road. This fact further demonstrates the projects urban, infill location and consistency with Lee Plan growth management goals and objectives.

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The project is consistent with Development Design Goal 4 and Residential Use Goal 5. The project is designed to develop housing identical to what is being built within the south Winkler Road neighborhood. The project stipulates a minimum 6500 sq. ft. lot size or larger for single-family uses and activities. The project will utilize and develop a highly disturbed property characterized as having a high degree exotic vegetation infestation. Though the Land Development Code does not require regulatory open space for the project, the property features ample open space

areas including an approximately 16-acre native vegetation conservation tract, large lake interior open space areas, landscape berms and buffers and a group recreation activity center. Accordingly, the projects open spaces, active and passive recreational areas are consistent with Goal 4.

Site access will be provided directly onto Winkler Road with LDC compliant connecting spacing between other residential developments. A LDC compliant emergency secondary access is proposed along the south boundary. Winkler Preserve's sound circulation and access design is consistent with Development Design and Residential Use goals, objectives and policies. The projects south boundary secondary access connection is supported by an existing north south right of way that effectively bisects the property. Associated with the rezoning application, this right-of-way is being vacated by the Applicant. This disconnected ROW section is being vacated because it is an isolated, dysfunctional road segment. Both Crown Colony to the north and Belle Meade to the south do not incorporate north south local roads as prescribed by the subject ROW within their developments. The project is consistent with Transportation Goal 22 in that south Winkler Road is a public local street with an adequate level of service and capacity to sustain the project.

The project is consistent with Policy 5.1.1, 5.1.2, 5.1.3 and 5.1.5. The project location allows for reasonable proximity and access to educational and community facilities including Heights Elementary school, Cypress Lake Middle and High School and various parks (Lakes Park) and coastal recreation areas. The project is consistent with Policy 5.1.5 in that it does not present a use encroachment that is potentially destructive to other South Winkler Road residential communities. The proposed single-family project is of the type and density that does not present a potentially destructive use to adjoining and surrounding properties. As noted, the project adjoins two single-family residential developments and is within the South Winkler Road residential neighborhood. The Crown Colony RPD is a 400-acre golf course country club community that features multi-family condominiums, 50-ft. wide villa lots and 70-ft. single-family lots. Currently the RPD is being amended to include a 200-unit multi-family and single- family villa development tract. This development tract is a vacated PUD located along the northwest boundary of Winkler Preserve. To the south one finds Belle Meade, a large lot, AG-2 residential subdivision. Along the south Winkler Road corridor one finds numerous residential developments that support a variety of housing types including multi-family units, duplexes, single family villas and single homes. For example, Southwind Preserve features 101 50-ft. and 70-ft. wide single family homesites. Colony Lakes is a 54-acre RPD that features 85 single-family lots and 90 duplex lots (180 units). Lexington features multi-family villas and the Wellington is developing 75-ft. * 125-ft. single-family homesites. From this assessment, one finds that the Winkler Preserve RPD is compatible with existing and future residential neighborhoods and in so doing consistent with Policy 5.1.5.

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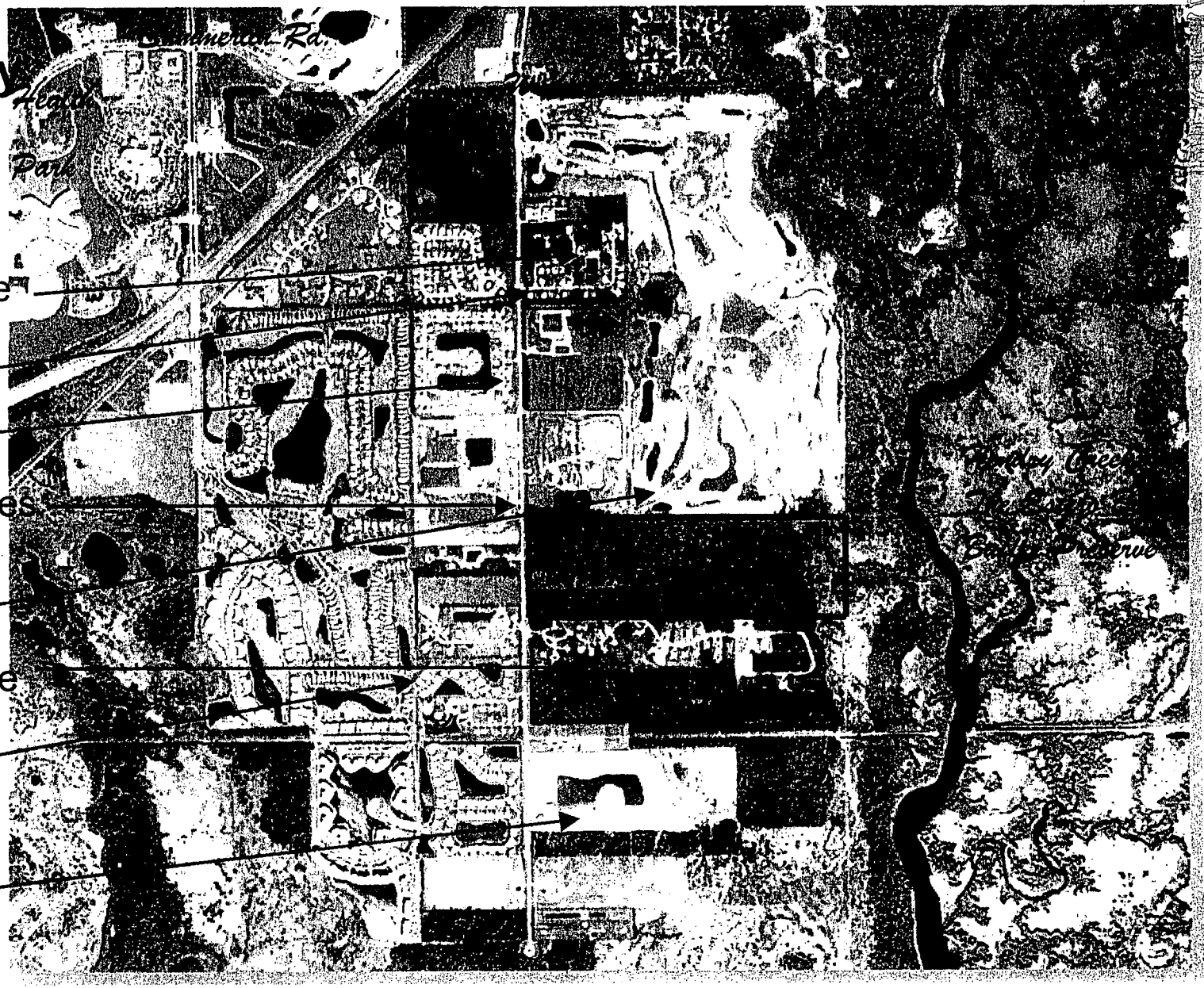
Winkler Preserve

Community Context



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Winkler Preserve

The Winkler Preserve Drainage Plan

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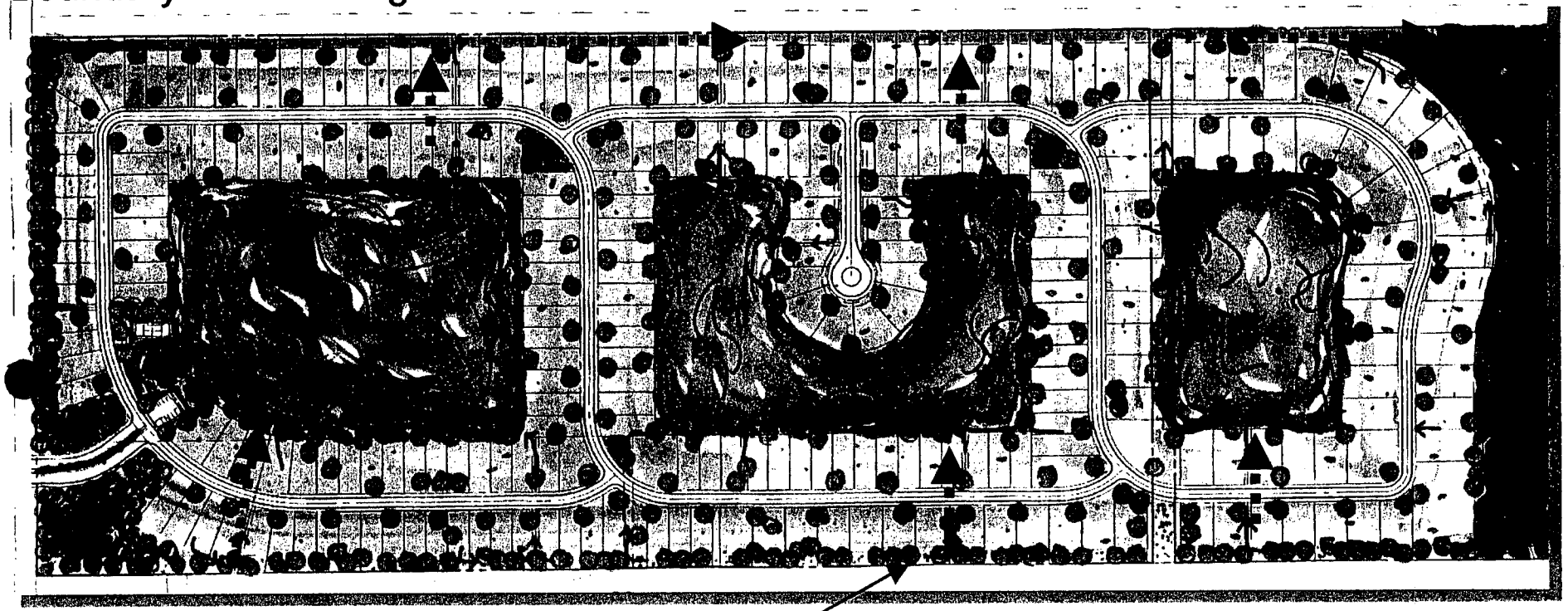
Lakes To Provide Water Quality Treatment and Storage with Discharge Into North Boundary IDD Drainage Canal

Development To Drain Northward Into Large Central Lakes and Away From The Belle Meade Subdivision



South Site Interceptor Drainage Swale and Berm

Project's Surface Water Management Plan to Meet or Exceed Outstanding Florida Waterways Criteria

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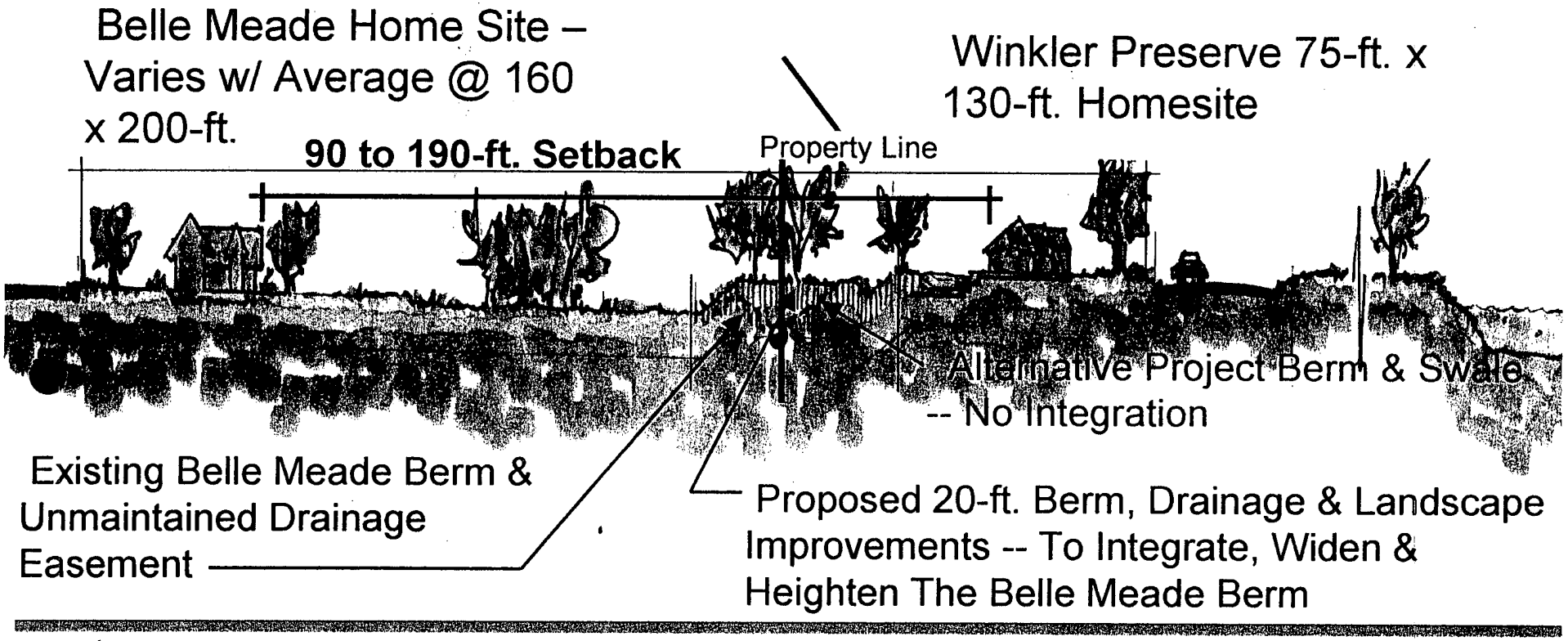
Winkler Preserve

The Winkler Preserve Drainage Plan

Development To Drain Northward Into Large Central Lakes and Away From The Belle Meade Subdivision



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The Winkler Preserve Project Description Report – Exhibit II – E-4 Design Standard and Exhibit II – E – 5 Decision Guidelines

The Winkler Preserve RPD presents a standard lake-oriented single-family sub-division. Centered around three large lakes, the Master Plan is designed to create a lake front community with three distinct internal neighborhoods (see Master Concept Plan). The design provides for safe and sensible circulation by based upon a connected series of interdependent loop roads. In turn, these three-loop roads create the projects three internal single family neighborhoods. The project use schedule reflects the specific nature of the project by enlisting only single family residential housing types along with related accessory, recreation and infrastructure uses. As identified in the Lee Plan Consistency Report (see Exhibit II-E-2) the project's design complies with all key design and residential use goals and policies. Of particular note is the project's consistency with Development Design Goal 4 and Neighborhood Protection Policy 5.1.5. As such the project complies with LDC 34 – 145 (d) (3.a) in demonstrating rezoning entitlement.

The Winkler Preserve RPD is located at the southern end of Winkler Road within the Iona McGregor Planning Community. The proposed RPD is located within the Future Outlying Suburban land use district. Neighboring land uses are either existing residential or vacant agriculture with the potential and expectation of supporting residential development. The project is characterized as a single-family residential infill development on a 110-acre platted property. The 110-acre site features approximately 27 acres of fresh water and tidal wetlands. The tidal wetlands are comprised of 15.55 acres with the balance being FLUCCS 424 Hydric Melaleuca wetlands. The fresh water 424 wetlands have a high degree of exotic vegetation infestation. According to Bagley Environmental Consultants, all of the sites non-tidal fresh water wetlands have little if any functional value. This fact reflects the functional isolation of these wetlands, located between the Crown Colony RPD to the north and the Belle Mead subdivision to the south. Accordingly the project calls for impacting approximately 11.5 acres of these poor quality isolated wetlands. This is consistent with SFWMD isolated wetland permitting rules and LDC 34-145 open space functional use requirements.

The Winkler Preserve net development area will be 94.3 acres. The project sets aside the 15.55-acre east site tidal wetland area. By creating a large conservation tract that is integrated to the Crown Colony and Belle Meade east site conservation areas, the project complies with all of the open space LDC 34-145 provisions. The requested residential density is based upon the 94.3 acres of net development lands. These net lands are the size and quality suited for residential development. Thus the project complies with LDC 34 – 145 (d) (3.d).

The Master Concept Plan is shaped around the development of 3 large lakes with a single access connection onto Winkler Road south. In so doing the project conforms to LDC 34 – 145 (c, n & d). The use of a wide gated entrance connection onto Winkler Road south Local Street will minimize potential community road impacts. The access connection exceeds LDC spacing separation for local streets. The project complies with LDC 34-145 (d) (3.b). Winkler Preserve features a Type D Winkler Road landscape buffer, utilizes the IDD drainage

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canal for a north boundary Crown Colony open space buffer and proposes and integrated 20-ft. landscape berm easement along the south boundary. This 20-ft. berm easement will serve as a landscape buffer and drainage divide for the Belle Meade subdivision. As a key functional component of the Winkler Preserve surface water management system, the berm will ensure that the project's surface water will drain northward into the lake system, meet State water quality treatment standards and then discharged into the IDD drainage ditch. The south boundary berm easement will thus assure that the project will not present drainage impacts to the Belle Meade neighborhood. In turn, this design element proves to implement and be consistent with the LDC 34 – 414 (i, n & k) and 34 – 145 (d) (3.d) in that it serves to minimize potential project impacts.

As previously stated the project presents very limited and contextually related single-family uses in that it is a 2.5 unit per acre single-family sub-division. Located within the south Winkler Road neighborhood, the proposed RPD is identical or very similar to the areas other RS-1, RS-2, RS-3, RPD and AG-2 residential developments, including Crown Colony, Belle Meade, Colony Lakes, Wellington, Southwind Preserve and Lexington Country Club. Therefore the single-family project complies with LDC 34 – 414 (f & m). Finally, the project complies with LDC 34 – 145 (d) (3.e & h). This is so in that central water and sanitary sewer services along with fire, police and EMS services are available to service the project. The project will not burden or overwhelm existing or committed public facilities.

The project is consistent with LDC 34 - 411 (g) in that the project does not contain significant natural areas or high quality habitat for rare or threaten species that will be used for development. The project preserves in its entirety the high quality wetland system within the eastern portion of the site. This system is congruent with the preservation tracts specified in Crown Colony to the north and the Bell Meade subdivision to the south. Hence, the design is consistent with and complies to LDC 34 – 145 (d) (3.f). The property does contain a number of gopher tortoise burrows. These burrows are on top of the man-made spoil deposits. These areas are devoid of native vegetation (see Bagley Environmental report). The Applicant proposed to obtain an Incidental Take permit from the State. Gopher Tortoises relocation will be in a manner consistent with Lee County development standards and within the onsite areas to the west of the tidal wetland line.

The project's development standards are based on building single-family homes with accessory structures (swimming pools). The homes will be built on minimal 6500 sq. ft. homesites and will be a maximum two stories. These standards are consistent with the existing and emerging residential development within the south Winkler Road corridor. Therefore the projects development standards comply with LDC 34 – 414 (n). Finally the project features an internal loop road system that segments the project into three distinct neighborhoods. In so doing the infrastructure design permits the project to comply with LDC 34 – 4.14 (b, c & d.1-3).

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EXHIBIT III-B-1

STUART AND ASSOCIATES
Planning & Design Services

January 30, 2002

Gloria Sajgo, AICP
Lee County Department of Community Development
P O Box 398
Fort Myers, FL 33902

RE: Request for Historic Site Survey – The 110-ac. Seminole Gardens Winkler Road Property Assemblage

Dear Gloria:

Pursuant to your request to have all requests for historic site assessments through a review of the Florida Master Site File go through Lee County, the intent of this correspondence is to undertake historic research surveys for twelve recorded Lots within the Seminole Gardens Subdivision, Plat Book 4 Page 65. The subject lots within the Seminole Gardens Subdivision are located along South Winkler Road in South Fort Myers. The subject subdivision is located between the Crown Colony RPD to the north and the Belle Meade single-family subdivision to the south. Attached to this correspondence is a location map of the site and surrounding area. The project's strap numbers and street addresses are identified within the attachment.

Thank you for efforts with regard to this request.

Sincerely,

Greg Stuart, AICP
GS/mwwprojects/01.014/historicsurvey1.doc
Attachments

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2180 West First Street, Suite #503 • Fort Myers, FL 33901
Voice (941) 337-7176 • Fax (941) 337-2496 • E-mail Designer@Cyberstreet.com

EXHIBIT III-C-3

ENVIRONMENTAL ISSUES

A. **Topography: Describe the range of surface elevations of the property:** UCI 2003-00049
3.5 FT TO 4.75-FT

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the Lee Plan), flowways, creek beds, sand dunes, other unique land forms [see Lee Plan Policy 77.1.1 (2)] or listed species occupied habitat (see Sec. 10-4730 of the Land Development Code.

Prepared by Marshall Bagley of Bagley Environmental

Tidal wetland as shown on the Protected Species FLUCCS Map - FLUCCS 612/642 (Mangrove & Salt marsh) on the extreme eastern portion of the site. Approx. 11.7 acres

Freshwater wetlands As shown on the Protected Species FLUCCS Map - approximately 9.8 acres 424H (melaleuca) and approximately 2.5 acres of 641 (Freshwater marsh vegetation)

Occupied habitat as shown on the Protected Species FLUCCS Map primarily FLUCCS 743 thirty-two active/inactive gopher tortoise burrows. Along the north property boundary this 743 is estimated to have come from an IDD ditch and by estimating the age of oaks on the spoil has been in place for up to 40 years transforming this feature into a quality functioning ecotone with an almost equal mix of palmetto, live oak, cabbage palm and typical associates along with approximately 30-50% exotic vegetation

Occupied habitat As shown on the Protected Species FLUCCS Map – FLUCCS 321 a very few burrows (3) are within this area of palmettos near the old road and IDD berm. The burrows are exclusively in small areas where the soil has been artificially mounded by either apparent fire break activity or simply small scale soil dumping activity

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C. **Preservation/Conservation of Natural Features**: Describe how the lands listed in B. above will be protected by the completed project:

Prepared by Marshall Bagley of Bagley Environmental

The tortoises in the occupied habitat within the development area will be relocated through a take permit from the state, out of harms way into the north property boundary IDD berm, which consists of primarily native recruited vegetation and is currently occupied by goher tortoise. The berm will be provided with initial management through hand removal of exotic vegetation and planting of 250 units of herbaceous tortoise forage vegetation: 100 native prickly pear cactus pads, 50 golden creeper, 50 ground cherry and 50 wire grass clumps (relocated from the development area).

The tidal wetlands of the eastern portion of the site will be preserved and enhanced through hand exotic vegetation management including the abutting ring of hydric melaleuca and an additional 25' buffer. This area will be placed under a formal conservation easement to the state as mitigation for impacts to the low quality wetlands encountered over the development area of the site

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

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EXHIBIT III-D-1

Bus Riding Tips

- Be at Bus Stop 5 minutes before scheduled time
- Have exact fare. Drivers cannot make change
- Check the destination sign above the windshield to ensure you are boarding the correct route
- Transfers Good On Next Available Bus Only and Not Valid on Same Route
- Out of courtesy to fellow passengers, smoking, drinking, eating, gambling, littering,and music without headphones are not allowed.
- No Service provided on following days

New Year's Day	Labor Day
Memorial Day	Thanksgiving Day
July 4th	Christmas Day

Bus Pass Outlet Locations

Fort Myers
Intermodal Transfer Center
2250 Peck St.
LeeTran Office
6035 Idlewild Road

So. Fort Myers
Edison Community College
Student Services Building

Cape Coral
City Hall
1015 Cultural Parkway

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Fare Information

Adult Fare	$1.00
Discount Fare	$ .50
(available with Medicare card, or as a Disabled Citizen, Senior Citizen {65 or older} or under 18 Citizen with valid LeeTran ID)	
Pre-School Children (under 42 in.)	Free
Transfers	$ .15
(Must purchase when boarding)	

Passes

All Day Pass	$ 3.00
Adult Monthly Pass	$30.00
Student Monthly Pass	$25.00
Senior/Disabled Monthly Pass	$18.00
Adult Twelve Trip	$10.00
Student Twelve Trip	$ 7.50
Senior Twelve Trip	$ 5.00

Exact Fare Needed
Se require cambio exacto

Tarifas para Adultos	$ 1.00
Tarifas para Ancianos e Impedidos 65 años	$ .50
De edad o mayor (con tarjeta de Medicare)	
Pre-escolar niños (menos de 42 pulgadas)	No Pagan
Boleto de transbordo	$ .15

Pases

Pase Para de Dia	$ 3.00
Pase Mensual para Adultos	$30.00
Pase Mensual para Estudiantes	$25.00
Pase para Ancianos e Impedidos	$18.00
Pase de Doce Viajes para Adultos	$10.00
Pase de Doce Viajes para Ancianos	$ 5.00
Pase de Doce Viajes para Estudiantes	$ 7.50

50 SW FL Airport Summerlin Sq

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- SW FL Intl Airport
- Bell Tower Mall
- HealthPark Hospital
- Summerlin Square
- Tanger Outlet Mall

TRANSFERS

Bell Tower Mall	30, 80, 100, 140
Winkler Rd & Cypress Lake Dr	130
Summerlin Square	130

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Effective 5/01/03

Route 50 provides Sunday service

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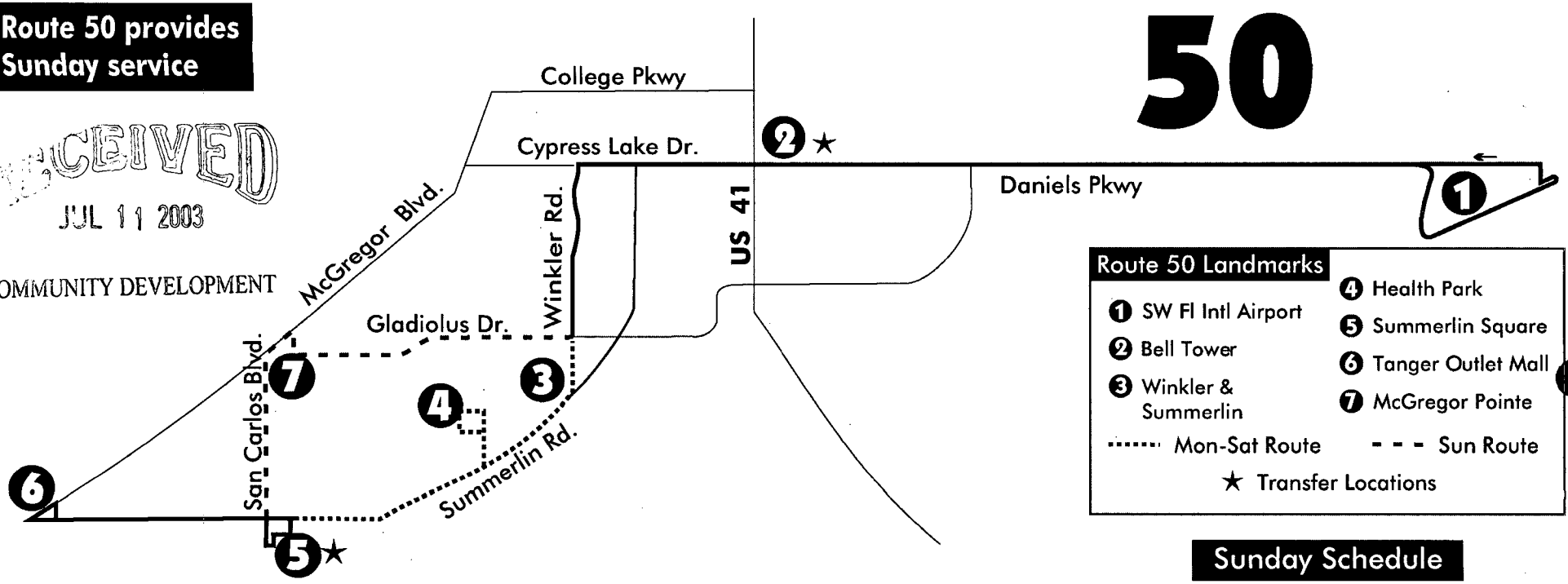
50



Route 50 Landmarks

1. SW Fl Intl Airport
2. Bell Tower
3. Winkler & Summerlin
4. Health Park
5. Summerlin Square
6. Tanger Outlet Mall
7. McGregor Pointe

····· Mon-Sat Route - - - Sun Route

★ Transfer Locations

Monday Thru Saturday

EASTBOUND

	5 Summerlin Square	6 Tanger Outlet Mall	4 Health Park	3 Winkler & Summerlin	2 Bell Tower	1 SW FL Intl Airport
2	*6:10	6:15	6:23	6:30	6:45	7:05
1	7:05	7:10	7:20	7:25	7:45	8:05
2	8:00	8:05	8:10	8:15	8:35	8:55
1	9:00	9:05	9:10	9:15	9:35	9:55
2	9:55	10:00	10:10	10:15	10:35	10:55
1	10:55	11:00	11:10	11:15	11:35	11:55
2	11:55	**12:00**	**12:10**	**12:15**	**12:35**	**12:55**
1	**12:55**	**1:00**	**1:10**	**1:15**	**1:35**	**1:55**
2	**1:55**	**2:00**	**2:10**	**2:15**	**2:35**	**2:55**
1	**2:55**	**3:00**	**3:10**	**3:15**	**3:35**	**3:55**
2	**3:55**	**4:00**	**4:10**	**4:15**	**4:35**	**4:55**
1	**4:55**	**5:00**	**5:10**	**5:15**	**5:35**	**5:55**
2	**5:55**	**6:00**	**6:10**	**6:15**	**6:35**	**6:55**
1	**6:55**	**7:00**	**7:10**	**7:15**	**7:35**	**7:55**
2	**7:55**	**8:00**	**8:10**	**8:15**	**8:35**	**8:55**
1	**8:55**	**9:00**	**9:10**	**9:15**	**9:35**	--

* - Service begins at the Ft. Myers Beach Pier 6:00am

WESTBOUND

	1 SW FL Intl Airport	2 Bell Tower	3 Winkler & Summerlin	4 Health Park	5 Summerlin Square
1	--	6:35	6:45	6:52	7:00
2	7:10	7:30	7:42	7:47	7:55
1	8:10	8:30	8:42	8:47	8:55
2	9:00	9:20	9:32	9:37	9:45
1	10:00	10:20	10:32	10:37	10:45
2	11:00	11:20	11:32	11:37	11:45
1	**12:00**	**12:20**	**12:32**	**12:37**	**12:45**
2	**1:00**	**1:20**	**1:32**	**1:37**	**1:45**
1	**2:00**	**2:20**	**2:32**	**2:37**	**2:45**
2	**3:00**	**3:20**	**3:32**	**3:37**	**3:45**
1	**4:00**	**4:20**	**4:32**	**4:37**	**4:45**
2	**5:00**	**5:20**	**5:32**	**5:37**	**5:45**
1	**6:00**	**6:20**	**6:32**	**6:37**	**6:45**
2	**7:00**	**7:20**	**7:32**	**7:37**	**7:45**
1	**8:00**	**8:20**	**8:32**	**8:37**	**8:45**
2	**9:00**	**9:20**	--	--	--

PM times in **BOLD**

All times are approximate

Sunday Schedule

EASTBOUND

5 Summerlin Square	6 Tanger Outlet Mall	7 McGregor Pointe	3 Winkler & Gladiolus	2 Bell Tower	1 SW FL Intl Airport
--	--	--	--	6:45	7:05
8:05	--	8:13	8:20	8:35	8:55
9:55	10:00	10:13	10:20	10:35	10:55
11:55	**12:00**	**12:13**	**12:20**	**12:35**	**12:55**
1:55	**2:00**	**2:13**	**2:20**	**2:35**	**2:55**
3:55	**4:00**	**4:13**	**4:20**	**4:35**	**4:55**
5:55	**6:00**	**6:13**	**6:20**	**6:35**	**6:55**
7:55	**8:00**	**8:13**	**8:20**	**8:35**	--

WESTBOUND

1 SW FL Intl Airport	2 Bell Tower	3 Winkler & Gladiolus	7 McGregor Pointe	5 Summerlin Square
7:10	7:30	7:45	7:52	8:00
9:00	9:20	9:35	9:42	9:50
11:00	11:20	11:35	11:42	11:50
1:00	**1:20**	**1:35**	**1:42**	**1:50**
3:00	**3:20**	**3:35**	**3:42**	**3:50**
5:00	**5:20**	**5:35**	**5:42**	**5:50**
7:00	**7:20**	**7:35**	**7:42**	**7:50**

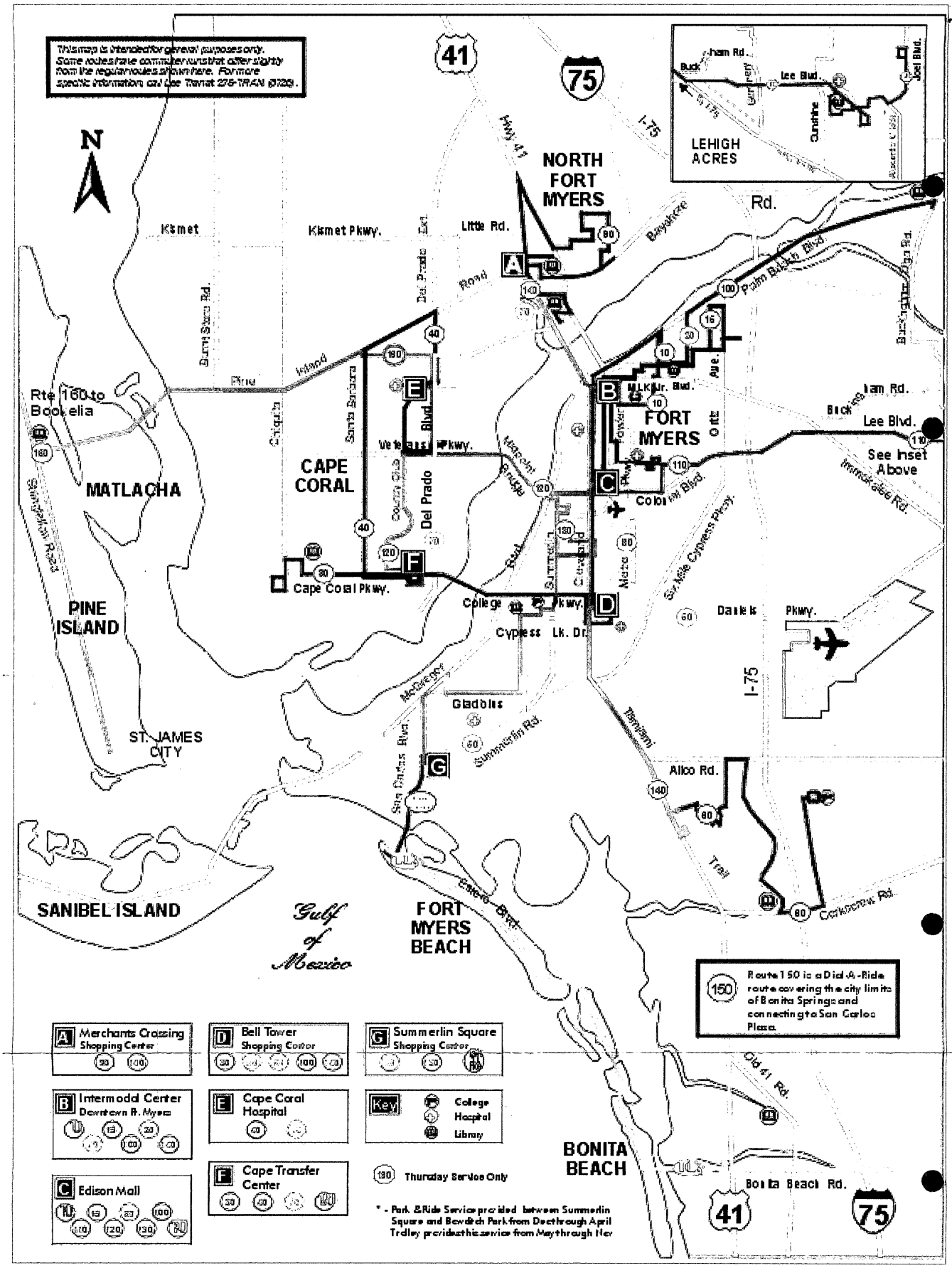


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EXHIBIT III-C-8

Winkler Preserve
Environmental Assessment & Protected Species Report

Lee County
Florida
Section 10, Township 46s, Range 24e

February 5, 2002

Prepared for
Stuart and Associates
2180 West 1st Street
Fort Myers, Florida

Prepared by
Marshall Bagley
Bagley Environmental & Planting Services, Inc.
10680 Tuliptree Court, Lehigh Acres, Florida 33936
(941) 369.3919

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Bagley Environmental & Planting Service Inc.
BE&P
10680 Tuliptree Court
Lehigh Acres, Florida 33936
Ph: 941.369.3919 Fax: 941.303.1589

February 5, 2002

Winkler Preserve
Environmental Assessment & Protected Species Report

Winkler Road Extension
Lee County, Florida
Section 10, Township 46S, Range 24E

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Introduction

Marshall Bagley, Senior Environmental Scientist of BE&P, performed a wetland and species survey on the subject parcel of "Winkler Run". This conglomeration of individual approximately 10 acre parcels is located within Section 10, Township 46S, Range 24E in Lee County, Florida (Figure 1). The project site is further described as containing approximately 110 acres and is located between the recently permitted Crown Colony Development on the north, the Belle Meade Development on the south, Winkler Road on the west and Hendry Creek on the east. The project site has been observed from an environmental assessment standpoint over portions of fourteen days by BE&P, Inc starting in August 2001 through February 2002 through the peak of a very active tropical rainy season when nearly the entire parcel was underwater to the current dry conditions of winter. Three of the fourteen days were in a formal protected species transecting mode.

Soil

The soils mapped over the majority of the site in the Lee County Soils Book were primarily non-hydric soils and the small scale 1976 aerial photo in the soils book generally shows that the site had significantly less wet surface area than today. This aerial interpretation was also confirmed during a historical aerial review of the general project site carried out at the Lee County Property Appraisers Office on 1": 200' aerial photographs. Over much of the property evidence of palmetto prairies and scrub cattle grazing activity was apparent through numerous meandering cattle trails, and past crop use is suspected over central portions of the area as evidenced by agricultural debris dumps and typical overgrown agricultural ditches and row crop swales.

DCI 2003-00049

However, this being said, major changes have taken place in this area since the 1976 aerial of the soil book.

Demonstrated from west to east the following soil types are observed on the Lee County Soils Map (Figure 2); #6 Hallandale Fine Sand, #42 Wabasso Sand with limestone substratum and #8 Hallandale Fine Sand tidal. Of the mapped soils only #8 Hallandale Fine Sand Tidal, is recognized as a Lee County hydric soil by the Lee County Soil and Water Conservation District List. Wabasso and Hallandale although not listed as hydric have been observed as a soil type, which can perch water on the soil surface due to the impermeable nature of the shallow limestone sub-surface. In fact, jurisdictional wetlands were observed on Wabasso and Hallandale soil in the permit for Crown Colony adjacent and north of this project site. Typically however, and as evidenced through a historical aerial review of the project area the Wabasso and Hallandale soil of this Lee County site did not historically stage water to the extent seen currently, but has been impacted through relatively recent factors induced by human activity such as two man induced recent breaks in the berm of the IDD ditch on the north property line in combination with a impermeable berm along the entire south property line which was built in 1992 by the Belle Meade development. Surrounding development as well as a flowing artesian well within the northern edge of the property has in reality left this group of parcels to act as a retention basin in recent years, which has led directly to the recent increased evidence of hydrology on the site.

Wetland

The property is comprised of a highly disturbed group of parcels. Numerous and substantial agricultural dumps are found on the property and the wetlands excluding the tidal portion of the site are dominated by melaleuca, an exotic tree species. There are numerous berms and ditches on the property and areas where it appears the soil surface was scraped down in association with previous attempts to remove melaleuca. This man induced site activity in association with influences of surrounding development has artificially augmented the period of inundation by standing water aiding in the establishment of a disturbed "wetland" condition. Wetlands have been flagged on the property by BE&P, Inc. and mapped on a 1": 200' current aerial photograph of the property (Figure 3). The wetland lines for the state (SFWMD) were reviewed onsite and approved by Mr. Craig Schmittler of the SFWMD on December 7, 2001. The lines have been surveyed located by Carl Barraco, whose survey will act as an addendum to this report.

It is BE&P's opinion that the uplands on the property were most greatly impacted in association with the time of construction of the adjacent and south Belle Meade Development, which

occurred in the early 1990's. According to the observation of substantial drowned upland palmetto prairies (now dominated by hydrologic indicators such as standing deep water during the rainy season and melaleuca) on the property and aerial photographs from the late 1980's through the 1990's there was a significantly larger area of uplands on the site. This area included a palmetto ridge, which graded downhill as uplands toward Hendry Creek. It was this historical data that required BE&P to use the altered sites criteria F.A.C. 62-340.300(3)(a) to determine the wetland lines, which are delineated in combination with the 1986 & 1990 Lee County aerials and the observance of current conditions. The listed aerials represented the pre-altered wetland condition of the site. This methodology and SFWMD pre-application meetings and assistance led to the subsequent verification of the wetland lines on the property.

Protected Species Survey Methodology

In compliance with the Lee County Endangered Species ordinance 89-34, Bagley Environmental surveyed the site for protected species by Florida Land Use, Cover Forms and Classification System (FLUCCS). First FLUCCS codes were assigned to the property as they occurred and labeled onto the 1999 "current" Lee County aerial photograph, then the given FLUCCS code areas were surveyed for the species identified within the Lee County Protected Species List per the FLUCCS code they typically occur in through The Modified Meandering Strip Census pedestrian transects in combination with stop look and listen points. The intent of the survey is to visually cover $\geq$90% of the parcel scanning for spoor of species and ultimately protected species and / or their homes. Upon locating the homes or nests of protected species they are flagged by number then located onto an aerial and by GPS for activity monitoring, inventory and future tracking.

In the case of this property it is estimated due to extremely dense head-high palmetto and extremely dense melaleuca over large areas that no more than 75% of the ground cover was able to be observed. The site was formally transected under clear and unseasonably warm conditions in the mornings and evenings of January 17, 2002, January 18, 2002 and January 22, 2002. Prior to the formal transecting during general environmental assessment and wetland flagging, 13 tortoise burrows were located and flagged.

Florida Land Use Cover Forms Classification System (FLUCCS)

FLUCCS present on the site were determined first through aerial photo review and then ground truthing the vegetation signatures in the field during the due–diligence and wetland survey of the

site. The following FLUCCS codes are present on the site and delineated on the FLUCCS Aerial submitted with this report and are listed here with their approximate acreages:

FLUCCS #	FLUCCS DESCRIPTION	**Planimetered Approx. Acreage**
160	Borrow pit / cattle watering pond	.05
260	Undetermined Use Agriculture	16.0
321	Palmetto prairie	8.0
321*/424	Palmetto prairie Dead & Stressed / Melaleuca	12.0
411I	Slash pine flatwood – Melaleuca Invaded	17.5
422/424	Brazilian pepper / Melaleuca	7.5
424	Melaleuca	17.0
424H	Melaleuca Hydric	9.8
427/428	Live Oak/Cabbage palm (Occupied by Gopher tortoise)	2.6
428H	Cabbage palm Hydric	.8
437	Australian pine	1.0
612	Mangrove swamp	6.0
612I	Mangrove swamp	2.7
641	Freshwater marsh (Depression)	2.5
642	Saltwater marsh	3.0
743	Spoil areas (Melaleuca Piles & Ag. Dump)	2.5
747	Ditch & Berm Spoil areas (Occupied by Gopher tortoise)	3.0

FLUCCS + I 25 – 75% Exotic Vegetation Invaded
FLUCCS + H Hydric (Wetland)

Protected Species (Fauna)

Thirty-two active/inactive gopher tortoise burrows were observed stranded on berms within the property and are shown on Figure 3. As gopher tortoise (*Gopherus polyphemus*) are upland dependent animals, the land tortoises have been stranded during the rainy season on the berms due to deep water over most of the site. As the water has receded the tortoises have not attempted to recolonize the upland areas as the vegetation is extremely dense and mixed with melaleuca, which has encumbered tortoise movement and limited recruitment and or growth of suitable native herbaceous tortoise forage species. Also a shallow layer of lime rock has been encountered over much of the site, which must impede successful burrowing activity to some extent.

Based on accepted ratios of gopher tortoise: active/inactive burrows we estimate that a burrow occupancy rate of .4 tortoises per active/inactive burrow would be applicable to the artificially enhanced and confined tortoise population of this site. If not for the take permit of Crown Colony and resultant potential tortoise recent immigration to this parcel we would have used a lower common multiple of .3 tortoise per active/inactive burrow. Therefore using the .4 multiple we estimate the project site tortoise population to be 13 gopher tortoise or **.4 Gopher Tortoise X 32 Active/Inactive Burrows.** This estimate does not in any way take into account the three dead tortoise shells encountered near the isolated burrows on the site.

Three dead tortoise carapaces were observed adjacent to the western most occupied berm, two of which appear, in BE&P's opinion, to have died in the last year or two, while the third has likely been dead longer as the shell is fragmented and scattered. Heavy hog activity is evident on the site including evidence of rooting in the mouth of some tortoise burrows, which could have an effect on tortoise reproduction as tortoises generally lay their eggs in or near the apron of the burrow opening. In general, based on the extreme lack of native edible herbaceous forage species for the tortoise on this property, it is BE&P's opinion that the tortoise on this site are probably starving and stressed in a condition of confinement. Because of the increased inner-species contact, poor nutrition and stress the Upper Respiratory Tortoise Disease could be having an accelerated effect on this "stranded" population.

Various wading birds such as snowy egret, great blue heron, white ibis and little blue heron were observed primarily perched and/or hunting in the tidal wetland of the eastern most portion of the site. Visual observation of one great blue heron, two little blue heron and one tri-colored heron were noted hunting within the cleared portion of the western most wetland during October and November in the course of flagging wetland lines. In the remaining wetland areas, which are primarily mature melaleuca or dense shrub no evidence of wading bird utilization was observed. No nests of the wading bird species were observed on the site. The majority of the slash pines found on the property were screened for cavities of Red-cockaded woodpecker and nests of protected species with no sign of their presence observed. Protected wood storks were not observed but are expected to use the site to some degree to feed. Three active eagle nests are within a 2-mile radius of this property, but none are within .75-mile diameter of any point of the project site.

Unprotected Native Fauna Species

The following is a list of unprotected vertebrate species observed on the parcel.

Red-shouldered hawk
Pileated woodpecker
Mourning dove
Carolina wren
Warbler spp.
Fish crow
Boat-tailed grackle
Florida box turtle
Black racer
Southern toad
Squirrel tree frog
Cuban anole
Feral pig
Armadillo
Gray squirrel
Raccoon (spoor)
Opossum (spoor)

Protected Species (Flora)

No protected species of plants were observed on the site, although heavily regulated Mangrove species including: red mangrove, black mangrove and white mangrove are present throughout the tidal wetland located over the eastern portion of the property.

Protected Species Management

Wading bird habitat on the property shall be protected through the preservation and enhancement of onsite wetlands, specifically the preservation and exotic vegetation management of the ecologically valuable ±12 acre "tidal" wetland within the eastern end of the property adjacent to Hendry Creek. The eastern wetland preserve will be buffered a minimum of 25' and will be incorporated into a conservation easement granted to the State of Florida. A split rail wooden fence will be erected along the preserve's entire length to prevent off road motor vehicle usage, and signs will be erected at the split rail fence designating the area as preserve. The continued management and formal conservation of the eastern wetland preserve, adjoining the Hendry Creek State Preservation Area will provide long term habitat protection to native aves in general.

The gopher tortoises within the site will be permitted through the State of Florida take permitting process and will be relocated out of harms way to the north berm of the property, which is currently suitable habitat and comprised of primarily native vegetation occupied by a few tortoise. Hand removal of exotic vegetation will take place here and the tortoises will be fenced off from re-entry into the project site during construction by approved and accepted methods of tortoise fencing. At a minimum, after hand exotic removal on the tortoise berm within the fenced area, 100 native prickly pear cactus pads, along with 50 golden creeper, 50 ground cherry and 50 wiregrass clumps shall be planted to provide some enhancement of forage species for the tortoise.

If you have any questions please contact Marshall Bagley by our letterhead contact information.

Sincerely,

Marshall Bagley BE&P, Inc.

Senior Environmental Scientist

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OCI 2003-00049

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

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District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-479-8336

MS. KATHY MORGAN
C/O LAND SOLUTIONS INC
8660 COLLEGE PARKWAY
FORT MYERS, FL 33919

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Re: WINKLER PRESERVE RPD
DCI2002-00012 - PDL Application (Major PD)

DCI 2003-00049

Dear MS. KATHY MORGAN :

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jeff E. Laurien
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
John Fredyma, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Don Blackburn, Development Review
Zoning/DCI Files

1) Initiation of Application-Legal Requirements. Ownership. Except for Condominiums, Timeshare Condominiums, or Subdivisions, where there is more than one owner, either legal or equitable, all such owners must jointly initiate the application or petition. [34-201(a)(1)a.]

Please see Legal Division comments.

3) Subdivision. The property is a subdivision and the application or petition has been initiated by no less than 75 percent of the total number of lot or parcel owners and the homeowners' association, if applicable. [34-201(a)(1)c.]

Please see Legal Division comments.

6) All applications requiring a public hearing must include the following: [34-202(a)]

Please see Legal Division comments

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Please see Legal Division comments.

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]

Please see Legal Division comments.

6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]

Please see Legal Division comments.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

Please see Legal Division comments.

6d) Confirmation of Ownership. If at any time during the review process the director concludes there is a question regarding ownership of the property, the director may require a title insurance policy, attorney??s opinion of title, or ownership and encumbrance report. [34-202(a)(3)]

Please see Legal Division comments.

6f) Property owners list. A complete list of all owners of property subject to this request and their mailing addresses must be provided. If multiple parcels are involved, a map showing the owner's interest must be provided. The names & addresses of property owners will be deemed to be those appearing on the latest county tax rolls. [34-202(a)(5)]

Please indicate the owner of the right-of-way that is proposed to be vacated.

9a) Survey. A Boundary Survey, prepared by a professional land surveyor, that meets the minimum technical standards as set forth in chapter 61G17-6 FAC, and has been signed and sealed within 1 year and shows the existing conditions on the property to full survey accuracy. [34-373(a)(4)a]

Please see Legal Division comments.

9e) Other Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]

Please refer to comments from the Environmental Division.

9e1) Soils Map. Soils, classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]

Please refer to comments from the Environmental Division.

9e2) FLUCCS Map. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification System. [34-373(a)(4)e.ii.]

Please refer to comments from the Environmental Division.

9e4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.iv.]

Please refer to comments from the Environmental Division.

9f) Easements/Rights-of-Ways. A map showing the exact location of existing easements and rights-of-way. The boundary sketch or Master Concept Plan may substitute for this map if the information is contained therein. [34-373(a)(4)f.]

Please show all easements and right-of-ways on the Master Concept Plan.

10) Lee Plan Compliance Narrative. A narrative explanation as to how the proposed development complies with the Lee Plan, as well as the guidelines for decision-making embodied in sections 34-145(c)(2)a. and e., and 34-145(d)(3). [34-373(a)(5)]

Please expand on the documents submitted, to explain in detail, how this is complied with in the application.

(11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Please refer to comments below.

11a) Sizes of Plans. Copies of the Master Concept Plan must be provided in two (2) sizes, 24 inches by 36 inches and 11 inches by 17 inches in size. [34-373(a)(6)]

11"x17" copies of the MCP have not been submitted. Please submit these copies.

12) Scale of Plans/Required Information. The Master Concept Plan must be clearly legible and drawn at a scale sufficient to adequately show and identify the following information: [34-373(a)(6)]

Please see comments below.

12a) Existing Easements. The exact location and explanation of all existing easements, whether or not those easements are recorded. [34-373(a)(6)a.]

Please show all easements and right-of-ways on the Master Concept Plan.

12d) Other Master Concept Plan Parcel Requirements. Where the subject property is to be divided into lots or parcels, the Master Concept Plan must indicate the following: [34-373(a)(6)c.]

Please see comments below.

12d1) Parcels/Lots. The general location, configuration, and approximate dimensions of each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide this information for a "typical" lot.

12d2) Lot Coverage. The lot coverage for each lot or parcel (including outparcels). [34-373(a)(6)c.]

Please provide this information.

12e) Development Areas. Individual development areas (I.e. residential, retail, office, manufacturing, mixed use-listed, etc.) must be identified with detail showing the following: [34-373(a)(6)d.]

Please see comments below.

12e3) Residential Dwelling Units. If residential is proposed, the maximum number of dwelling units by type. [34-373(a)(6)d.iii.]

CPL Per our meeting on Wednesday, April 3, please remove the requested Accessory Apartments from the Master Concept Plan and application.

12f) Service Areas. The general location of service areas for delivery of goods or services must be shown for all developments that are not residential subdivisions. [34-373(a)(6)e.]

Is there going to be a service area for the proposed recreation area? If so, please indicate where.

12g) Parks/Recreation/Indigenous Areas. The general location of all proposed parks and recreation areas and facilities, as well as indigenous areas to be preserved. [34-373(a)(6)f.]

Please refer to comments from Environmental Sciences.

12h) Open Space. 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 or industrial developments, the percentage of open space within each lot or outparcel must be per 34-414(c). [34-373(a)(6)g.]

Please refer to comments from Environmental Sciences.

CAL *12i) Buffers. The minimum width and composition of all proposed buffers along the perimeter of the subject property, as well as between the individual uses, if the types of proposed uses requires buffer separations. References to types of buffers as described in chapter 10 are acceptable. [34-373(a)(6)h.]*

Please be specific about all proposed buffers.

REVISED H2O PLAN *12k2) Flow Ways. If the development is within a floodplain or flow way, it is the applicant's responsibility at the time of local development order or SFWMD permitting to compensate for impacts to flood storage capacity or flow ways due to filling of the site. [34-373(a)(6)j.]*

Please submit information with regard to this issue.

13) Traffic Impact Statement. A traffic impact statement must be provided 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. [34-373(a)(7)]

Please refer to comments from LCDOT and Bob Rentz. In addition, please revise the TIS to reflect 282 units, and not the 280 as refered to in the submitted document.

14) Schedule of Uses. A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property must be provided including the following: [34-373(a)(8)]

Please see comments below.

14b) Units by Uses. The number of units (gross square feet for commercial/industrial uses, number of units for residential or motel/hotel uses, number of beds for institutional type uses, etc.) for each proposed use. [34-373(a)(8)ii]

As per our meeting of Wednesday, April 3, please remove any reference to Accessory Apartmens from the application, Also, correct the Master Concept Plan to refer to 282 units under the Project Summary, and not 283.

14c) Open Space Percentage. The proposed percentage of open space for the entire site. [34-373(a)(8)iii.]

Please refer to comments from Environmental Sciences.

16) Major Planned Developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

Please see comments below.

16a) Surface Water Management System Description. A written description of the proposed surface water management system that includes: [34-373(b)(1)]

It appears that the directions of east and west have been reversed on the submitted document. Please correct this, i.e. the wetlands are on the eastern side of the property, and not the western.

16b) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473. [34-373(b)(2)]

Please refer to comments from Environmental Sciences.

1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]

The MCP and required maps must be at the same scale. Please provide.

1b1) Soils. Soils, classified in accordance with the USDA/SCS System. [34-373(a)(4)e.i.]

1b2) Vegetation/Ground Cover. Vegetation and ground cover classified in accordance with the Florida Land Use and Cover Classification System. [34-373(a)(4)e.i.]

1b4) Topographic Map. A county topographic map (required if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)e.i.]

2) Protected Species Survey. A Protected Species Survey as required by LDC Section 10-473 must be provided for large projects (as defined in LDC Chapter 10) and Major Planned Developments . [34-373(b)(2)]

Please submit an aerial delineating transects, and a table of potential listed species by FLUCCS code and whether the species was observed.

3) 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]

Please revise the MCP to delineate a permanent gopher tortoise preserve. Moving the tortoises out-of-harm's way to a berm is not sufficient as a preserve and management plan.

4) Environmentally Sensitive Areas. The location, of any state jurisdictional wetlands and surface water, based upon standard environmental data and verified by the South Florida Water Management District staff, must be depicted on an aerial or FLUCCS map unless waived by the director.

Please submit a SFWMD verification of jurisdictional state wetlands.

5) Open Space. The percentage of open space must be clearly stated on the Master Concept Plan unless the proposed development consists solely of conventional single family dwelling units on lots of no less than 6,500 square feet. [34-373(a)(6)f.; 34-373(a)(8)iii.]

The proposed lot size is 6,500 square feet or greater, however, the proposed lot coverage is 60%. The standard allowable lot coverage is 40%. If 60% lot coverage is desired, please revise the MCP to provide 40% open space, of which, 30% must be common open space with the remaining 10% open space being provided as private open space to dwelling units with direct ground floor access.

Please revise the MCP to include open space required and provided.

6) Parks, Recreation Areas and Indigenous Areas. The general location of proposed parks, recreation areas and facilities as well as indigenous areas to be preserved must be shown on the Master Concept Plan. [34-373(a)(6)e]

Pending ES field verification, and open space / lot size & coverage clarification.

7) Preservation and Conservation Easements. All preservation areas and/or conservation easements must be delineated on the plan and labeled as such. [34-373(a)(6)a.], [34-414(d)], [34-932(b)]

Will the wetland preserve be placed under a conservation easement?

8) Design Standards: Environmentally Sensitive Areas. Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural features of the site, particularly mature native trees and threatened or endangered native vegetation. [34-411(g)]

Pending ES staff field verification.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
#239-479-8183; e-mail: trebatkm@leegov.com

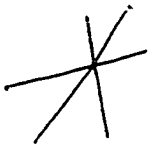
Legal Requirements Sufficiency Checklist

1a) The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]

The application includes a MCP which encompassess a 50 feet wide platted road which is not included in the property description and the ownership of which is in question.

19) Miscellaneous Items.

Please see the attached letter from the School District of Lee County for additional needed information. This includes information regarding whether any of the residential units will be age restricted to those over 55 in accordance with HUD standards, and an estimate of the number of school aged children expected to reside in the proposed development.



Please submit a Certificate To Dig Application to review any archaeological issues.

The submitted application indicates there will be special development regulations proposed for the development. Please clarify this, and submit information detailing these special development regulations.

Please be advised that blasting on the subject property is an issue an staff may recommend that no blasting be allowed.

Carl

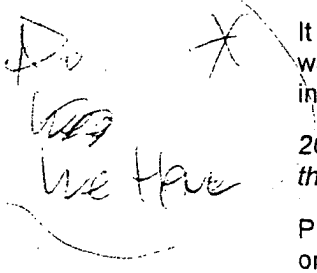
Please be advised that all proposed lakes will need a maintenance easement around them. Please show this on the MCP.

Please be advised that staff may recommend that a sidewalk extend the entire length of the subject property and beyond on Winkler Avenue. The subject property is currently a platted subdivision. Please indicate how this will be addressed. I.e., will the existing plat be vacated?



The proposed subdivision does not encompass the right-of-way proposed to be vacated within the owner's lots that have been submitted. Please address this issue.

Please refer to the attached coments from John Fredyma, Assistant County Attorney, and Don Blackburn, Development Review Manager.



It does not appear that agreements with the utility companies for potable water and sanitary sewer service have been submitted. Please submit this information.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Please contact Jeff Laurien, Senior Planner, at 479-8336, with any questions on this Planned Development Checklist.

Environmental Sciences Planned Development Sufficiency Checklist

3a1) The applicant(s) must provide a sworn statement that the list has been verified and that written notice was given. [34-201(a)(1)c.2]

3b) Proof must be provided that all lot owners who did not join in the application were given actual written notice thereof by the applicant(s). [34-201(a)(1)c.2]

3c) The applicant(s) must provide a sworn statement that the list has been verified and that written notice was given. [34-201(a)(1)c.2]

4) General Legal Submittal Requirements For all Applications. All properties within a single application must be abutting. [34-201(b)(1)]

Four of the platted lots are separated from the other eight platted lots by a 50 feet wide platted road.

6a) Legal description. The request must include a legal description of the property upon which the action is to be initiated. [34-202(a)(1)]

The property is described as platted lots. The MCP includes a platted roadway. If the roadway is to be included, a perimeter boundary description will be required and proof of unencumbered fee ownership of that area provided for review by County staff. Otherwise, the MCP must be revised to respect the platted road.

6a1) The legal description must be sufficiently detailed so as to locate the property on county maps or section aerial photographs. [34-202(a)(1)]

6a2) The legal description must include a copy of the plat or plats, if any, and the county STRAP number(s). [34-202(a)(1)]

6a3) If the application includes multiple abutting parcels or consists of other than one or more undivided platted lots, the legal description must specifically describe the perimeter of the total property, by metes & bounds with accurate bearings and distances for every line, but need not describe each individual parcel. [34-202(a)(1)]

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

6c1) The perimeter boundary must be clearly marked on the survey with a heavy line and must include the entire area to be developed. [34-202(a)(2)]

The Boundary Survey does not include the 50 feet wide platted road between lots 1 through 4 and lots 29 through 36. This area is included in the MCP.

6c2) The boundary survey must show the location of existing structures on the property. [34-202(a)(2)]

The survey notes that improvements were not located.

6c3) If the property encompasses 10 or more acres the survey must be tied to the state plane coordinate system for the Florida West Zone (North America Datum of 1983/1990 Adjustment). [34-202(a)(2)]

The survey does not provide state plane coordinates.

6d) Confirmation of Ownership. If at any time during the review process the director concludes there is a question regarding ownership of the property, the director may require a title insurance policy, attorney's opinion of title, or ownership and encumbrance report. [34-202(a)(3)]

The MCP includes a platted road which is not included in the platted lots making up the property description. It is unclear who owns this platted road and there is no record of the public's interest in this road having been vacated anywhere within the subdivision.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

The traffic Impact Statement does not show background traffic for the project area, please provide AM/PM Peak Hour Traffic Counts on Winkler Road south of Summerlin Road. DOT Staff feels that significant existing traffic is present on Winkler Road south.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Contact Michael Tisch concerning these comments at 479-8580.

T.I.S. Checklist

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

Background traffic must be shown for Winkler Rd. from the project site to Summerlin Rd., either from the Traffic Count Report, or by manual counts, if Traffic Count Report data is unavailable.

7) Level of Service Analysis. The TIS for projects generating more than 100 net new trips during the A.M. or P.M. peak hour of the adjacent street must contain an analysis of the Level of Service for all links within the area of influence.

A level of service analysis for Winkler Rd. from the project site to Summerlin Rd. must be performed.

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections.

9) Necessary Improvements. When the Level of Service analysis for any project shows that the LOS on links or at any intersection falls below the minimums adopted in THE LEE PLAN, the TIS must contain a recommendation and analysis of the improvements that are needed to meet or exceed the prescribed LOS standard.

Required improvements, if any, will be based on the above required level of service analysis.

10) Miscellaneous items.

Table 2A; the Lee County D.O.T. 2001 K100 and Directional factors should be used.

CLAP 01-017
11 JUL 02 STUART
SUFFICIENCY RESPONSE

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-479-8336

June 11, 2002

MS. KATHY MORGAN
C/O LAND SOLUTIONS INC
8660 COLLEGE PARKWAY
FORT MYERS, FL 33919

Re: WINKLER PRESERVE RPD
DCI2002-00012 - PDL Application (Major PD)

Dear MS. KATHY MORGAN :

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

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jeff E. Laurien
Senior Planner

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

DCI 2003-00049

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
John Fredyma, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Don Blackburn, Development Review
Zoning/DCI Files

16) Major Planned Developments. The following information is required for all Major Planned Development Zoning applications except PRFPDs. [34-373(b)]

Please see comments below.

16a) Surface Water Management System Description. A written description of the proposed surface water management system that includes: [34-373(b)(1)]

BARRACO

It appears that the directions of east and west have been reversed on the submitted document. Please correct this, i.e. the wetlands are on the eastern side of the property, and not the western. Although the first sufficiency response states that this has been done and re-submitted, it was not received by staff. Please submit this correction.

19) Miscellaneous Items.

G.S.

In conversation with Gloria Sajgo, no request for a historical archaelogical evaluation has been received by her. Please submit this request..

ASC

It was expressed to staff that blasting may be required on the subject property. Please submit information to substantiate this need. This should include but not necessarily be limited to soil borings, a geology report and findings of cap rock on the subject property. This information is needed to evaluate the need for blasting. If this information is not submitted, staff may recommend no blasting be allowed on the subject site.

KM-N/A

Please be advised that all proposed lakes will need a maintenance easement around them. Please show this on the MCP. Although this was shown on "typical lots" ont the newly submitted MCP, please label this maintenance easement around all proposed lakes.

KM-NONE

Are any agricultural uses currently on the subject property? If so, please detail the uses and area upon the subject property where they are occuring. Be advised that any and all agricultural uses must be ceased upon any approval (should approval be granted) of the requested rezoning, and any existing agricultural tax exemption must be terminated.

KM

The proposed subdivision does not encompass the right-of-way proposed to be vacated within the owner's lots that have been submitted. Please address this issue. A response was received to this question, however, based on comments from the County Attorney's office, the property owners must establish title to the underlying fee of the area of the right-of-way prior to the issuance of any DO. In addition, if the BOCC does not approve the vacation of the r-o-w, then the applicant would have to return to a public hearing to revise the plat. With this in mind, the applicant may wish to consider replating the property rather than vacating the r-o-w. This would address this issue.

KM-DONE

Comments from Don Blackburn, Development Review Manager state that a deviation will be required for the spacing between the proposed access to the subject property and the proposed driveway across Winkler Road, since the spacing would be less than 330 feet.

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

Please contact Jeff Laurien, Senior Planner, at 479-8336, with any questions on this Planned Development Checklist.

Environmental Sciences Planned Development Sufficiency Checklist

1) Description of Existing Conditions, Soils, Vegetation Fluccs, Topography. The application for a Planned Development must be accompanied by the following: [34-373(a)(4)]

1b) Maps. Maps drawn to the same scale as the Master Concept Plan marked or overprinted to show: [34-373(a)(4)e]

BARRACO

A FLUCCS map at the same scale as the MCP overlaid on the aerial must be submitted. This information is important for gopher tortoise management.

3) 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]

KM

As previously requested: Please revise the MCP to delineate a permanent gopher tortoise preserve. Moving the tortoises out-of-harm's way to a berm is not sufficient as a preserve and management plan. Please note that in the Fall of 2001 the BOCC unanimously voted that a permanent gopher tortoise preserve must be provided onsite even when an incidental take permit is acquired. ES staff recommend a meeting to determine an appropriate gopher tortoise preserve prior to resubmitting to expedite the review process.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
#239-479-8183; e-mail: trebatkm@leegov.com

Legal Requirements Sufficiency Checklist

1a) The application was signed by the owner of the property or an authorized representative. [34-201(a)(1)a.1.]

KM

The application includes a MCP which encompassess a 50 feet wide platted road which is not included in the property description and the ownership of which is in question.

3a1) The applicant(s) must provide a sworn statement that the list has been verified and that written notice was given. [34-201(a)(1)c.2]

3b) Proof must be provided that all lot owners who did not join in the application were given actual written notice thereof by the applicant(s). [34-201(a)(1)c.2]

3c) The applicant(s) must provide a sworn statement that the list has been verified and that written notice was given. [34-201(a)(1)c.2]

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6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

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The MCP includes a platted road which is not included in the platted lots making up the property description. It is unclear who owns this platted road and there is no record of the public's interest in this road having been vacated anywhere within the subdivision.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

Natural Resources Sufficiency Checklist

1) Sufficiency Comments.

The proposed integration with the Belle Meade subdivision must have the Board of Directors acknowledgement prior to our consent for approval.

STUART

Development Solutions, LLC

September 4, 2002

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Lee County
Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Jeff E. Laurien, Senior Planner

Re: Winkler Preserve RPD
DCI2002-00012 – Sufficiency Response

Dear Mr. Laurien:

This letter is to provide additional information to the above zoning file:

- 11 Revised Master Concept Plans
- 11 Revised Deviation and Justification Exhibit
- 11 Copies of Preliminary Survey without platted roadway
- 4 Copies of the Opinion of Title from Bolanos Truxton, P.A.
- 4 Copies of Letter received from Belle Meade Subdivision regarding interconnection to their development.

The Master Concept Plan has been revised to reflect the Deviations. The Entrance to the site has also been changed to be directly across from Timber Run. Cross sections of the possible berm configurations has been removed from the MCP and will be addressed at the time of permitting.

The Deviation and Justification Exhibit has been revised to reflect the Deviations.

Please do not hesitate to contact me at 482-1500 or 228-8889 if there are any questions regarding this submittal.

Sincerely,

Kathy Morgan, President
Development Solutions, LLC

Enc.

DCI 2003-00049

c: Greg Stuart, Stuart and Associates
Carl Barraco, Barraco and Associates, Inc.

8660 College Parkway • Suite 160 • Fort Myers, FL 33919 • 239-482-1500 • 239-481-8477 fax

EXHIBIT IV-J-1
DEVIATION REPORT
DCI2002-00012

Revised 9/3/02

Deviation One – A request to deviate from LDC Section 10-291(3) that requires residential development of more than five acres to provide two or more means of ingress or egress for the development. Where feasible, these alternate access points should not be onto the same roadway.

Deviation Two – A request to deviate from LDC Section 10-294 that requires streets within a proposed development to be connect to streets in the adjacent area to provide for proper traffic circulation.

Deviation Three – A request to deviate from the LDC Section 10-295 that requires street stubs to adjoining areas for proper circulation.

Justification: The above Deviations are based upon provided a divided median 4-lane entrance access connection onto Winkler Road. Similar to the Heritage Cove RPD (located along A & W Bulb Road) and other Plan Developments in Lee County, public health and safety considerations are address through a 4-lane divided entrance. Emergency vehicles will have ingress and egress regardless if one side of the divided median is blocked (see MCP deviation detail). Furthermore, the Applicant has meet on tow occasions with the residents of Belle Meade Subdivision. The residents made it clear in both instances that they do not want to see either a primary or secondary access connection into their privately maintained street system and subdivisions. A copy of a letter from the Belle Meade Subdivision is included in the zoning submittal. The project will benefit from the deviation by satisfying legitimate concerns by Belle Meade residences to protect their neighborhood from unwarranted traffic and privacy. The project will benefit from Deviation One by obtaining a more efficient use of the property. With the exception of two golf course country club communities (Lexington and Crown Colony), the RPD's requested single access connections onto Winkler Road is identical to all current and planned residential subdivision within the South Winkler Road corridor. To conclude, the 4-lane divided median access connection will provide the proposed RPD with more than adequate and safe emergency access.

Law Offices
BOLAÑOS TRUXTON, P.A.

2121 Ponce De Leon Boulevard
Suite 600
Coral Gables, Florida 33134
Telephone: (305) 567-0424
Facsimile: (305) 567-0423

12800 University Drive
Suite 340
Ft. Myers, Florida 33907
Telephone: (941) 437-5421
Facsimile: (941) 437-5797

Reply to Ft. Myers

Email: gtruxton@bolanostruxton.com

August 28, 2002

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

John J. Fredyma, Esquire
Assistant County Attorney
Lee County, Florida
2115 2nd Street
Fort Myers, Florida 33901

Re: Plat of Seminole Gardens, Plat Book 4, Page 65, Lee County Public Records (the "Plat") VAC2002-00032 & DC12002-00012

Dear Mr. Fredyma:

Please be advised that this firm represents Winkler Preserve, L.L.C. ("Winkler Preserve"). Winkler Preserve currently is the owner of fee simple title to Lots 31 through 34 of the Plat. Additionally, Winkler Preserve is under contract to purchase Lots 1, 2, 3, 4, 29, 30, 35 and 36 of the Plat.

Winkler Preserve has filed a Petition for Vacation of that portion of the fifty (50) foot road right-of-way depicted on the Plat lying to the West of and adjacent to Lots 1 through 4, and to the East of and adjacent to Lots 29 through 32. Although the Plat depicts a fifty (50) foot road, it does not contain a specific dedication.

Pursuant to your request, I am enclosing a copy of the relevant portions of Attorney Title Insurance Fund Note No. TN24.01.03, "Ownership of Vacated Platted Street". TN24.01.03 states that where there is no specific dedication of streets on the Plat, the owners of lots abutting the streets take title. With respect to interior streets, the owners of lots abutting an interior street take title to the center of the vacated street.

Since there are no dedications on the Plat of Seminole Gardens for the fifty (50) foot right-of-way, the owners of lots abutting the fifty (50) foot right-of-way will take title to the center line upon vacation of the right-of-way.

DCI 2003-00048

Please call me if you have any questions.

Very truly yours,

Gregg S. Truxton

GST/pgt

L:\Realmark Group (828)\Realmark Realty Group, LLC (03)\Fredyma 8-27-02.doc

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

DCI 2003-00049

BOLAÑOS TRUXTON, P.A.
2121 Ponce de Leon Boulevard. Suite 600, Coral Gables, Florida 33134-5222
12800 University Drive, Suite 340, Ft. Myers, Florida 33907

must, in the first instance, have been constructed, in the sense of built or made, by the public entity so that at a definite point in time it can be said that construction of a road has occurred. Also, the court said that the road must be continuously and uninterruptedly maintained or repaired for the four-year statutory period. The court also said that the statutory requirements are designed to put the legal titleholder on notice both as to the commencement of the four year period (construction) and as to the continued assertion of the adverse claim for the four-year period (repair or maintenance).

See also TN 3.02.02 E.

Ownership of Vacated Platted Street

TN 24.01.03
(Rev. 12/95)

For ownership of vacated unplatted streets, see TN 24.01.08.

Platted streets must be vacated by proper governmental action before they can be insured. A Fund Agent may rely on a recorded ordinance or resolution of the appropriate governing body, as a release of public rights to the vacated area, provided a specific legal description of it is set forth, and it states unequivocally that the governmental interest is vacated. Private rights must be considered.

A. Ownership: Dedicator or Remote Grantees

After a platted street is vacated, who has better title to the vacated street—the dedicator or the remote grantees, the purchasers of lots abutting the street? The primary guide in such situations is the intention of the dedicator as reflected in the dedication.

Where there is no specific dedication of streets on a plat or where the dedication is silent as to the reversionary interest after vacation of the streets, the general rule is that the owners of lots abutting the streets take title. The difficulty arises when the dedication contains a reversion clause that may indicate a contrary intention.

Dedications of streets often contain a reversion clause such as:

> . . . reserving to ourselves, our heirs, administrators, executors, or assigns, the reversion or reversions thereof if ever discontinued by law.

In *Peninsular Point, Inc. v. South Georgia Dairy Co-op*, 251 So.2d 690 (Fla. 1st DCA 1971), the First District Court of Appeal held that a reversion clause similar to the one set out above manifested a clear intent by the dedicator that upon vacation of the street the title should not revert to the abutting lot owner. Probably to overcome the effect of the *Peninsular Point, Inc.* case, the Florida Legislature enacted Sec. 177.085, F.S., effective

July 1, 1972, which provides among other things that the reversionary interest in platted streets is carried to the grantees unless the grantors clearly provide otherwise in the conveyances. Title Standard 11.3 expresses concern with the constitutionality of the purported retroactive application of this statute to plats filed prior to the statute's effective date. *United States v. 16.33 Acres of Land in Cty. of Dade*, 342 So.2d 476 (Fla. 1977), involved a dedication and reversion clause in a plat filed prior to July 1, 1972. The Fund's opinion is that it controls over the *Peninsular Point, Inc.* unless the holder of the reversionary rights instituted suit as provided for in Sec. 177.085 (2).

In the *United States* case, the Supreme Court of Florida held that upon conveyance of all the lots in a plat, without clear reservation of the reversionary interest in the deeds, the reversionary interest of the dedicator was distributed among the lot owners and the dedicator had no interest in the property.

Therefore, for issuing a Fund policy, if the dedication contains a reversion clause to the dedicator and all lots were conveyed without reservation of the reversionary interest in the deeds, ownership of the vacated street can generally be insured without an exception for or the clearing of any interest of the dedicator. See Title Standard 11.3.

B. If the reversionary interest in the vacated street remains in the dedicator, the dedicator takes title to the entire street. If, as is the usual situation, the reversionary interest is distributed to the abutting owners, what is the width of their ownership?

1. Interior Streets. The general rule is that the owners of lots abutting an interior street take title to the center of the vacated street. Title Standards 11.4 and 11.5; *Burkart v. City of Fort Lauderdale*, 168 So.2d 65 (Fla. 1964).

2. Perimeter Streets. With at least one reported exception, the general rule is that owners of lots abutting a perimeter street take title to the entire width of the vacated street. In *Caples v. Taliaferro*, 197 So.861 at 867 (Fla. 1940), the Supreme Court of Florida stated that when a street is platted on the margin of the grantor's land, a conveyance of the land abutting the street carries the fee to the entire width of the street unless expressly reserved. See also Sec. 177.085, F.S., which provides that a conveyance of lots in a subdivision abutting a right of way or similar strip "shall carry the reversionary interest in the abutting street to the centerline or other appropriate boundary, unless the owner clearly provides otherwise in the conveyance (emphasis added)."

An apparent exception to the perimeter street rule is reported in *Calvert v. Morgan*, 436 So.2d 314 (Fla. 1st DCA 1983). All the land in question was owned at one time by the Woodham Corporation. in 1961, Woodham filed a plat and dedicated to the City of Jacksonville, without reserving the reversionary interest, a perimeter right of way for drainage and utilities on the north margin of the plat. At this time Woodham was the owner

August 27, 2002

Lee County
Board of County Commissioners
P.O. Box 398
Fort Myers, Fl. 33908-0398

Attn: Randy T.

Re: Rezoning Application for Winkler Preserve RPD
DCI 2002-00012

Dear Sirs,

Representatives of a new subdivision, Winkler Preserve, have approached the Belle Meade Property Owners Association seeking a secondary access from their development through the gated Belle Meade subdivision.

This proposal is totally unacceptable! The county has vacated the spur of Brook Hollow Lane that they seek to use and county access does not appear on the Belle Meade development order.

Belle Meade Drive and all streets within the Belle Meade subdivision are private property belonging to and for the use of the Belle Meade Property Owners only. The County does not maintain or have right of access to our roads without our permission.

Respectfully yours,

Thomas R. Simon

Thomas R. Simon
Secretary, Belle Meade Property
Owners Association

ATT 2003-00049

STUART AND ASSOCIATES
Planning & Design Services

May 20, 2002

RECEIVED
JUL 11 2003
PERMIT COUNTER
DCI 2003-00049

Jeff Laurien, Senior Planner
Department of Community Development
1500 Monroe Street
Ft. Myers, FL 33901

Re: The Winkler Reserve RPD – DCI 2002-00012 Sufficiency Response

Dear Mr. Laurien:

Pursuant to the Lee County Land Development Code and your request for additional information, the correspondence below identifies relevant information stemming from the Winkler Preserve Staff sufficiency response. Generally speaking, Staff had a number of questions and comment pertaining to the Master Concept Plan, the Traffic Impact Statement, environmental conditions, and the soon to be vacated right-of-way. In order to facilitate your review the information is provided in a manner that identifies the various questions by number. Finally, select environmental and traffic issues are addressed separately from this correspondence.

Legal Division Comments 1, 1.a, 3, 3.a.1, 3.b, 3.c, 4, 6, 6.a, 6.a.1, 6.a.2, 6.a.3, 6.c, 6.c.1, 6.c.2, 6.c.3, 6.d, 6.f, and 9.a – With regard to 6.f, Lee County is the owner of the subject 50-ft. ROW segment. Please note that many of the "Legal Division" comments and questions regarding the soon to be requested ROW vacation were brought up during a 10 May Pam Houck meeting. Generally speaking Ms. Houck agreed with the Applicants position that the documentation of ROW ownership, ownership authorization, providing a separate legal description and other similar puerile questions need not be addressed. This reflects the common and historically accepted approach when dealing with property and ROW vacation issues. The vacation request has been recently submitted and is currently in the Lee County review process. For your zoning file and records, we have included copies of the 5 April correspondence to the Department of Community Development, Department of Transportation, Environmental Services, FP&L, Sprint, Comcast Cable, Lee County Utilities along with a legal description and sketch of the subject ROW. Clearly, if and when the ROW vacation occurs the Applicant will own the vacated land based upon standard legal practices in that the Applicant owns the lands bounding the subject ROW. Consequently the approved vacation will serve as proof of ownership. Finally, a review of the originally submitted Barraco and Associates Boundary Survey Exhibit II-B-1-A provides bearings and distances that include the subject 50-ft. ROW. It is unclear to the Applicant why Staff finds difficulty with finding the application sufficient on this matter within the context of the subject ROW is a road segment to no-where. It does not connect into the Crown

Colony or the Belle Meade subdivisions. Based upon these facts, the Applicant will not revise the Master Concept Plan to separate the property based on separate legal descriptions, nor will the applicant obtain authorization from Lee County regarding the 50-ft. right-of-way. Finally, The Applicant is unclear to what is the Department of Community Developments "Legal Division". Is the division another name for the County Attorneys Office and thus is able to render legally binding and qualified expertise? Or are these issues being brought up by others that are not legally qualified?

Legal Division Comments 6.c.2 & 6.c.3 – No improvements are noted on the Barraco Boundary Survey in that no improvements exist on site (land is vacant and forested). The subject property is a duly recorded and accepted subdivision and the boundary survey references State Plane coordinates and conforms to 10/8/01 Title Insurance.

Environmental Maps Question 9.e, 9.e1, 9.e2, 9.e4, 16.b, 1.b, 1.b.1, 1.b.2, and 1.b.4 – Please refer to the re-submitted Bagley Environmental Consultant's air photo markups and the Barraco and Associates color Air Photo Master Concept Plan overlay. It is my understanding that the Applicant spoke with Kim Trebatoski and that the air photo with master plan overlay will be sufficient to allow for professional environmental plan analysis.

Question 9.f Easements and Right-of-Way – The question requests to show all easements and right-of-ways on the Master Concept Plan. Please note that the public right-of-way within the eastern third of the property is accurately delineated on the Master Concept Plan. Also, this same right-of-way along with a 20-ft. water line easement is accurately depicted on the Barraco and Associates boundary survey sketch submitted in the original application. The revised Master Concept Plan identifies the subject 20-ft. utility line easement being relocated within the project's internal right-of-way. The relocation will be based on providing looped internal project service as well as a stub out to the south property line. Final utility design work will be addressed at the Development Order stage.

Question 10 Lee Plan Compliance – The request to expand on the documents submitted that demonstrate Lee Plan and Land Development Code consistency will not be honored and that no additional information will be submitted. The identification of this topic as an insufficient item is in error in that the originally submitted two page Lee Plan report meets code requirements. It is self evident that the project is consistent with Outlying Suburban residential land uses and that the single-family zoning request is relatively straightforward. This is so in that the proposed single-family sub-division is located within an existing residential corridor and is surrounded by single-family and multi-family developments. The submitted Lee Plan consistency report identifies 13 distinct Comprehensive Plan Objectives and Policies that the project complies with. The report describes the

relationship of the site design to Comprehensive Plan considerations. Furthermore the original submittal provided a reasonable and detailed compliance report pertaining to Land Development Code Design Standards and Decision-making Guidelines. If the reviewer believes that the project is not consistent with the Lee Plan and does not comply with Land Development Code 34-145 (d), 34-414, and 34-411, then these issues will be professionally debated during the public hearing process. The Applicant encourages Staff to read the submitted information.

Question 11-a Master Concept Plan Reduction – Four (4) 11X 17 inch reduced Master Concept Plans were accepted by Lee County staff during the original application submittal. As with all the Applicant's materials, these Master Concept Plans were counted and accepted by the Counter personnel as they went through the checklist procedure. We are re-submitting the four misplaced Master Concept Plans.

Question 12 & 12-a Existing Easements – The soon to be vacated right-of-way is clearly depicted on the Master Concept Plan. The relocated utility line easement within the project's ROW is depicted on the Master Concept Plan. Hence, the applicant is sufficient with regard to this item (see Question 9.f). The Land Development Code specifically requires the exact location of all points of vehicular egress, and for subdivision to show the general location of internal street right-of-way or easements. The access point and the general location of the internal road are shown.

Question 12-d.1 Parcel Lots – The request to provide typical lot configurations is provided by the revised Master Concept Plan. The revised MCP depicts two (2) typical lots, one a 50-ft. X 120-ft. lot and the other a 75-ft. X 120-ft. lot. The lots show a rear lot drainage maintenance easement. Finally, at this point in the zoning process, no determination has been made with regard to location and mix of the two lot types.

Question 12-d.2 Lot Coverage – The Master Concept Plan identifies maximum lot coverage within the Development Standards Table. The revised Master Concept Plan augments this by including the maximum percentage lot coverage for both residential lots and the group activity center parcel. The LDC requires no other additional information and hence no additional information is needed to find the application sufficient.

Question 12.e & 12-e.3 Residential Dwelling Units – Accessory Apartments are deleted from the Schedule of Uses.

Question 12.f Service Areas – The Land Development Code requires that all "*non-residential subdivisions*" show the service area locations. The project is a residential subdivision. Consequently, the Applicant is not required to show

service areas nor is willing to show service areas within the RPD's private recreation group activity center. I encourage Staff to again review the Master Concept Plan and the Land Development Code.

Question 12.i Buffers – The Winkler Road Type D buffer note on the MCP has been redefined to include the five (5) trees per 100 linear feet with double hedge standard. Reflecting the fact that no landscape buffering is required along the south boundary, the landscaping note within the South Boundary Cross Section has been deleted.

Question 12.k.2 Flow Ways – Please refer to the Barraco and Associates revised Surface Water Management Plan. The project is not located in a floodway. The project is located in a flood plane. As such, all finished floor elevations will meet a minimal 11-ft. elevation. The Land Development Code requires that "*at the time of a local Development Order*" the Applicant may be required to provide for compensatory storage due to floodway fill. Hence, reflecting the fact that this is a zoning request, the question is not germane to finding the project insufficient.

Question 13 Traffic Impact Statement and LCDOT 1, 2, 4, 7, 7.a, 9 & 10 – Please refer to the resubmitted TIS.

Question 14 & 14.b Dwelling Units – The Master Concept Plan has been revised to reference 282 single-family dwelling units. To that end, additional copies of the Application for Public Hearing page four is included within this response.

Question 16.a Surface Water Management Plan – The *Surface Water Management Plan* has been revised to correctly note that the wetlands are on the eastern side of the property.

Question 16.b, 2 & 3 Environmental Division Protected Species Management Plan – Please refer to the revised Bagley Environmental Consultants report and revised/resubmitted air photo with transects for the subject additional requested information. The Master Concept Plan has been revised to show the location of a temporary gopher tortoise relocation area. The temporary relocation area is subject to the Applicant obtaining an Incidental Take Permit. Consequently, the Incidental Take permit will serve as the projects Gopher Tortoise Management Plan. This approach has been the norm for almost a decade of land development planning and zoning practices approved by Lee County (specific cases may be provided upon request). The identification of a temporary gopher tortoise area meets the code requirement.

Environmental Question 4 – See attached SFWMD wetland jurisdiction letter.

Environmental Question 12.g, 12.h, 14.c & 5 Open Space – The Land Development Code unquestionably states that large lot residential subdivisions, as

defined by single-family lots equal to or greater than 6500 sq.ft. are not required to provide minimal 40% open space areas and associated PD open space tables. The Land Development Code has been set in this manner for decades. This is because typical single-family subdivisions usually have more than 40% open space. This fact is demonstrated through a review of the table below, which identifies approximately 48-acres of Winkler Preserve open space. Consequently, the request to revise the Master Concept Plan to show 30% common open space and 10% as private open space is not founded in law, precedent and fairness. Consequently, no additional open space information will be provided on the Master Concept Plan in that none is required as per the Land Development Code.

Winkler Preserve RPD Non-regulatory Open Space Table

Open Space Calculations --		
➢ Site Area		110.0-ac.
➢ Site Area 40% Open Space Requirement		44.0-ac.
Provided Open Space --		
➢ Native Wetland Areas	15.5-ac.	
➢ Lake Areas (using the 25% rule)	8.7-ac.	
➢ 3855-ft. North Boundary IDD 30-ft. Easement	2.65-ac.	
➢ 1252-ft. Winkler Road 15-ft. Buffer	0.43-ac.	
➢ 3855-ft. South Boundary 20-ft. Drainage Easement	1.77-ac.	
➢ Group Activity & Recreational Area	0.77-ac.	
➢ Other Internal Project Landscape and Buffer Areas	2.85-ac.	
➢ Net Residential Private Open Space @ 20% 77.3-ac	15.47-ac.	
Total Estimated Common and Private Open Space		48.14–ac

Environmental Question 6 Recreation and Indigenous Areas and Question 8 Design Standards – The Master Concept Plan unmistakably depicts the location of the projects conservation area and group recreation area. Hence, the request for additional sufficiency information is not correct. Please refer to the Bagley Environmental Consultants report for a description of the disturbed nature and mapping of the site.

Environmental Question 7 Conservation Easement – The east wetland conservation tract will be placed under conservation easement as per Water Managements District's standard conditions once permitting is completed.

School Board Question – The inclusion of a School Board request for additional information is not a requirement as per the Land Development Code. Hence the project may not be found legally insufficient. That said, as a courtesy to the Lee County School Board, it is estimated that 19 school age children are expected to reside in the development. The development will not be restricted to those over the age of 55.

Certificate of Dig Application – Since the February 2001 Code change, the procedure has been to request to Gloria Sajgo that a historic site assessment though the Florida Master Site file. Since February 01 and seven planned development projects later, none of the Applicants were required to file a Certificate of Dig. On January 30th of 2002, we submitted a request to Staff for an historic site assessment (see enclosed). Consequently, we have met the requirement of the Land Development Code. The project is not insufficient with regard to this issue. Any questions regarding this matter should be addressed to Ms. Sajgo.

Special Development Regulations – The staff question is vague and not based on current rules. Special development regulations are not a sufficiency response item. If the Staff question pertains to specific development design considerations relating to the south boundary buffer, that issue is subject to private party negotiations. Site development regulations are identified on the Master Concept Plan. Hence no additional special development regulations need to be submitted and the project is sufficient in this regard. If staff has any questions regarding this issue please call to set up a meeting.

Blasting – This information is not a legally binding sufficiency response item. Thus the application is sufficient with regard to this issue. Please note that the Applicant will be submitting appropriate data and analysis in the near future that will be more than adequate to allow staff to undertake staff findings and recommendations. Finally, the Applicant is actively discussing this and other issues with the surrounding neighborhood in general and the Belle Meade residential neighborhood in particular.

Lake Maintenance Easement – Typical Lake maintenance easements are depicted on the Lot Configuration detail within the revised Master Concept Plan. The maintenance requirements will meet the South Florida Water Management District design criteria and are standard conditions. No additional information is needed to find the application sufficient as per the Lee County Land Development Code.

Sidewalk Extension – The Applicant will meet the Sidewalk Required Facilities Standard as per Land Development Code 10-442. The project is comprised of the old Seminole Gardens subdivision. As per Florida and local law, the submittal and recording of the new Winkler Preserve plat will serve to vacate the Seminole Gardens plat.

ROW Vacation -- The Applicant is unclear to what is the Department of Community Developments "Legal Division". Is the division another name for the County Attorneys Office and thus is able to render legally binding and qualified expertise? Or are these issues being brought up by others that are not legally qualified? Please note that many of the "Legal Division" comments and questions

regarding the soon to be requested ROW vacation were brought up during a 10 May Pam Houck meeting. Generally speaking Ms. Houck agreed with the Applicants position that the documentation of ROW ownership, ownership authorization, providing a separate legal description and other similar questions need not be addressed. This reflects the common and historically accepted approach when dealing with property and ROW vacation issues.

Utility Letters – When reviewing Part 6 Submittal Requirements, the mandatory provision of utility letter agreements are not an application requirement. Consequently this is not a legally binding request for additional information. That said, the Applicant will request that Lee County Utilities provide service availability letters. When the letters are received the Applicant will copy staff. Finally, water and sewer lines are available to serve the property and Lee County Utilities has adequate plant capacity to service the project.

Access Connection – The revised MCP includes the recently proposed conventional zoning connection onto Winkler Road. The Applicant notes that the Winkler Preserve RPD is a significantly larger project that is also undergoing zoning review. Hence, it is appropriate to ask Staff to require a variance for the subject conventional zoning. The project has been designed in a manner that accommodates many functional and market issues. Thus relocating the project's connection will prove to be difficult and somewhat harmful. The Applicant requests to Staff that the project be found sufficient with regard to this issue and in so doing allow us to more properly evaluate other alternatives, such as and including requesting a deviation.

Addition documentation is enclosed for Staff review. I trust that the code required and legitimate requests for additional information will satisfy Staff and move the project forward. May I suggest that we meet to discuss this project within the context a more proper understanding of land development code and the 10 May discussion with Pam Houck. Thank you for your consideration regarding these matters.

Sincerely,

Greg Stuart, AICP

GS/as/01.017/24april02SR1/docs
Attachments
CC: Kathy Morgan, A. Jeffrey Seitz, Randy Thibaut, Russell Schropp, Esq., Pam Houck, AICP

Development Solutions, LLC

July 5, 2002

Lee County
Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Jeff E. Laurien, Senior Planner

Re: Winkler Preserve RPD
DCI2002-00012 – Sufficiency Response

Dear Mr. Laurien:

This letter is in response your letter dated June 11, 2002.

Surface Water Management System Comment: The directions of east and west have been revised on the storm water management system and this document is included with this response letter.

Historical Archaeological Evaluation: A request for a historic site survey was sent to Gloria Sajgo on January 30, 2002. A copy of the request is attached.

Blasting: A report prepared by ASC Geosciences, Inc., for the Winkler Preserve site is included with this response letter.

Lake Maintenance Easements: Lake maintenance easements are a requirement of Chapter 10 of the LDC (and South Florida Water Management District) and will be addressed at time of Development Order.

Agricultural Uses: It is understood that agricultural uses will be ceased upon zoning approval.

Existing Platted road right-of-way: A Petition to Vacate has been submitted to the county to vacate the platted road right-of-way within the area that we are rezoning. The file number is: VAC2002-00032. A copy of the receipt is attached.

Intersection separation deviation: A deviation has been requested for the entrance's location on the previous submittal.

Environmental Comments:

FLUCCS Map: A MCP at the same scale as the aerial with the FLUCCS map is included with this submittal.

8660 College Parkway • Suite 160 • Fort Myers, FL 33919 • 239-482-1500 • 239-481-8477 fax

Gopher Tortoises: The owner is still in a position to apply for a "Take Permit" from Florida Fish and Wildlife Conservation Commission. The applicant is unaware of any changes to the LDC or Administrative Codes that require a permanent gopher tortoise preserve even when an incidental take permit is acquired. We request that staff provide us with the documentation that requires a permanent preserve when incidental take permits are acquired.

Legal Comments:

A new legal description and boundary sketch is included with this submittal that includes the platted road right-of-way that has been submitted for vacation.

Natural Resources Comments:

The Board of Directors for the Belle Meade Subdivision actually do not want to have any roadway connections from our project to theirs. We have requested that they write a letter to us regarding this issue. A copy of the correspondence from Belle Meade will be forwarded to the county as soon as it is received.

Also attached is a new Letter of Authorization, Disclosure of Interest, and Covenant of Unified Control for property that was purchased by Winkler Preserve, LLC.

This concludes the responses to the comments received. The project should now be found sufficient. Please do not hesitate to contact me at 482-1500 or 228-8889 if there are any questions regarding this submittal.

Sincerely,

Kathy Morgan, President
Development Solutions, LLC

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Enc.

c: Greg Stuart, Stuart and Associates
Carl Barraco, Barraco and Associates, Inc.

DCI 2003-00049

Development Solutions, LLC

April 5, 2002

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JUL 11 2003
PERMIT COUNTER
DCI 2003-00049

Lee County
Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Peter J. Eckenrode, Development Services Director

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Mr. Eckenrode:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Development Solutions, LLC

April 5, 2002

Lee County
Department of Transportation
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Scott M. Gilbertson, P.E., Director

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Mr. Gilbertson:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

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JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Development Solutions, LLC

April 5, 2002

Lee County
Environmental Services Division
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Bradley S. Vance, P.E.

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Mr. Vance:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

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Development Solutions, LLC

April 5, 2002

Florida Power & Light Company
15834 Winkler Road
Fort Myers, Florida 33908

Attention: Ms. Janice Holton

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Ms. Holton:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

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8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Development Solutions, LLC

April 5, 2002

Sprint
Post Office Box 370
Fort Myers, Florida 33902

Attention: Ms. Wayneth Jackson, Engineer

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Ms. Jackson:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

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Enc.

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8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Development Solutions, LLC

April 5, 2002

Comcast Cablevision
22266 Edgewater Drive
Port Charlotte, Florida 33980

Attention: Mr. Bobby Miller

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Mr. Miller:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

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8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Development Solutions, LLC

April 5, 2002

Lee County Utilities
1500 Monroe Street, 3rd Floor
Fort Myers, Florida 33901

Attention: Ms. Terry E. Kelley

Re: Request for letter of Review and Recommendation on a proposed easement vacation located on the following parcels:

STRAP #10-46-24-01-00001.0000, STRAP #10-46-24-01-00002.0000
STRAP #10-46-24-01-00003.0000, STRAP #10-46-24-01-00004.0000
STRAP #10-46-24-01-00029.0000, STRAP #10-46-24-01-00030.0000
STRAP #10-46-24-01-00031.0000

Dear Ms. Kelley:

On behalf of the owners of the above property, I intend to submit a Petition to the Lee County Board of Commissioners seeking to vacate the public interest in the right-of-way or road easement at the property identified above in order to combine and redesign the parcels into a new subdivision. I have included a sketch of the right-of-way or road easement and legal description of the proposed area to be vacated.

Please provide me with a letter of review and recommendation so I can proceed with the Petition submittal. If you have any questions, please do not hesitate to contact me directly at (239) 482-1500 and thank you in advance for your consideration.

Sincerely,

Kathy Morgan
President

Enc.

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JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

8660 College Parkway, Suite 160, Fort Myers, Florida 33919 (239) 482-1500 Fax: (239) 481-8477

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65, Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01° 13' 18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89° 02' 07" E along said North line for 50.00 feet; thence run S 01° 13' 18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88° 45' 10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-¼) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89° 02' 07" E.

Scott A. Wheeler 1/24/02

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21608

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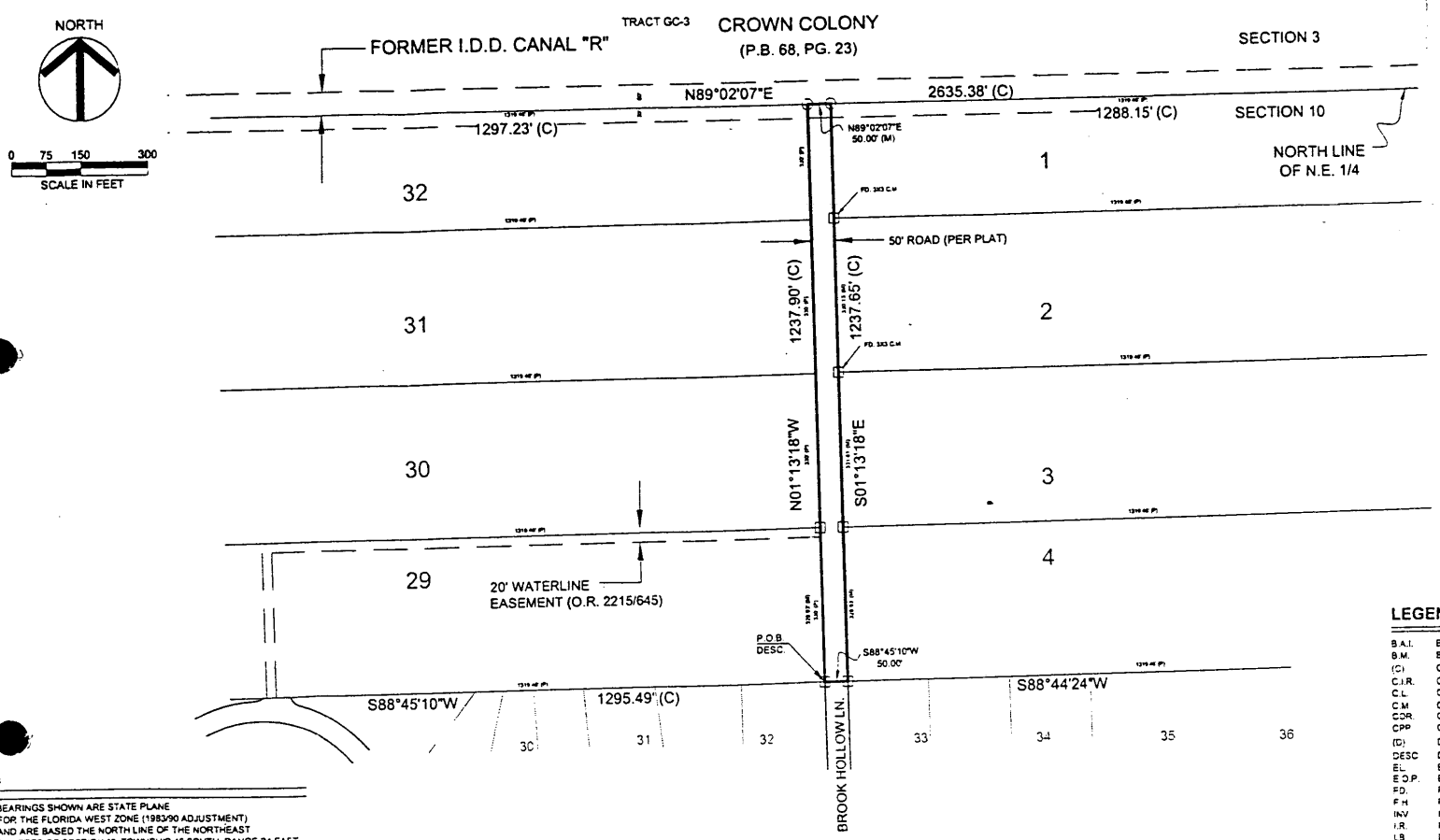
JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (941) 461-3170 • Fax (941) 461-3169



LEGEND:

B.A.I.	BARRACO & ASSOCIATES, INC
B.M.	BENCH MARK
(C)	CALCULATED
C.I.R.	CAPPED IRON ROD
C.L.	CHAIN LINK
C.M.	CONCRETE MONUMENT
COR.	CORNER
CPP	CONCRETE POWER POLE
(D)	DESCRIPTION
DESC	DESCRIPTION
EL.	ELEVATION
E.O.P.	EDGE OF PAVEMENT
F.D.	FOUND
F.H.	FIRE HYDRANT
INV.	INVERT
I.R.	IRON ROD
LB	LICENSED BUSINESS
(M)	MEASURED
M.H.	MANHOLE
(O.R.)	OFFICIAL RECORD BOOK
(P)	PLAT
P.B.	PLAT BOOK
PG.	PAGE
PK	PARKER-KALON
P.R.M.	PERMANENT REFERENCE MONUMENT
RCP	REINFORCED CONCRETE PIPE
RGE.	RANGE
R/W	RIGHT OF WAY
TWP.	TOWNSHIP
W/	WITH
O	SET 1/2" IRON ROD WITH CAP STAMPED BAI LB6940, UNLESS OTHERWISE NOTED

TES

BEARINGS SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TO BEAR N 89°02'07" E.

HIS IS NOT A SURVEY

Scott A. Wheeler

1/24/02

COTT A. WHEELER (FOR THE FIRM - LB-6940)
OFESSIONAL SURVEYOR AND MAPPER
ORIDA CERTIFICATE NO. 5949
OT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A
ORIDA LICENSED SURVEYOR AND MAPPER.

DATE SIGNED:

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (941) 461-3170
FAX (941) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PROJECT DESCRIPTION

ROAD RIGHT OF WAY
SEMINOLE GARDENS
(P.B. 4, PG. 65)
SEC. 10, TWP. 46 S, RGE. 24 E
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER
No. 5949
STATE OF
FLORIDA
REGISTERED SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	RW SKETCH.DWG
LAYOUT	LAYOUT
LOCATION	J:\2160\DWG\SURV\RW.DWG
PLOT DATE	THU, 1-24-02 - 1:30 PM
PLOT BY	SCOTT WHEELER

DRAWING DATA

SURVEY DATE	01/23/02
DRAWN BY	JHS
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT - FILE NO	SHEET NUMBER
2160B 10 - 46 - 24	2 OF 2

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JUL 11 2003
PERMIT COUNTER

OCI 2003-00049

Winkler Preserve
R.P.D. Surface Water Management Plan

Exhibit IV-E-2

The following is a written description of the Winkler Preserve Water Management concept:

A. Run-off characteristics of the property in its existing state.

The run-off characteristics of the property in its existing state include sheet flow from west to east to wetlands along the eastern boundary into Hendry Creek.

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:

The property is bound by Crown Colony RPD to the north, Belle Meade subdivision to the south, Winkler road to the east, and Hendry Creek to the west. It appears that all adjacent land flows to the west to Hendry Creek via existing water management system and there is no off-site flow anticipated to enter the project. Run-off from the developed land will be directed to proposed lakes, which will provide both water quality and attenuation of run off, prior to discharging via a control structure to the west. Discharge will be directed via the control structure from the proposed lake into a spreader swale, which will convey discharge from the property as sheet flow to the wetlands along the parcel's eastern boundary.

C. The retention features including existing natural features that will be incorporated into the drainage system and legal mechanism, which will be guaranteed their maintenance.

The retention features will include a spreader swale prior to discharging to the wetlands along the western boundary of the property, in order to emulate existing conditions. A Home Owner's Association will be established which will guarantee maintenance of the stormwater management system.

D. How will existing natural features be preserved? Include an estimate of the ranges of existing post-development water table, elevations, where appropriate.

The wetlands along the eastern boundary, and upland vegetative buffer along the eastern boundary are proposed to be preserved. The water table elevation and therefore the proposed lake control elevation will be based upon site investigation and water surface elevations established for adjacent surface water management permits.

E. The requirement for fill material proposed post-development for other than building pads.

Fill material will be generated from excavation from the proposed on-site lakes. This fill will be used for embankment to create the on-site roadways and building pads.

F. If the property is subject to seasonal inundation or is 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 affects of expectable flooding.

The property is located within Zone A-12 and A-14, elevation 11.0 and 10.0 NGVD as shown on FIRM (Flood Insurance Rate Map), Community Panel #125124 0435 B, dated September 19, 1984. All finish floor elevations will reference a minimum of 11.0 NGVD.

STUART AND ASSOCIATES
Planning & Design Services

January 30, 2002

Gloria Sajgo, AICP
Lee County Department of Community Development
P O Box 398
Fort Myers, FL 33902

RE: Request for Historic Site Survey – The 110-ac. Seminole Gardens Winkler Road Property Assemblage

Dear Gloria:

Pursuant to your request to have all requests for historic site assessments through a review of the Florida Master Site File go through Lee County, the intent of this correspondence is to undertake historic research surveys for twelve recorded Lots within the Seminole Gardens Subdivision, Plat Book 4 Page 65. The subject lots within the Seminole Gardens Subdivision are located along South Winkler Road in South Fort Myers. The subject subdivision is located between the Crown Colony RPD to the north and the Belle Meade single-family subdivision to the south. Attached to this correspondence is a location map of the site and surrounding area. The project's strap numbers and street addresses are identified within the attachment.

Thank you for efforts with regard to this request.

Sincerely,

Greg Stuart, AICP
GS/mwwprojects/01.014/historicsurvey1.doc
Attachments

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JUL 11 2003
COMMUNITY DEVELOPMENT

DCI 2003-00049

2180 West First Street, Suite #503 • Fort Myers, FL 33901
Voice (239) 337-7176 • Fax (239) 337-2496 • GS@Stuarturbandesign.com

WINKLER ASSEMBLAGE
NAMES AND ADDRESSES
AND STRAP NUMBERS OF OWNERS

Exhibit I-C-2. Property Owners List

Lot Number Seminole Gardens Plat Book 4, Page 65	Name, Address and Telephone Number(s) of Owner	Lee County Strap Number	Recording Information of Deed	
Lot 1	Meyer, Dolores Marianne Tr. - 100% For Dolores M. Meyer Trust 9742 Deerfoot Dr. Fort Myers, FL 33919 941-482-2990	10-46-24-01-00001.0000	OR 3401/PG 3555	
Lot 2	Allen, Michael A. Trustee, 1/2 Interest (50%) & Allen, Fay A. Trustee, 1/2 Interest 1121 N. Town & River Drive Fort Myers, FL 33919 941-454-3251	10-46-24-01-00002.0000	OR 2761/PG 1485	
Lot 3 Lot 30 Lot 35	Johnson, Jay R. & Mary H. (50% each) 2258 Dixie Lee Court St. James City, FL 33956 941-283-1100	10-46-24-01-00003.0000 10-46-24-01-00030.0000 10-46-24-01-00035.0000	OR 3173/PG 2720 OR 1407/PG 569 OR 1407/PG 569	17151 Winkler Rd. Fort Myers 33908
Lot 4	Frank D'Alesssandro, Managing Member South Florida Properties, LLC (see attached) 613 24th Street SW Norman, OK 73069 941-489-3303; fax: 941-437-7216	10-46-24-01-00004.0000	OR 2464/PG 3069	
Lot 29 Lot 36	Patrick Hayes, Trustee of Winkler 8 Trust 1305 Rio Vista Drive (see attached for ownshp) Fort Myers, FL 33901 941-275-7224	10-46-24-01-00029.0000 10-46-24-01-00036.0000	OR 3366/PG 2734 OR 3366/PG 2734	17211 Winkler Rd. Fort Myers 33908
Lot 31 Lot 32	Biggar, Gordon M. Trustee (100%) 6050 SW 116th Street Miami, FL 33156 305-666-1031 (fax is same number)	10-46-24-01-00031.0000 (strap covers both lots)	OR 1734/PG 1804	

Lot Number Seminole Gardens Plat Book 4, Page 65	Name, Address and Telephone Number(s) of Owner	Lee County Strap Number	Recording Information of Deed	
Lot 33 Lot 34	A. Jeffrey Seltz, President Advance Homes, Inc. c/o Metro Commerce Center (see attached for ownership) 11220-27 Metro Parkway	10-46-24-01-00033.0000 10-46-24-01-00034.0000	OR 3526/PG 4715 OR 3526/PG 4724	17031 Winkler Rd. Fort Myers 33908 17091 Winkler Rd. Fort Myers 33908

LEE COUNTY
SOUTHWEST FLORIDA

Receipt #: 1200209724

Date: 6/20/02

Line Items:

Case No	Tran Code	Description	Revenue Account No.	Amount Due
VAC2002-00032		Vac. - ROW or Plat with ROW	LC5150015500.341900.9011	$900.00

Payments:

Method	Payer	Bank No	Acct Check No	Amount Paid
Check	KATHY MORGAN	3241	119	$300.00
Check	ADVANCE HOMES, INC	0730	72103	$600.00
			TOTAL AMOUNT PAID:	**$900.00**

WINKLER PRESERVE

APPLICATION FOR VACATION OF ROAD RIGHT OF WAY

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County Florida. Said tract or parcel being more particularly described as follows:

From the northeast corner of the northeast quarter (NE 1/4) of said Section 10 run S01°19'12"E along the east line of said fraction and the east line of lots 1 through 4 of SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records, for 1,231.02 feet to the northeast corner of BELLE MEADE subdivision as recorded in Plat Book 55, Page 47, Lee County Records; thence run along the north line of said subdivision for the following courses: S88°44'24"W for 1290.25 feet; S88°45'10"W for 1345.49 feet to an intersection with the west line of said fraction; thence continue along the north line of said BELLE MEADE subdivision S88°44'24"W for 1,269.80 feet to an intersection with the east right-of-way line of Winkler Road (100.00 feet wide); thence run N01°17'21"W along said right-of-way line for 1,252.26 feet to an intersection with the north line of the northwest quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said north line for 1,269.57 feet to the southwest corner of CROWN COLONY subdivision as recorded in Plat Book 68, Page 23, Lee County Records; thence run N89°02'07"E along the south line of said subdivision for 2,635.38 feet to the POINT OF BEGINNING.

Containing 111.27 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the NE 1/4 of said Section 10 to bear N89°02'07"E.

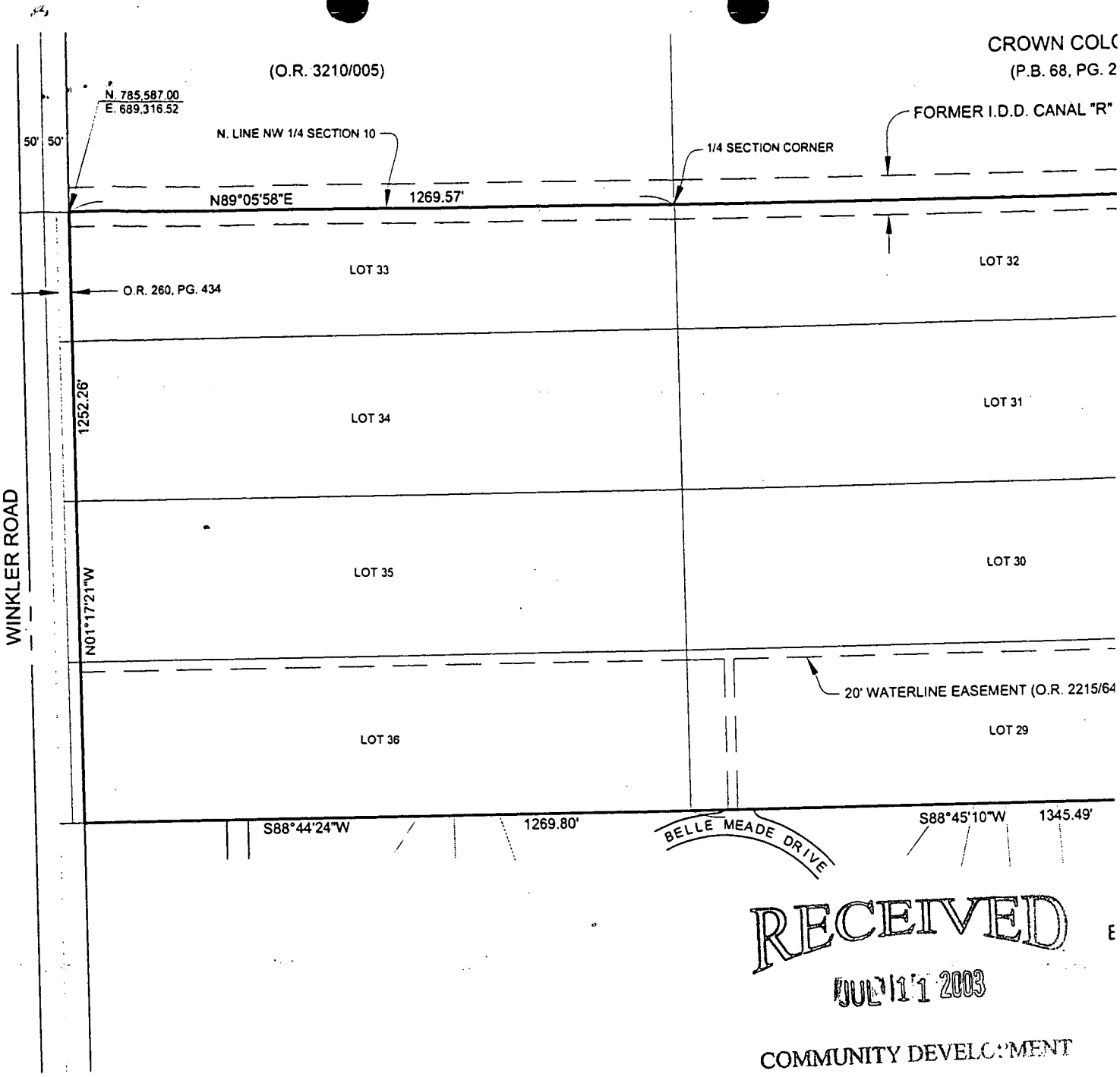
21608s02desc.doc

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Scott A Wheeler 6/21/02
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

DCI 2003-00049

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



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JUL 11 2003
COMMUNITY DEVELOPMENT

NOTES

1. BEARINGS HEREINABOVE MENTIONED ARE ZONE (NAD 1983/90 ADJUSTMENT) AND ARE 1/4 OF SAID SECTION 10 TO BEAR N89°02'07"
2. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

Scott A. Wheeler

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

6/21/02
DATE SIGNED:

OCI 2003-00049

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that Winkler Preserve, LLC is the fee simple title holder and owner of record of property commonly known as Winkler Preserve RPD, Strap #10-46-24-01-0031.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 31 and Seminole Gardens PB 4 PG 65 Lot 32; Winkler Preserve RPD, Strap # 10-46-24-01-00033.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 33; and Strap # 10-46-24-01-00034.0000 Seminole Gardens PB 4 PG 65 Lot 34. The property described herein is the subject of an application for zoning or development. Winkler Preserve, LLC hereby designates W. Michael Kerver as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of Randy E. Thibaut and Kathy L. Morgan as agents and other agents as necessary to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

WINKLER PRESRVE, LLC

By: _____
Owner* (signature)

W. Michael Kerver, Vice President
Printed Name

DCI 2003-00049

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 17th day of June, 2002, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, who is personally known to me or who has produced _____ as identification.

_____
Notary Public

(SEAL)

Janet E. Allison
(Name typed, printed or stamped)

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

DISCLOSURE OF INTEREST FORM FOR:

10-46-24-01-00031.0000 &

STRAP NO: 10-46-24-01-00033.0000 & 10-46-24-01-00034.0000 **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, Address, and Office	Percentage of Stock
Winkler Preserve, LLC	100%

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

(over)

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, Address, & Office(if applicable)	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	

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.

DCI 2003-00049

6-17-02

Signature date

W. Michael Kerver

Printed Name

Signature date

Printed Name

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17th day of June, 2002, by W. Michael Kerver who is personally known to me or who has produced _____ as identification.

Signature of Notary Public

Janet E. Allison

Printed Name of Notary Public

(SEAL)

OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003
NOTARY PUBLIC STATE OF FLORIDA

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned does hereby swear or affirm that Winkler Preserve, LLC is the fee simple title holder and owner of record of the property commonly known as *Winkler Preserve RPD, Strap # 10-46-24-01-00031.0000 and legally described as Seminold Gardens PB 4 PG 65 Lot 31 and Seminole Gardens PB 4 PG 65 Lot 32; Strap # 10-46-24-01-00033.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 33; and Strap # 10-46-24-01-00034.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 34.* The property described herein is the subject of an application for planned development zoning. Winkler Preserve, LLC hereby designates W. Michael Kerver as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognizes the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

WINKLER PRESERVE, LLC

By: _____ 6-12-02
Signature date

W. Michael Kerver, Vice President
Printed Name

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

_____
Signature date

_____
Printed Name

DCI 2003-00049

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before ~~me this~~ 12th ~~day~~ of June, 2002, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, who is personally known to me or ~~has~~ produced _____ as identification.

_____
~~Notary~~ Public
Janet E. Allison
(Name typed, printed or stamped)
(Serial Number, if any)

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

JOINT WRITTEN CONSENT
OF THE SOLE MEMBER AND MANAGER
OF
WINKLER PRESERVE, L.L.C.

The undersigned, constituting the sole Member and the sole Manager of Winkler Preserve, L.L.C., a limited liability company organized and existing under the laws of the State of Florida (referred to herein as the "Company"), do hereby consent to and approve the following actions, by written consent in lieu of a formal meeting of the Company:

RESOLVED, that the undersigned waive all notice of a formal meeting and adopt this Written Consent in lieu of a formal meeting of the Manager and Member of the Company; and be it

FURTHER RESOLVED, that the following individuals are hereby elected to serve as officers of the Company until their death, disability or removal by the Manager of the Company

Bruce Wetzel — Vice President

W. Michael Kerver — Vice President

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Dated: March 20, 2002

MEMBER:

Advance Homes, Inc.

DCI 2003-00049

By: A. Jeffrey Seitz, President
A. Jeffrey Seitz, President

MANAGER:

A. Jeffrey Seitz
A. Jeffrey Seitz

L:\Advance Homes, Inc (537)\Winkler Preserve, LLC (02)\Written Consent.doc

APR 25 '02 09:47 513 P02 ADVANCE HOMES INC 2399399996

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

FORT MYERS SERVICE CENTER 2301 McGregor Boulevard, Fort Myers, FL 33901
(941) 338-2929 • FL WATS 1-800-248-1201 • Suncom 748-2929 • Fax (941) 338-2936 • www.sfwmd.gov/org/exo/ftmyers/

January 11, 2002

RECEIVED
JUL 11 2003
PERMIT COUNTER

Mr. Marshall Bagley
Bagley Environmental & Planting Services, Inc.
10680 Tuliptree Court
Lehigh Acres, Florida 33936

Subject: WinklerRun; Informal Jurisdictional Wetland Inspection;
Lee County, S-10 / T-46-S / R-24-E

DCI 2003-00049

Dear Mr. Bagley:

The District offers the following in response to your request for a determination of the jurisdictional wetland boundaries and other surface waters located within the subject property. Craig Schmittler, Environmental Analyst, of the Natural Resource Management Division, conducted a site inspection on December 7, 2001.

The project boundaries shown on the attached aerial identify the approximate limits of the property inspected. Based on the information provided and the results of the site inspection, The jurisdictional wetlands and other surface waters, as defined in Chapter 62-340 F.A.C., within the limits of the subject property, are shown on the attached aerial exhibits.

This correspondence is an informal pre-application jurisdictional determination pursuant to Section 373.421(6) and F.A.C. 62-312.040(7). It does not bind the District, its agents or employees, nor does it convey any legal rights, expressed or implied. Persons obtaining this informal pre-application jurisdictional determination are not entitled to rely upon it for purposes of compliance with provision of law or District rules. A binding jurisdictional determination may be obtained by submitting an application to the South Florida Water Management District Ft. Myers office for a formal determination pursuant to Chapter 40E-4.042 F.A.C. or by applying for a permit.

Governing Board

Executive Office

Trudi K. Williams, Chair
Eduardo E. Candela, Vice Chair
Pamela Brooks-Thomas
Michael Collins
Hugh M. English
Gerardo B. Fernandez
Patrick J. Gleason, Ph.D., P.G.
Nicolas J. Gutierrez, Jr., Esq.
Harkley R. Thornton
Henry Dean, Executive Director

District Headquarters: 3301 Gun Club Road, P.O. Box 24680, West Palm Beach, FL 33416-4680 • (561) 686-8800 • FL WATS 1-800-432-2045

A file has been set up with pre-application materials at the Ft. Myers Service Center office. If you have any further questions please contact Craig Schmittler at (941) 338-2929 ext. 7739.

Sincerely,

Karen M. Johnson
Supervising Professional
Ft. Myers Service Center

KMJ/cds - Attachment (Memo, Location Map, and Aerials)

c: USACOE - Ft. Myers w/ memo, location map, and aerial
DEP- w/ memo, location map

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JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

12651 McGREGOR BOULEVARD
SUITE 4-403
FORT MYERS, FL 33919-4489
TELEPHONE 941-278-3090
FAX 941-278-1906
www.metrotransportation.com
TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

METRO TRANSPORTATION GROUP, INC.

April 24, 2002

RECEIVED
JUL 11 2003
PERMIT COUNTER

Ms. Kathy Morgan
Development Solutions, LLC
8660 College Parkway, Suite 160
Fort Myers, Florida 33919

RE: Winkler Preserve
DCI2002-00012

DCI 2003-00049

Dear Ms. Morgan:

Metro Transportation Group, Inc. (Metro) has reviewed the comments by Mr. Bob Rentz of the Lee County Department of Community Development as well as Mr. Michael Tisch of the Lee County Department of Transportation. The following information includes the original comments and our response.

LCDOT Sufficiency Checklist

1) The traffic impact statement does not show background traffic for the project area, please provide AM/PM Peak Hour Traffic Counts on Winkler Road south of Summerlin Road. DOT Staff feels that significant existing traffic is present on Winkler Road.

Tables 1A and 2A from the original report have been revised to reflect a traffic count conducted on March 6, 2002 at the intersection of Winkler Road and Summerlin Road. During the P.M. Peak Hour, the highest hourly volume existing on Winkler Road to the south of Summerlin Road is 320 vehicles. Thus, this volume was utilized for the 2002 Peak Hour, Peak Season, Peak Direction traffic volume on Winkler Road, south of Summerlin Road. The growth rate for Winkler Road to the south of Summerlin Road was taken from the growth rate on Winkler Road to the north of Summerlin Road. Based on the 2005 traffic projections contained in Table 2A, Winkler Road to the south of Summerlin Road will maintain an acceptable Level of Service once the project traffic is added to the surrounding roadway network. The conclusions contained in the original report will remain sufficient based on the updated Tables 1A and 2A.

T.I.S. Checklist

4) Background traffic must be shown for Winkler Rd. from the poject site to Summerlin Rd., either from the Traffic Count Report, or by manual counts, if Traffic Count Report data is unavailable.

See previous response.

7) A level of service analysis for Winkler Rd. from the project site to Summerlin Rd. must be performed.

See previous response.

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections.

Attached to the end of this document is an unsignalized intersection capacity analysis for the site access intersection with Winkler Road. The Winkler Road volume shown in the capacity analysis is much higher than the actual volume at the site access intersection due to the fact that the traffic volume was taken from the turning movement counts at Winkler Road and Summerlin Road. Some of the traffic shown in the turning movement count terminates in a number of different uses to the north of the proposed Winkler Preserve access location. Based on the HCS analysis, the intersection will operate under acceptable Level of Service conditions after the project traffic is added to Winkler Road even with the higher through traffic volumes. No intersection analysis is required at the intersection of Winkler Road and Summerlin Road due to the fact that it is over one-quarter of a mile from the site access intersection.

9) Required improvements, if any, will be based on the above required level of service analysis.

No new roadway improvements will be required based on the revised analysis contained within this document. The conclusion contained in the original report will remain sufficient.

10) Table 2A; the Lee County D.O.T. 2001 K100 and Directional factors should be used.

The original report was completed prior to the release of the 2001 K100 and Directional factors. However, these factors have been revised to reflect the up-to-date K100 and Directional factors.

If you should have any additional questions, please do not hesitate to contact me.

Sincerely,

Robert L. Price, E.I.T.
Transportation Consultant

Ted B. Treesh
Principal/Regional Manager

Attatchments:

DCI 2003-00049
RECEIVED
JUL 11 2003
PERMIT COUNTER

TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

Revised 4/24/02

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 205 VPH IN= 50 OUT= 155

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Gladiolus Drive	W. of U.S. 41	6LD	0	0	2270	2840	3000	35.00%	61	2.7%
Summerlin Road	W. of Winkler Road	6LD	0	2340	2980	3110	3110	25.00%	44	1.5%
	E. of Winkler Road	6LD	0	2340	2980	3110	3110	50.00%	88	2.9%
	N. of Gladiolus Drive	6LD	0	1530	1980	2070	2070	15.00%	26	1.3%
Winkler Road	N. of Summerlin Road	2LN	0	0	640	880	940	25.00%	44	6.8%
	N. of Site	2LN	0	0	500	800	870	100.00%	175	35.0%

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

Revised 4/24/02

7% Truck Adjustment = 0.934

P. C. S.	K	D
PCS NO. 19	0.098	0.56
PCS NO. 46	0.095	0.50
PCS NO. 47	0.099	0.55

TOTAL PROJECT TRAFFIC AM = 205 VPH IN = 50 OUT= 155

TOTAL PROJECT TRAFFIC PM = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	PCS	BASE YR ADT	2001 ADT	YRS OF GROWTH	ANNUAL RATE	2001 PK HR PK SEASON PEAK DIR.[1]		2005 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2005 BCKGRND + AM PROJ TRAFFIC	2005 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of U.S. 41	46	32900	39900	4	4.94%	2004		2430	35.00%	54	61	2485	2492
Summerlin Road	W. of Winkler Road	19	29900	34400	9	1.57%	2037		2168	25.00%	39	44	2207	2212
	E. of Winkler Road	19	29900	34400	9	1.57%	2037		2168	50.00%	78	88	2245	2255
	N. of Gladiolus Drive	19	23200	21100	9	0.00%	1561		1561	15.00%	23	26	1584	1587
Winkler Road	N. of Summerlin Road	19	2800	3400	9	2.18%	178		194	25.00%	39	44	233	238
	N. of Site	--	--	--	--	2.18%	320	[2]	341	100.00%	155	175	496	516

* The Truck Factor was not accounted for in the calculations for roadway links that have permanent count stations.

[1] The 2001 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2000/2001-2001/2002 Lee County Concurrency Report

[2] The Peak Hour, Peak Season, Peak Direction Traffic Volume for Winkler Road to the south of Summerlin Road is a 2002 traffic volume, and it was obtained from a traffic count performed on 3/06/02

Weather : Cool
Counted by: Dawn/Jennifer

Default Titles
Change These in The Preferences Window
Select File/Preference in the Main Scree
Then Click the Titles Tab

File Name : SumWink
Site Code : 00002452
Start Date : 03/06/2002
Page No : 1

Groups Printed- 1 - Cars

	Winkler Rd. From North					Summerlin Rd. From East					Winkler Rd. From South					Summerlin Rd. From West					
Start Time	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Int. Total
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	15	20	3	3	41	4	201	43	25	263	31	22	2	2	57	0	160	25	0	185	546
07:15 AM	31	17	2	4	54	5	272	26	22	325	35	6	7	1	49	1	206	16	4	227	656
07:30 AM	23	10	1	0	34	1	280	34	24	339	31	13	8	3	55	0	187	24	5	216	644
07:45 AM	24	9	2	1	36	3	329	34	21	387	55	21	14	11	101	2	239	18	8	267	791
Total	93	56	8	8	165	13	1082	137	92	1314	152	62	31	17	262	3	792	83	17	895	2636
08:00 AM	19	14	7	1	41	2	298	28	28	356	36	21	8	10	76	4	229	22	7	262	734
08:15 AM	34	16	6	5	61	4	353	53	30	440	37	19	7	6	69	4	243	18	12	277	847
08:30 AM	31	19	7	4	61	3	326	82	23	384	31	13	21	5	70	7	237	28	13	285	800
08:45 AM	41	24	6	2	73	6	314	46	25	393	42	25	12	8	87	9	226	16	9	259	812
Total	125	73	26	12	236	17	1291	159	106	1573	146	78	48	29	301	24	934	84	41	1083	3193
09:00 AM	0	0	0	0	0	0	0	0	0	0	30	19	18	6	73	17	285	16	11	329	402
09:15 AM	26	28	3	1	58	4	270	45	22	341	41	20	14	4	79	10	260	22	15	327	805
09:30 AM	25	18	2	7	53	6	281	35	31	353	41	25	13	6	85	10	315	27	27	379	870
09:45 AM	21	17	11	3	52	6	226	33	27	291	0	0	0	0	0	0	0	0	0	0	343
Total	72	63	17	11	163	16	777	113	80	985	112	64	45	16	237	37	860	65	53	1035	2420
10:00 AM	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
Total	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
11:00 AM	23	26	10	1	60	6	269	43	20	360	39	29	23	3	94	5	302	19	18	338	852
11:15 AM	44	27	15	2	88	4	321	22	14	361	36	26	11	6	79	11	355	21	16	403	931
11:30 AM	32	35	13	7	87	5	314	36	12	367	44	30	11	7	92	15	336	15	15	381	927
11:45 AM	31	16	15	7	69	4	248	40	15	307	32	27	9	5	73	14	377	21	21	433	882
Total	130	104	53	17	304	21	1172	141	61	1395	151	112	54	21	338	45	1370	76	70	1555	3592
12:00 PM	22	29	9	5	65	13	255	21	14	303	44	37	8	4	93	6	327	35	12	380	841
12:15 PM	31	38	12	5	86	14	294	34	20	362	43	20	9	3	75	6	361	23	10	400	923
12:30 PM	25	27	15	2	69	4	321	44	19	388	30	9	13	3	55	10	334	24	16	384	896
12:45 PM	28	32	14	1	75	3	300	32	14	349	35	21	8	7	71	12	365	17	15	409	904
Total	106	126	50	13	295	34	1170	131	67	1402	152	87	38	17	294	34	1387	99	53	1573	3564
03:00 PM	32	29	15	3	79	9	319	38	13	379	35	29	9	4	77	10	488	30	15	543	1078
03:15 PM	35	24	16	4	79	5	337	35	11	388	48	34	9	17	108	11	406	24	11	452	1027
03:30 PM	29	23	20	3	75	7	378	22	8	415	57	33	24	9	123	16	441	30	13	500	1113
03:45 PM	38	32	15	4	89	7	339	45	10	401	51	27	8	5	91	13	464	23	15	515	1096
Total	134	108	66	14	322	28	1373	140	42	1583	191	123	50	35	399	50	1799	107	54	2010	4314
04:00 PM	20	15	9	0	44	9	199	35	6	249	34	18	9	2	63	8	449	30	14	501	857
04:15 PM	34	23	12	5	74	12	259	37	12	320	35	24	11	2	72	11	476	48	14	549	1015
04:30 PM	47	30	13	5	95	11	275	17	7	310	40	24	8	7	79	10	433	42	15	500	984
04:45 PM	27	19	13	2	61	11	386	30	10	417	42	27	13	8	90	8	361	36	17	422	990
Total	128	87	47	12	274	43	1099	119	35	1296	151	93	41	19	304	37	1719	156	60	1972	3846
05:00 PM	32	31	16	1	80	10	279	22	7	318	38	24	14	3	79	9	411	29	16	465	842
05:15 PM	26	24	11	0	63	14	289	19	3	325	28	21	8	2	59	16	374	30	15	455	902
05:30 PM	23	14	12	3	52	19	295	34	4	352	27	30	5	3	65	15	344	21	14	404	873
05:45 PM	14	19	15	0	48	13	294	30	1	338	23	16	3	2	44	5	411	24	8	448	878
Total	97	88	54	4	243	56	1157	105	15	1333	116	91	30	10	247	45	1540	104	53	1772	3595
Grand Total	908	721	330	91	2051	228	9351	1083	513	11155	1171	710	337	164	2382	275	1042 1	798	401	11895	27483
Apprch %	44.3	35.2	16.1	4.4		2.0	83.8	9.5	4.6		49.2	29.8	14.1	6.9		2.3	87.6	6.7	3.4		
Total %	3.3	2.6	1.2	0.3	7.5	0.8	34.0	3.9	1.9	40.6	4.3	2.6	1.2	0.6	8.7	1.0	37.9	2.9	1.5	43.3	

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*RLP*	Intersection	*Winkler Rd @ Site Access Drive*
Agency/Co.	*Metro Transportation Group, In*	Jurisdiction	*Lee County*
Date Performed	*4/24/2002*	Analysis Year	*2005*
Analysis Time Period	*P.M. Peak Hour*		
Project Description	*Project 011201 - Winkler Preserve*		
East/West Street:	*Site Access Drive*	North/South Street:	*Winkler Road*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*0*	*341*	*0*	*175*	*247*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*341*	*0*	*175*	*247*	*0*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Undivided*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration			*TR*	*LT*		
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*95*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*0*	*95*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration		*LR*				

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*LT*		*LR*				
v (vph)		*175*		*95*				
C (m) (vph)		*1229*		*706*				
v/c		*0.14*		*0.13*				
95% queue length		*0.50*		*0.46*				
Control Delay		*8.4*		*10.9*				
LOS		*A*		*B*				
Approach Delay	--	--	*10.9*					
Approach LOS	--	--	*B*					

>

STUART

Development Solutions, LLC

July 19, 2002

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Lee County
Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

Attention: Mr. Jeff E. Laurien, Senior Planner

Re: Winkler Preserve RPD
DCI2002-00012 – Sufficiency Response

Dear Mr. Laurien:

This letter is to provide additional information to the above zoning file:

11 Revised Master Concept Plans
11 Revised Deviation and Justification Exhibit
3 New Letter of Authorization, Disclosure of Interest, and Covenant of Unified Control for Parcel # 10-46-24-01-00029.0000 and 10-46-24-01-00036.0000
3 Letter from Florida Department of State, Division of Historical Resources

The Master Concept Plan has been revised to request a Deviation for intersection separation.

The Deviation and Justification Exhibit has been revised to request a Deviation for intersection separation.

The letter from the Division of Historical Resources states that no previously recorded cultural resources have been located on the property.

Please do not hesitate to contact me at 482-1500 or 228-8889 if there are any questions regarding this submittal.

Sincerely,

Kathy Morgan, President
Development Solutions, LLC

DCI 2003-00049

Enc.

c: Greg Stuart, Stuart and Associates
Carl Barraco, Barraco and Associates, Inc.

8660 College Parkway • Suite 160 • Fort Myers, FL 33919 • 239-482-1500 • 239-481-8477 fax

EXHIBIT IV-S-1

DC12002-00012

Deviation Report

REVISED 7-15-02

Deviation One -- A request to deviate from the interrelated code requirements LDC 10-291(3), LDC 10-294 and LDC 10-295, that where practical requires large residential developments to have two means of ingress and egress, that requires surrounding area street system coordination and requires as deemed necessary by the Director street stub outs to adjoining areas; to permit the projects access and circulation system as per the MCP and Deviation One Sketch.

The Deviation request is based upon providing a divided median 4-lane entrance access connection onto Winkler Road. Similar to the Heritage Cove RPD (located along A & W Bulb Road) and other Plan Developments in Lee County, public health and safety considerations are addressed through a 4-lane divided entrance. Emergency vehicles will have ingress and egress regardless if one side of the divided median is blocked (see Master Concept Plan deviation detail). Furthermore, the Applicant has met on two occasions with the residents of the Belle Meade subdivision. The residents made it clear in both instances that they do not want to see either a primary or secondary access connection into their privately maintained street system and subdivision. The project will benefit from the deviation by satisfying legitimate concerns by Belle Meade residences to protect their neighborhood from unwarranted traffic and privacy. The project will benefit from Deviation One by obtaining a more efficient use of the property. With the exception of two golf course country club communities (Lexington and Crown Colony), the RPD's requested single access connection onto Winkler Road is identical to all current and planned residential subdivisions within the South Winkler Road corridor. To conclude, the 4-lane divided median access connection will provide the proposed RPD with more than adequate and safe emergency access.

Deviation Two -- A request to deviate from LDC 10-285 (a) Table 1 Connection Standards, that require a 330-ft. collector road connection standard; to permit the Winkler Preserve RPD site entrance way access separation measured approximately 306-ft. southward and 330-ft. northward as depicted on the master concept plan.

The Winkler Preserve RPD requests an access separation from the Winkler Estates at approximately 330-ft. north and approximately 306-ft. (to be determined by final as-built survey) southward from the recently conventionally rezoned property. The basis of the access connection is as follows. The deviation of approximately 24-ft. is marginal within the context of the functional character of Winkler Road. Given the fact that Winkler Road south stops just south of the subject property, the functional character is best described as a local street rather than a full collector. From consultations with Metro Transportation Group, the 24-ft. separation connection reduction does not adversely affect public health safety and welfare interest with regard to traffic volumes and turning movements along Winkler Road. Consequently, the deviation is consistent with the public interest intent of the 330 separation standard. Equally important, the vacant property immediately to the west of the requested Winkler Preserve RPD access connection will require access to Winkler Road based on its future land use for residential

development. Consequently, it is logical to assume that the requested Winkler Preserve RPD access connection is located in a manner ideally suited for the west properties future access connection alignment. In so doing, the deviation serves to minimize unaligned connections onto Winkler Road. The project will benefit from the deviation in that an elongated boulevard will be created as opposed to a much shorter roadway segment into the property. The requested access connection permits a signature type entrance boulevard, which more directly ties into the location of the model homes and the group activity center. Hence, the 24-ft. access connection deviation will directly benefit the project's curbside appeal, marketing exposure and aesthetic characteristics. A graphic depiction of the connection deviation is depicted on the MCP.

GS/as/01.017/accessdeviation1/reports

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that he is the trustee for the fee simple title holder and owner of record of property commonly known as Winkler Preserve RPD, Strap # 10-46-24-01-00029.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 29, and Strap # 10-46-24-01-00036.0000 and Seminole Gardens PB 4 PG 65 Lot 36. The property described herein is the subject of an application for zoning or development. I hereby designate Patrick J. Hayes, Successor Trustee as the legal representative of the property and as such, he is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of Randy E. Thibaut and Kathy L. Morgan as agents and other agents as necessary to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

WINKLER 8 LAND TRUST

By: _____ 7-17-02
Owner* (signature) (date)

Patrick J. Hayes, Successor Trustee
Printed Name

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 17th day of July, 2002, by Patrick J. Hayes, Successor Trustee of the Winkler 8 Land Trust, who is personally known to me or who has produced _____ as identification.

_____
Notary Public

(SEAL)

Janet E. Allison
(Name typed, printed or stamped)

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

DCI 2003-00049

DISCLOSURE OF INTEREST FORM FOR:

STRAP NO: 10-46-24-01-00029.0000 & 10-46-24-01-00036.0000 **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, Address, and Office	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
Patrick J. Hayes, Successor Trustee, Winkler 8 Land Trust 2077 First Street, Suite 208, Fort Myers, FL 33901		100%

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

(over)

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, Address, & Office(if applicable)		Percentage of Stock
		See Attachment
Advance Homes, Inc.		

Date of Contract: 11/27/01

6. If any contingency clause or contract terms involve additional parties, list all individuals or officers, if a corporation, partnership, or trust.

Name and Address		

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of final public hearing, a supplemental disclosure of interest shall be filed.

The above is a full disclosure of all parties of interest in this application, to the best of my knowledge and belief.

7-17-02

Signature date Signature date

Patrick J. Hayes, Successor Trustee
Printed Name

Printed Name

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 17th day of July, 2002,by Patrick J. Hayes, Successor Trustee, who is personally known to me or who has produced _____ as identification. .

Janet E. Allison
Signature of Notary Public

(SEAL)

Janet E. Allison
Printed Name of Notary Public

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

DCI 2003-00049

Advance Homes, Inc.

Name of Stockholder	Percentage of Stock Owned
Velma Seitz 4215 East 60th Street, Suite #6 Davenport, IA 52807 Phone: 563-359-0307; Fax 563-359-0589	51%
Cynthia Westzel 4215 East 60th Street, Suite #6 Davenport, IA 52807 Phone: 563-359-0307; Fax 563-359-0589	16.333%
Susan Gates 4215 East 60th Street, Suite #6 Davenport, IA 52807 Phone: 563-359-0307; Fax 563-359-0589	16.333%
A. Jeffrey Seitz 4215 East 60th Street, Suite #6 Davenport, IA 52807 Phone: 563-359-0307; Fax 563-359-0589	16.333%

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned does hereby swear or affirm that he is the trustee for the fee simple title holder and owner of the record of property commonly known as as Winkler Preserve RPD, Strap # 10-46-24-01-00029.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 29, and Strap # 10-46-24-01-00036.0000 Seminole Gardens PB 4 PG 65 Lot 36. The property described herein is the subject of an application for planned development zoning. The undersigned hereby designates Patrick J. Hayes, SuccessorTrustee, as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognize the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

WINKLER 8 LAND TRUST

By: _____ 7-17-02
Signature Date

OCT 2003-00049

Patrick J. Hayes, Successor, Trustee
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 17th day of July, 2002 by Patrick J. Hayes, Successor Trustee, who is personally known to me or has produced _____ as identification.

OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

Janet E. Allison
Notary Public

Janet E. Allison
(Name typed, printed or stamped)
(Serial Number, if any)

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

PART V - AFFIDAVIT

I, Patrick J. Hayes, Successor Trustee, certify that I am the owner or authorized representative of the property as Winkler Preserve RPD, Strap # 10-46-24-01-00029.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 29, and Strap # 10-46-24-01-00036.0000 Seminole Gardens PB 4 PG 65 Lot 36. and that all answers to the questions in this application and any sketches, data or other supplementary matter attached to and made a part of this application, are honest and true. I also authorize 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.

7-7-02

Signature date

Patrick J. Hayes, Successor Trustee
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 7th day of July, 2002 by Patrick J.Hayes, Successor Trustee who is personally known to me or who has produced _____ as identification.

Janet E. Allison
Signature of notary public

(SEAL)

Janet E. Allison
Printed name of notary public

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

DCA 2003-00049

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JUL 11 2003
COMMUNITY DEVELOPMENT

DIVISIONS OF FLORIDA DEPARTMENT OF STATE
Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services

MEMBER OF THE FLORIDA CABINET
State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE
Katherine Harris
Secretary of State
DIVISION OF HISTORICAL RESOURCES

July 15, 2002

Mr. Greg Stuart
Stuart and Associates
2180 W First St
Fort Myers, Fl 33901
Fax: 239-337-2496

RECEIVED
JUL 11 1 2003
COMMUNITY DEVELOPMENT

Dear Mr.Stuart:

In response to your inquiry of July 12 , 2002, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T46S, R24E, Section 10

In interpreting the results of our search, please remember the following points:

- **Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.**
- **As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.**

Sincerely,

Michelle Cremer

OCT 2003-00049

Michelle Cremer
Data Analyst, Florida Master Site File
Division of Historical Resources
R. A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

Phone: 850-245-6440
State SunCom: 205-6440
Fax line: 850-245-6439
Email: *fmsfile@mail.dos.state.fl.us*
Web: *http://www.dos.state.fl.us/dhr/msf/*

10.50
.70

INSTR # 5506827
OR BK 03687 PG 2275
RECORDED 07/17/2002 10:48:31 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 10.50
DEED DOC 0.70
DEPUTY CLERK M Bernard

Prepared by and return to:
William A. Keyes, Jr.
Attorney at Law
Stewart & Keyes
2125 First Street, Suite 101 Post Office Drawer 790
Fort Myers, FL 33902-0790
File Number: **11393-17**
Will Call No.: **Box28**
Parcel Identification No.10-48-24-01-00029.0000, 10-46-24-01-00036.0000

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 16th day of July, **2002** between **Lillian B. Taggart, Individually, as Personal Representative of the Estate of Merrill R. Taggart, deceased, and as Successor Trustee of the Revocable Trust dated July 7, 1992** whose post office address is **1305 Rio Vista, Fort Myers, Florida 33901**, grantor, and **Patrick J. Hayes, Successor Trustee of that certain Land Trust known as Winkler 8**, whose post office address is **2077 First Street, Suite 208, Fort Myers, FL 33901**, grantee:

(Whenever used herein the terms grantor and grantee include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts and trustees)

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in **Lee County, Florida**, to-wit:

> **Lots 29 and 36, Seminole Gardens, according to the plat thereof, as recorded in Plat Book 4, Page 65, of the Public Records of Lee County, Florida; Less and Except the West 25 feet of Lot 36 deeded to Lee County, Florida, for road right-of-way in Deed recorded in O.R. Book 260, Page 434, of the Public Records of Lee County, Florida.**
>
> The Grantee, as Successor Trustee, has the full power and authority to protect, conserve, sell, convey, lease, encumber, and to otherwise manage and dispose of said real property pursuant to F.S. 689-071.
>
> Grantor warrants that at the time of this conveyance, the subject property is not the Grantor's homestead within the meaning set forth in the constitution of the state of Florida, nor is it contiguous to or a part of homestead property. Property is vacant.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under grantors.

In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

DoubleTime®

I CERTIFY THIS DOCUMENT TO BE A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE
CHARLIE GREEN, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA
DATED: 7-17-02
BY: _____ Deputy Clerk

OCT 2003-00049

RECEIVED

JUL 11 2003

COMMUNITY DEVELOPMENT

Signed, sealed and delivered in our presence:

Witness Name: Cecil Hamm-Reeves Jr

Witness Name: Linda J Netsch

Lillian B. Taggart, Individually, as Personal Representative of the Estate of Merrill R. Taggart, Deceased, and as Successor Trustee of the Revocable Trust dated July 7, 1992

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 16th day of July, 2002 by Lillian B. Taggart, Individually, as Personal Representative of the Estate of Merrill R. Taggart, Deceased, and as Successor Trustee of the Revocable Trust dated July 7, 1992, who [X] is personally known or [ ] has produced _____ as identification.

[Notary Seal]

Notary Public

Printed Name: Linda J. Netsch

My Commission Expires: MY COMMISSION # CC830820 EXPIRES April 27, 2003 BONDED THRU TROY FAIN INSURANCE, INC.

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

2003-00049

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that Winkler Preserve, LLC is the fee simple title holder and owner of record of property commonly known as Winkler Preserve RPD, Strap #10-46-24-01-0031.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 31 and Seminole Gardens PB 4 PG 65 Lot 32; Winkler Preserve RPD, Strap # 10-46-24-01-00033.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 33; and Strap # 10-46-24-01-00034.0000 Seminole Gardens PB 4 PG 65 Lot 34. The property described herein is the subject of an application for zoning or development. Winkler Preserve, LLC hereby designates W. Michael Kerver as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorizing of Randy E. Thibaut and Kathy L. Morgan as agents and other agents as necessary to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

WINKLER PRESRVE, LLC

By: _____ 4-25-02
Owner* (signature)

W. Michael Kerver, Vice President
Printed Name

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JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

STATE OF FLORIDA
COUNTY OF LEE

Sworn to (or affirmed) and subscribed before me this 25th day of April, 2002, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, who is personally known to me or who has produced _____ as identification.

_____
Notary Public

(SEAL)

Janet E. Allison
(Name typed, printed or stamped)

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

JOINT WRITTEN CONSENT
OF THE SOLE MEMBER AND MANAGER
OF
WINKLER PRESERVE, L.L.C.

The undersigned, constituting the sole Member and the sole Manager of Winkler Preserve, L.L.C., a limited liability company organized and existing under the laws of the State of Florida (referred to herein as the "Company"), do hereby consent to and approve the following actions, by written consent in lieu of a formal meeting of the Company:

RESOLVED, that the undersigned waive all notice of a formal meeting and adopt this Written Consent in lieu of a formal meeting of the Manager and Member of the Company; and be it

FURTHER RESOLVED, that the following individuals are hereby elected to serve as officers of the Company until their death, disability or removal by the Manager of the Company

Bruce Wetzel — Vice President

W. Michael Kerver — Vice President

Dated: March 20, 2002

RECEIVED
JUL 11 2003
PERMIT COUNTER

MEMBER:

Advance Homes, Inc.

By: A. Jeffrey Seitz, President
A. Jeffrey Seitz, President

MANAGER:

A. Jeffrey Seitz
A. Jeffrey Seitz

2003-00049

L:\Advance Homes, Inc (837)\Winkler Preserve, LLC (02)\Written Consent.doc

2399399996 ADVANCE HOMES INC 513 P02 APR 25 '02 09:47

DISCLOSURE OF INTEREST FORM FOR:

10-46-24-01-00031.0000 &

STRAP NO: 10-46-24-01-00033.0000 & 10-46-24-01-00034.0000 **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, Address, and Office	Percentage of Stock
Winkler Preserve, LLC	100%

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

(over)

OCT 2003-00049

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, Address, & Office(if applicable)		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		

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.

4-25-02

Signature date

W. Michael Kerver

Printed Name

Signature date

Printed Name

RECEIVED
JUL 11 2003
PERMIT COUNTER

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was acknowledged before me this 25th day of April, 2002, by W. Michael Kerver who is personally known to me or who has produced _____ as identification. .

Signature of Notary Public

(SEAL)

Janet E. Allison

Printed Name of Notary Public

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

001 2003-00049

EXHIBIT I-B-4
COVENANT OF UNIFIED CONTROL

The undersigned does hereby swear or affirm that Winkler Preserve, LLC is the fee simple title holder and owner of record of the property commonly known as *Winkler Preserve RPD, Strap # 10-46-24-01-00031.0000 and legally described as Seminold Gardens PB 4 PG 65 Lot 31 and Seminole Gardens PB 4 PG 65 Lot 32; Strap # 10-46-24-01-00033.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 33; and Strap # 10-46-24-01-00034.0000 and legally described as Seminole Gardens PB 4 PG 65 Lot 34.* The property described herein is the subject of an application for planned development zoning. Winkler Preserve, LLC hereby designates W. Michael Kerver as the legal representative of the property and as such, this individual is authorized to legally bind all owners of the property in the course of seeking the necessary approvals to develop. This authority includes but is not limited to the hiring and authorization of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain zoning and development approval on the site. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended covenant of unified control is delivered to Lee County.

The undersigned recognizes the following and will be guided accordingly in the pursuit of development of the project:

1. The property will be developed and used in conformity with the approved master concept plan including all conditions placed on the development and all commitments agreed to by the applicant in connection with the planned development rezoning.
2. The legal representative identified herein is responsible for compliance with all terms, conditions, safeguards, and stipulations made at the time of approval of the master concept plan, even if the property is subsequently sold in whole or in part, unless and until a new or amended covenant of unified control is delivered to and recorded by Lee County.
3. A departure from the provisions of the approved plans or a failure to comply with any requirements, conditions, or safeguards provided for in the planned development process will constitute a violation of the Land Development Code.
4. All terms and conditions of the planned development approval will be incorporated into covenants and restrictions which run with the land so as to provide notice to subsequent owners that all development activity within the planned development must be consistent with those terms and conditions.
5. So long as this covenant is in force, Lee County can, upon the discovery of noncompliance with the terms, safeguards, and conditions of the planned development, seek equitable relief as necessary to compel compliance. The County will not issue permits, certificates, or licenses to occupy or use any part of the planned development and the County may stop ongoing construction activity until the project is brought into compliance with all terms, conditions and safeguards of the planned development.

WINKLER PRESERVE, LLC

By: _____ 4-25-12
Signature date

W. Michael Kerver, Vice President
Printed Name

_____ date
Signature

RECEIVED
JUL 11 2003
PERMIT COUNTER

_____
Printed Name

STATE OF FLORIDA)
COUNTY OF LEE)

Sworn to (or affirmed) and subscribed before me this 25th day of April, 2002, by W. Michael Kerver, Vice President of Winkler Preserve, LLC, who is personally known to me or has produced _____ as identification.

_____
Notary Public

Janet E. Allison
(Name typed, printed or stamped)
(Serial Number, if any)

NOTARY PUBLIC STATE OF FLORIDA
OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

DCI 2003-00049

Bagley Environmental & Planting Services, Inc.
BE&P
10680 Tuliptree Court
Lehigh Acres, Florida 33936
Ph: 941.369.3919 Fax: 941.303.1589

February 5, 2002

Winkler Preserve
Environmental Assessment & Protected Species Report

Winkler Road Extension
Lee County, Florida
Section 10, Township 46S, Range 24E

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PERMIT COUNTER
2003-00049

Introduction

Marshall Bagley, Senior Environmental Scientist of BE&P, performed a wetland and species survey on the subject parcel of "Winkler Run". This conglomeration of individual approximately 10 acre parcels is located within Section 10, Township 46S, Range 24E in Lee County, Florida (Figure 1). The project site is further described as containing approximately 110 acres and is located between the recently permitted Crown Colony Development on the north, the Belle Meade Development on the south, Winkler Road on the west and Hendry Creek on the east. The project site has been observed from an environmental assessment standpoint over portions of fourteen days by BE&P, Inc starting in August 2001 through February 2002 through the peak of a very active tropical rainy season when nearly the entire parcel was underwater to the current dry conditions of winter. Three of the fourteen days were in a formal protected species transecting mode.

Soil

The soils mapped over the majority of the site in the Lee County Soils Book were primarily non-hydric soils and the small scale 1976 aerial photo in the soils book generally shows that the site had significantly less wet surface area than today. This aerial interpretation was also confirmed during a historical aerial review of the general project site carried out at the Lee County Property Appraisers Office on 1": 200' aerial photographs. Over much of the property evidence of palmetto prairies and scrub cattle grazing activity was apparent through numerous meandering cattle trails, and past crop use is suspected over central portions of the area as evidenced by agricultural debris dumps and typical overgrown agricultural ditches and row crop swales.

However, this being said, major changes have taken place in this area since the 1976 aerial of the soil book.

Demonstrated from west to east the following soil types are observed on the Lee County Soils Map (Figure 2); #6 Hallandale Fine Sand, #42 Wabasso Sand with limestone substratum and #8 Hallandale Fine Sand tidal. Of the mapped soils only #8 Hallandale Fine Sand Tidal, is recognized as a Lee County hydric soil by the Lee County Soil and Water Conservation District List. Wabasso and Hallandale although not listed as hydric have been observed as a soil type, which can perch water on the soil surface due to the impermeable nature of the shallow limestone sub-surface. In fact, jurisdictional wetlands were observed on Wabasso and Hallandale soil in the permit for Crown Colony adjacent and north of this project site. Typically however, and as evidenced through a historical aerial review of the project area the Wabasso and Hallandale soil of this Lee County site did not historically stage water to the extent seen currently, but has been impacted through relatively recent factors induced by human activity such as two man induced recent breaks in the berm of the IDD ditch on the north property line in combination with a impermeable berm along the entire south property line which was built in 1992 by the Belle Meade development. Surrounding development as well as a flowing artesian well within the northern edge of the property has in reality left this group of parcels to act as a retention basin in recent years, which has led directly to the recent increased evidence of hydrology on the site.

Wetland

The property is comprised of a highly disturbed group of parcels. Numerous and substantial agricultural dumps are found on the property and the wetlands excluding the tidal portion of the site are dominated by melaleuca, an exotic tree species. There are numerous berms and ditches on the property and areas where it appears the soil surface was scraped down in association with previous attempts to remove melaleuca. This man induced site activity in association with influences of surrounding development has artificially augmented the period of inundation by standing water aiding in the establishment of a disturbed "wetland" condition. Wetlands have been flagged on the property by BE&P, Inc. and mapped on a 1": 200' current aerial photograph of the property (Figure 3). The wetland lines for the state (SFWMD) were reviewed onsite and approved by Mr. Craig Schmittler of the SFWMD on December 7, 2001. The lines have been surveyed located by Carl Barraco, whose survey will act as an addendum to this report.

It is BE&P's opinion that the uplands on the property were most greatly impacted in association with the time of construction of the adjacent and south Belle Meade Development, which

occurred in the early 1990's. According to the observation of substantial drowned upland palmetto prairies (now dominated by hydrologic indicators such as standing deep water during the rainy season and melaleuca) on the property and aerial photographs from the late 1980's through the 1990's there was a significantly larger area of uplands on the site. This area included a palmetto ridge, which graded downhill as uplands toward Hendry Creek. It was this historical data that required BE&P to use the altered sites criteria F.A.C. 62-340.300(3)(a) to determine the wetland lines, which are delineated in combination with the 1986 & 1990 Lee County aerials and the observance of current conditions. The listed aerials represented the pre-altered wetland condition of the site. This methodology and SFWMD pre-application meetings and assistance led to the subsequent verification of the wetland lines on the property.

Protected Species Survey Methodology

In compliance with the Lee County Endangered Species ordinance 89-34, Bagley Environmental surveyed the site for protected species by Florida Land Use, Cover Forms and Classification System (FLUCCS). First FLUCCS codes were assigned to the property as they occurred and labeled onto the 1999 "current" Lee County aerial photograph, then the given FLUCCS code areas were surveyed for the species identified within the Lee County Protected Species List per the FLUCCS code they typically occur in through The Modified Meandering Strip Census pedestrian transects in combination with stop look and listen points. The intent of the survey is to visually cover ≥90% of the parcel scanning for spoor of species and ultimately protected species and / or their homes. Upon locating the homes or nests of protected species they are flagged by number then located onto an aerial and by GPS for activity monitoring, inventory and future tracking.

In the case of this property it is estimated due to extremely dense head-high palmetto and extremely dense melaleuca over large areas that no more than 75% of the ground cover was able to be observed. The site was formally transected under clear and unseasonably warm conditions in the mornings and evenings of January 17, 2002, January 18, 2002 and January 22, 2002. Prior to the formal transecting during general environmental assessment and wetland flagging, 13 tortoise burrows were located and flagged.

Florida Land Use Cover Forms Classification System (FLUCCS)

FLUCCS present on the site were determined first through aerial photo review and then ground truthing the vegetation signatures in the field during the due–diligence and wetland survey of the site.

The following FLUCCS codes are present on the site and delineated on the FLUCCS Aerial submitted with this report and are listed here with their approximate acreages:

FLUCCS #	FLUCCS DESCRIPTION	Planimetered Approx. Acreage
160	Borrow pit / cattle watering pond	.05
260	Undetermined Use Agriculture	16.0
321	Palmetto prairie	8.0
321*/424*	Palmetto prairie Dead & Stressed / Melaleuca	12.0
411I	Slash pine flatwood – Melaleuca Invaded	17.5
422/424	Brazilian pepper / Melaleuca	7.5
424	Melaleuca	17.0
424H	Melaleuca Hydric	9.8
427/428	Live Oak/Cabbage palm (Occupied by Gopher tortoise)	2.6
428H	Cabbage palm Hydric	.8
437	Australian pine	1.0
612	Mangrove swamp	6.0
612I	Mangrove swamp	2.7
641	Freshwater marsh (Depression)	2.5
642	Saltwater marsh	3.0
743	Spoil areas (Melaleuca Piles & Ag. Dump)	2.5
747	Ditch & Berm Spoil areas (Occupied by Gopher tortoise)	3.0

FLUCCS + I 25 – 75% Exotic Vegetation Invaded
FLUCCS + H Hydric (Wetland)

Protected Species (Fauna)

Thirty-two active/inactive gopher tortoise burrows were observed stranded on berms within the property and are shown on Figure 3. As gopher tortoise (*Gopherus polyphemus*) are upland dependent animals, the land tortoises have been stranded during the rainy season on the berms due to deep water over most of the site. As the water has receded the tortoises have not attempted to recolonize the upland areas as the vegetation is extremely dense and mixed with melaleuca, which has encumbered tortoise movement and limited recruitment and or growth of suitable native herbaceous tortoise forage species. Also a shallow layer of lime rock has been

encountered over much of the site, which must impede successful burrowing activity to some extent.

Based on accepted ratios of gopher tortoise: active/inactive burrows we estimate that a burrow occupancy rate of .4 tortoises per active/inactive burrow would be applicable to the artificially enhanced and confined tortoise population of this site. If not for the take permit of Crown Colony and resultant potential tortoise recent immigration to this parcel we would have used a lower common multiple of .3 tortoise per active/inactive burrow. Therefore using the .4 multiple we estimate the project site tortoise population to be 13 gopher tortoise or **.4 Gopher Tortoise X 32 Active/Inactive Burrows.** This estimate does not in any way take into account the three dead tortoise shells encountered near the isolated burrows on the site.

Three dead tortoise carapaces were observed adjacent to the western most occupied berm, two of which appear, in BE&P's opinion, to have died in the last year or two, while the third has likely been dead longer as the shell is fragmented and scattered. Heavy hog activity is evident on the site including evidence of rooting in the mouth of some tortoise burrows, which could have an effect on tortoise reproduction as tortoises generally lay their eggs in or near the apron of the burrow opening. In general, based on the extreme lack of native edible herbaceous forage species for the tortoise on this property, it is BE&P's opinion that the tortoise on this site are probably starving and stressed in a condition of confinement. Because of the increased inner-species contact, poor nutrition and stress the Upper Respiratory Tortoise Disease could be having an accelerated effect on this "stranded" population.

Various wading birds such as snowy egret, great blue heron, white ibis and little blue heron were observed primarily perched and/or hunting in the tidal wetland of the eastern most portion of the site. Visual observation of one great blue heron, two little blue heron and one tri-colored heron were noted hunting within the cleared portion of the western most wetland during October and November in the course of flagging wetland lines. In the remaining wetland areas, which are primarily mature melaleuca or dense shrub no evidence of wading bird utilization was observed. No nests of the wading bird species were observed on the site. The majority of the slash pines found on the property were screened for cavities of Red-cockaded woodpecker and nests of protected species with no sign of their presence observed. Protected wood storks were not observed but are expected to use the site to some degree to feed. Three active eagle nests are within a 2-mile radius of this property, but none are within .75-mile diameter of any point of the project site.

Unprotected Native Fauna Species

The following is a list of unprotected vertebrate species observed on the parcel.

Red-shouldered hawk

Pileated woodpecker

Mourning dove

Carolina wren

Warbler spp.

Fish crow

Boat-tailed grackle

Florida box turtle

Black racer

Southern toad

Squirrel tree frog

Cuban anole

Feral pig

Armadillo

Gray squirrel

Raccoon (spoor)

Opossum (spoor)

Protected Species (Flora)

No protected species of plants were observed on the site, although heavily regulated Mangrove species including: red mangrove, black mangrove and white mangrove are present throughout the tidal wetland located over the eastern portion of the property.

Protected Species Management

Wading bird habitat on the property shall be protected through the preservation and enhancement of onsite wetlands, specifically the preservation and exotic vegetation management of the ecologically valuable ±12 acre "tidal" wetland within the eastern end of the property adjacent to Hendry Creek. The eastern wetland preserve will be buffered a minimum of 25' and will be incorporated into a conservation easement granted to the State of Florida. A split rail wooden fence will be erected along the preserve's entire length to prevent off road motor vehicle usage, and signs will be erected at the split rail fence designating the area as preserve. The continued

management and formal conservation of the eastern wetland preserve, adjoining the Hendry Creek State Preservation Area will provide long term habitat protection to native aves in general.

The gopher tortoises within the site will be permitted through the State of Florida take permitting process and will be relocated out of harms way to the north berm of the property, which is currently suitable habitat and comprised of primarily native vegetation occupied by a few tortoise. Hand removal of exotic vegetation will take place here and the tortoises will be fenced off from re-entry into the project site during construction by approved and accepted methods of tortoise fencing. At a minimum, after hand exotic removal on the tortoise berm within the fenced area, 100 native prickly pear cactus pads, along with 50 golden creeper, 50 ground cherry and 50 wiregrass clumps shall be planted to provide some enhancement of forage species for the tortoise.

If you have any questions please contact Marshall Bagley by our letterhead contact information.
Sincerely,

Marshall Bagley BE&P, Inc.
Senior Environmental Scientist

Appendix

FLUCCS #	Species	Observed	Not observed
321 Palmetto	Eastern Indigo		X
	Burrowing owl		X
	Sandhill Crane		X
	S.E. Kestrel		X
	Scrub Jay		X
	Crested Caracara		X
	Gopher Tortoise	X	
	Gopher Frog		X
	Florida Black Bear		X
	Beautiful Paw Paw		X
	Curtis Milkweed		X
	Fakahatchee burmannia		X
	Florida Coontie		X
411 Slash Pine	Eastern Indigo		X
	Burrowing owl		X
	Red Cockaded Woodpecker		X
	S.E. Kestrel		X
	Florida Panther		X
	Big Cypress Fox Squirrel		X
	Gopher Tortoise	X	
	Gopher Frog		X
	Florida Black Bear		X
	Beautiful Paw Paw		X
	Satin leaf		X
	Fakahatchee burmannia		X
	Florida Coontie		X

FLUCCS #	Species	Observed	Not observed
427 Live Oak	Eastern Indigo		X
	Gopher Tortoise	X	
	Florida Black Bear		X
	Florida Panther		X
	Simpson's Stopper		X
	Hand Fern		X
	Twisted Air Plant		X
428 Cabbage Palm	Eastern Indigo		X
	Crested Caracara		X
	Florida Panther		X
	Florida Black Bear		X
	Simpson's Stopper		X
641/642 Fresh/Salt Marsh	Little Blue Heron	X	
	Snowy Egret	X	
	Tricolored Heron	X	
	Limpkin		X
	Sandhill Crane		X
	Snail Kite		X
	Roseate Spoonbill		X
	Everglades Mink		X
	Alligator		X
	American Crocodile		X
612 Mangrove	Roseate Spoonbill		X
	Brown Pelican		X
	Florida Black Bear		X
	Prickly Apple		X

FLUCCS #	Species	Observed	Not observed
743 Spoil Areas	Gopher Tortoise	X	

12651 McGREGOR BOULEVARD
SUITE 4-403
FORT MYERS, FL 33919-4489
TELEPHONE 941-278-3090
FAX 941-278-1906
www.metrotransportation.com
TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

METRO TRANSPORTATION GROUP, INC.

April 24, 2002

Ms. Kathy Morgan
Development Solutions, LLC
8660 College Parkway, Suite 160
Fort Myers, Florida 33919

RECEIVED
JUL 11 2003
PERMIT COUNTER

DCI 2003-00049

RE: Winkler Preserve
DCI2002-00012

Dear Ms. Morgan:

Metro Transportation Group, Inc. (Metro) has reviewed the comments by Mr. Bob Rentz of the Lee County Department of Community Development as well as Mr. Michael Tisch of the Lee County Department of Transportation. The following information includes the original comments and our response.

LCDOT Sufficiency Checklist

1) *The traffic impact statement does not show background traffic for the project area, please provide AM/PM Peak Hour Traffic Counts on Winkler Road south of Summerlin Road. DOT Staff feels that significant existing traffic is present on Winkler Road.*

Tables 1A and 2A from the original report have been revised to reflect a traffic count conducted on March 6, 2002 at the intersection of Winkler Road and Summerlin Road. During the P.M. Peak Hour, the highest hourly volume existing on Winkler Road to the south of Summerlin Road is 320 vehicles. Thus, this volume was utilized for the 2002 Peak Hour, Peak Season, Peak Direction traffic volume on Winkler Road, south of Summerlin Road. The growth rate for Winkler Road to the south of Summerlin Road was taken from the growth rate on Winkler Road to the north of Summerlin Road. Based on the 2005 traffic projections contained in Table 2A, Winkler Road to the south of Summerlin Road will maintain an acceptable Level of Service once the project traffic is added to the surrounding roadway network. The conclusions contained in the original report will remain sufficient based on the updated Tables 1A and 2A.

T.I.S. Checklist

4) *Background traffic must be shown for Winkler Rd. from the poject site to Summerlin Rd., either from the Traffic Count Report, or by manual counts, if Traffic Count Report data is unavailable.*

See previous response.

7) *A level of service analysis for Winkler Rd. from the project site to Summerlin Rd. must be performed.*

See previous response.

7a) The TIS must contain an analysis of the Level of Service for each of the projects access points and all intersections within one-quarter mile of the project. The analysis must follow the methods established in the most current edition of the HIGHWAY CAPACITY MANUAL for either signalized or unsignalized intersections.

Attached to the end of this document is an unsignalized intersection capacity analysis for the site access intersection with Winkler Road. The Winkler Road volume shown in the capacity analysis is much higher than the actual volume at the site access intersection due to the fact that the traffic volume was taken from the turning movement counts at Winkler Road and Summerlin Road. Some of the traffic shown in the turning movement count terminates in a number of different uses to the north of the proposed Winkler Preserve access location. Based on the HCS analysis, the intersection will operate under acceptable Level of Service conditions after the project traffic is added to Winkler Road even with the higher through traffic volumes. No intersection analysis is required at the intersection of Winkler Road and Summerlin Road due to the fact that it is over one-quarter of a mile from the site access intersection.

9) Required improvements, if any, will be based on the above required level of service analysis.

No new roadway improvements will be required based on the revised analysis contained within this document. The conclusion contained in the original report will remain sufficient.

10) Table 2A; the Lee County D.O.T. 2001 K100 and Directional factors should be used.

The original report was completed prior to the release of the 2001 K100 and Directional factors. However, these factors have been revised to reflect the up-to-date K100 and Directional factors.

If you should have any additional questions, please do not hesitate to contact me.

Sincerely,

Robert L. Price, E.I.T.
Transportation Consultant

Ted B. Treesh
Principal/Regional Manager

Attatchments:

DCI 2003-00049

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TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

Revised 4/24/02

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 205 VPH IN= 50 OUT= 155

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Gladiolus Drive	W. of U.S. 41	6LD	0	0	2270	2840	3000	35.00%	61	2.7%
Summerlin Road	W. of Winkler Road	6LD	0	2340	2980	3110	3110	25.00%	44	1.5%
	E. of Winkler Road	6LD	0	2340	2980	3110	3110	50.00%	88	2.9%
	N. of Gladiolus Drive	6LD	0	1530	1980	2070	2070	15.00%	26	1.3%
Winkler Road	N. of Summerlin Road	2LN	0	0	640	880	940	25.00%	44	6.8%
	N. of Site	2LN	0	0	500	800	870	100.00%	175	35.0%

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

Revised 4/24/02

7% Truck Adjustment = 0.934

P. C. S.	K	D
PCS NO. 19	0.098	0.56
PCS NO. 46	0.095	0.50
PCS NO. 47	0.099	0.55

TOTAL PROJECT TRAFFIC AM = 205 VPH IN = 50 OUT= 155

TOTAL PROJECT TRAFFIC PM = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	PCS	BASE YR ADT	2001 ADT	YRS OF GROWTH	ANNUAL RATE	2001 PK HR PK SEASON PEAK DIR.[1]		2005 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2005 BCKGRND + AM PROJ TRAFFIC	2005 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of U.S. 41	46	32900	39900	4	4.94%	2004		2430	35.00%	54	61	2485	2492
Summerlin Road	W. of Winkler Road	19	29900	34400	9	1.57%	2037		2168	25.00%	39	44	2207	2212
	E. of Winkler Road	19	29900	34400	9	1.57%	2037		2168	50.00%	78	88	2245	2255
	N. of Gladiolus Drive	19	23200	21100	9	0.00%	1561		1561	15.00%	23	26	1584	1587
Winkler Road	N. of Summerlin Road	19	2800	3400	9	2.18%	178		194	25.00%	39	44	233	238
	N. of Site	--	--	--	--	2.18%	320	[2]	341	100.00%	155	175	496	516

* The Truck Factor was not accounted for in the calculations for roadway links that have permanent count stations.

[1] The 2001 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2000/2001-2001/2002 Lee County Concurrency Report

[2] The Peak Hour, Peak Season, Peak Direction Traffic Volume for Winkler Road to the south of Summerlin Road is a 2002 traffic volume, and it was obtained from a traffic count performed on 3/06/02

Default Titles
Change These in The Preferences Window
Select File/Preference in the Main Scree
Then Click the Titles Tab

Weather : Cool
Counted by: Dawn/Jennifer

File Name : SumWink
Site Code : 00002452
Start Date : 03/06/2002
Page No : 1

Groups Printed- 1 - Cars

	Winkler Rd. From North					Summerlin Rd. From East					Winkler Rd. From South					Summerlin Rd. From West					
Start Time	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Int. Total
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	15	20	3	3	41	4	201	33	25	263	31	22	2	2	57	0	160	25	0	185	546
07:15 AM	31	17	2	4	54	6	272	26	22	325	35	6	7	1	49	1	206	16	4	227	656
07:30 AM	23	10	1	0	34	1	280	34	24	339	31	13	6	3	55	0	187	24	5	216	644
07:45 AM	24	8	2	1	36	3	329	34	21	387	65	21	14	11	101	2	239	18	8	267	791
Total	93	55	8	8	165	13	1082	127	92	1314	152	62	31	17	262	3	792	83	17	895	2636
08:00 AM	19	14	7	1	41	2	298	28	28	356	38	21	8	10	76	4	229	22	7	262	734
08:15 AM	34	16	6	5	61	4	353	53	30	440	37	19	7	6	69	4	243	18	12	277	847
08:30 AM	31	19	7	4	61	3	326	62	23	384	31	13	21	5	70	7	237	28	13	285	800
08:45 AM	41	24	6	2	73	8	314	46	25	393	42	25	12	8	87	9	226	16	9	259	812
Total	125	73	26	12	236	17	1291	189	106	1573	146	78	48	29	301	24	934	84	41	1083	3193
09:00 AM	0	0	0	0	0	0	0	0	0	0	30	19	16	6	73	17	285	16	11	329	402
09:15 AM	26	28	3	1	58	4	270	45	22	341	41	20	14	4	79	10	260	22	15	327	805
09:30 AM	25	16	2	7	53	6	281	35	31	353	41	25	13	6	85	10	315	27	27	379	870
09:45 AM	21	17	11	3	52	5	226	33	27	291	0	0	0	0	0	0	0	0	0	0	343
Total	72	63	17	11	163	15	777	113	80	985	112	64	43	16	237	37	860	65	53	1035	2420
10:00 AM	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
Total	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
11:00 AM	23	26	10	1	60	6	269	43	20	360	38	29	23	3	94	5	302	13	18	338	852
11:15 AM	44	27	15	2	88	4	321	22	14	361	36	26	11	6	79	11	355	21	16	403	931
11:30 AM	32	35	13	7	87	5	314	36	12	367	44	30	11	7	92	15	336	15	15	381	927
11:45 AM	31	16	15	7	69	4	248	40	15	307	32	27	9	5	73	14	377	21	21	433	882
Total	130	104	53	17	304	21	1172	141	61	1395	151	112	54	21	338	45	1370	70	70	1555	3592
12:00 PM	22	29	9	5	65	13	255	21	14	303	44	37	9	4	93	6	327	35	12	380	841
12:15 PM	31	38	12	5	86	14	294	34	20	362	43	20	9	3	75	6	361	23	10	400	923
12:30 PM	25	27	15	2	69	4	321	44	19	388	30	9	13	3	55	10	334	24	16	384	896
12:45 PM	28	32	14	1	75	3	300	32	14	349	35	21	8	7	71	12	365	17	15	409	904
Total	106	126	50	13	295	34	1170	131	67	1402	152	87	38	17	294	34	1387	99	53	1573	3564
03:00 PM	32	29	15	3	79	9	319	38	13	379	35	29	9	4	77	10	486	30	15	543	1078
03:15 PM	35	24	16	4	79	5	337	35	11	388	48	34	9	17	108	11	405	24	11	452	1027
03:30 PM	29	23	20	3	75	7	376	22	8	415	57	33	24	9	123	16	441	30	13	500	1113
03:45 PM	38	32	15	4	89	7	339	45	10	401	51	27	6	5	91	13	464	23	15	515	1096
Total	134	108	66	14	322	28	1373	140	42	1583	191	123	50	35	399	50	1796	107	54	2010	4314
04:00 PM	20	15	9	0	44	9	199	35	6	249	34	18	9	2	63	8	449	30	14	501	857
04:15 PM	34	23	12	5	74	12	259	37	12	320	35	24	11	2	72	11	476	48	14	549	1015
04:30 PM	47	30	13	5	95	11	275	17	7	310	40	24	8	7	79	10	433	42	15	500	984
04:45 PM	27	19	13	2	61	11	366	30	10	417	42	27	13	8	90	8	361	36	17	422	990
Total	128	87	47	12	274	43	1099	119	35	1296	151	93	41	19	304	37	1719	156	60	1972	3846
05:00 PM	32	31	16	1	80	10	279	22	7	318	38	24	14	3	79	9	411	29	18	465	842
05:15 PM	26	24	11	0	63	14	289	19	3	325	28	21	8	2	59	16	374	30	15	455	902
05:30 PM	23	14	12	3	52	19	295	34	4	352	27	30	5	3	65	15	344	31	14	404	873
05:45 PM	14	19	15	0	48	13	294	30	1	338	23	16	3	2	44	5	411	24	8	448	878
Total	97	88	54	4	243	56	1157	105	15	1333	116	91	30	10	247	45	1540	134	53	1772	3595
Grand Total	909	721	330	91	2051	228	9351	1063	513	11155	1171	710	337	164	2382	275	1042 1	798	401	11895	27483
Approch %	44.3	35.2	16.1	4.4		2.0	83.8	9.5	4.6		49.2	29.8	14.1	6.9		2.3	87.6	6.7	3.4		
Total %	3.3	2.6	1.2	0.3	7.5	0.8	34.0	3.9	1.9	40.6	4.3	2.6	1.2	0.6	8.7	1.0	37.9	2.9	1.5	43.3	

TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*RLP*	Intersection	*Winkler Rd @ Site Access Drive*
Agency/Co.	*Metro Transportation Group, In*	Jurisdiction	*Lee County*
Date Performed	*4/24/2002*	Analysis Year	*2005*
Analysis Time Period	*P.M. Peak Hour*		
Project Description	*Project 011201 - Winkler Preserve*		
East/West Street:	*Site Access Drive*	North/South Street:	*Winkler Road*
Intersection Orientation:	*North-South*	Study Period (hrs):	*0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*0*	*341*	*0*	*175*	*247*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*341*	*0*	*175*	*247*	*0*
Percent Heavy Vehicles	*0*	--	--	*0*	--	--
Median Type	*Undivided*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration			*TR*	*LT*		
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*95*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*0*	*95*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration		*LR*				

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*LT*		*LR*				
v (vph)		*175*		*95*				
C (m) (vph)		*1229*		*706*				
v/c		*0.14*		*0.13*				
95% queue length		*0.50*		*0.46*				
Control Delay		*8.4*		*10.9*				
LOS		*A*		*B*				
Approach Delay	--	--	*10.9*					
Approach LOS	--	--	*B*					

>

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

WINKLER PRESERVE
DCI2003-00049
SUFFICIENCY RESPONSE

AUGUST 18, 2003

DCI 2003-00049
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ZONING COUNTER

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

TABLE OF CONTENTS

LETTER OF RESPONSE

GOPHER TORTOISE MANAGEMENT PLAN

AFFIDAVIT BY AUTHORIZED AGENT

UPDATED PAGE 2 OF APPLICATION

REVISED SURVEY

REVISED MASTER CONCEPT PLAN

DOCUMENTATION SHOWING R-O-W HAS BEEN VACATED

REVISED TIS

PROPOSED SCHEDULE OF USES

AGREEMENT WITH RESIDENTS OF BELLE MEADE

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Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

August 18, 2003

Mr. Jeff E. Laurien
Senior Planner
Lee County Department of Community Development
Zoning Division
1500 Monroe Street
Fort Myers, Florida 33901

RECEIVED
AUG 18 2003
ZONING

Re: Winkler Preserve
DCI2003-00049 – PDL Application (Major PD)

Dear Mr. Laurien:

Please accept the following information in response to your June 3, 2003 correspondence for the referenced project. The following responses are provided in order with respect to your correspondence.

ENVIRONMENTAL SCIENCES PLANNED DEVELOPMENT SUFFICIENCY

3) 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]

Please submit a copy of the Sept. 10, 2002 gopher tortoise management plan referenced on the Master Concept Plan.

Please see the attached Gopher Tortoise Management Plan.

LEGAL REQUIREMENTS SUFFICIENCY CHECKLIST

1a1) If the owner(s) has authorized an agent to prepare and sign the application and to represent him in all matters pertaining to the application, the agent must provide a document establishing his authority which has been signed by the owner and notarized by a notary public. [34-202(b)(1)b.]

The applicant needs to provide staff with the new affidavit form signed by the authorized agent.

Please see the attached affidavit form signed by the authorized agent.

1a2) If the property is subject to a contract for purchase and the vendee is the applicant, the applicant must submit a notarized authorization form from the landowner. [34-202(b)(1)c.]

Need to update the second page of the application to show the property is not up for sales contract.

Please see the attached updated copy of Page 2 of the Application.

6) All applications requiring a public hearing must include the following: [34-202(a)]

See Below.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Boundary Survey shows "50-ft ROW to be vacated," if a ROW exists, show it without the "to be vacated." If the ROW has been vacated the applicant needs to remove it from both the MCP and Survey. Also need to provide staff with an update opinion of title for the ROW.

The ROW has been vacated and removed from both the boundary survey and the master concept plan. Please see the attached survey and MCP. We have also attached additional documentation showing that the ROW has been vacated. The update to the opinion of title is forthcoming and will be provided prior to the Hearing Examiner's hearing. The information provided should be sufficient to begin substantive review.

6d) Confirmation of Ownership. If at any time during the review process the director concludes there is a question regarding ownership of the property, the director may require a title insurance policy, attorney's opinion of title, or ownership and encumbrance report. [34-202(a)(3)]

Need to provide an updated "Opinion of Title" for the vacated ROW.

Please see the response for 6c) above.

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LCDOT SUFFICIENCY CHECKLIST

1) Sufficiency Comments.

Please update the TIS, it was done in January 2002.

Please see the attached revised TIS, updated by Metro Transportation.

T.I.S. CHECKLIST

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

Given the fact that the previous traffic counts on Winkler Rd. were done in early 2002, the traffic counts should be updated.

Please see the attached revised TIS, updated by Metro Transportation.

DEVELOPMENT REVIEW CHECKLIST

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]

Please see the attached revised TIS, updated by Metro Transportation.

LEE COUNTY SUFFICIENCY CHECKLIST FOR PLANNED DEVELOPMENTS, AMENDMENTS, AND EXISTING DEVELOPMENTS REQUESTING PLANNED DEVELOPMENT ZONING

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Please remove the Location Map, the reference to no transit routes, the schedule of uses and the requested deviations from the MCP. Please submit the schedule of uses on a separate 8.5" x 11" piece of paper, and place a simple legend on the MCP which explains what the triangles (deviations) represent and place a note in that legend that states "see resolution". For the development standards, please indicate a 0' setback for the zero-lot line parcels as part of the side yard setback. Please remove the second sentence of note 5 (leave the notes on the MCP). Please re-label "gopher Tortoise Relocation" as "Gopher Tortoise Preserve". The MCP states "existing r/w to be vacated" in reference to the row in the eastern portion of the subject property. Has this not already been vacated? If so, please submit documents demonstrating this, and remove this note and row from the MCP. The MCP indicates a "20' stabilized emergency access" into Belle Meade. Is this the intent with the requested deviations and emergency access depicted onto Winkler Road? Please clarify, and remove if this is not the intent. Please label the "20' drainage berm" along the southern boundary of the subject property as "20' drainage berm easement".

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We have removed the information that you requested from the Master Concept Plan. Attached is an 8 ½ X 11 sheet with the proposed Schedule of Uses. We have also made the changes to the Master Concept Plan that you suggest, with the exception of the changing the "Gopher Tortoise Relocation Area" to "Gopher Tortoise Preserve Area". The function of the Relocation area is outlined in the Gopher Tortoise Management Plan that was submitted as part of the application. Changing this label is not necessary and should not be a sufficiency item. We have also removed the reference to the "existing R/W to be vacated" and supplied documentation of its vacation as part of this response.

Finally, the "stabilized emergency accesses" is intended to meet the requirements of LDC Section 10-291(3). Per our agreement with the residents of Belle Meade (attached), we have replaced the previously proposed access to Belle Meade with this emergency access on Winkler Road. It is our understanding that providing the emergency access meets the intent of Section 10-291(3), however, according to this section, the Director of Development Services will make that determination. If the Director makes the determination that the proposed stabilized access meets the intent of Section 10-291(3), then per LDC Section 10-291(3) the deviation request will not be necessary. The decision for how to proceed with the access is up to staff, and can be resolved during substantive review.

21) Miscellaneous Items.

Has permission to impact upon the wetlands been granted by SFWMD? If so, please submit a document which indicates this.

The project is still in the process of seeking a permit from the SFWMD. However, the Water Management District has acknowledged off-site mitigation credits and it appears in their comments that the proposed mitigation will be acceptable.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

* Daniel DeLisi / by cmh

Daniel DeLisi, AICP
Vice President of Planning

* Signed in his absence to avoid delay

DD/cmh
21737
Enclosure

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AUG 18 2003
ZONING COUNTER

DCI 2003-00049

Bagley Environmental & Planting Services, Inc.
BE&P
4850 Cedar Hammock Court
Fort Myers, Florida 33905
Ph: 239.693.3919 Fax: 239.694.5405

September 16, 2002

Lee County Environmental Sciences Program
Ms. Kim Trebatoski
1500 Monroe Street
Ft. Myers, FL. 33902-0398

RECEIVED
AUG 18 2003
ZONING

Re: Winkler Preserve Tortoise Preserve Area

Dear Ms. Trebatoski:

This letter prepared by Marshall Bagley of Bagley Environmental, is written to set forth a new tortoise management plan for Winkler Preserve.

The gopher tortoises within the Winkler Preserve site will be permitted through the State of Florida take permitting process and will be relocated out of harms way to the northwest upland corner of the property comprised of approximately 1.7 acres of exotic invaded upland. This area is contiguous with the IDD berm, which is currently occupied by tortoises. The IDD berm is important to tortoise on this site because of shallow rock over the entire site and resulting constant rainy season flooding on all but the elevated berms. The designated preserve area is upland in character with exotic vegetation present and some scattered saw palmetto ground cover. We believe the current upland habitat condition is suitable tortoise habitat during the dry season, but the preserve area would be greatly enhanced by the deposition of fill mounds within the current exotic dominated areas after limited mechanical exotic removal. The fill mounds could be comprised of the fill from one of the berms, which cross the development area of the project site. This material has shown it is suitable for tortoise and has some minor beneficial seed as evidenced by some native tortoise forage vegetation. Muscadine grape, which is present on the berm will be transplanted with the fill to the preserve area mounds. The mounds are necessary in mimicking the current living condition of the tortoise on this site and protecting them through elevation from the precariously high water conditions, which has contributed to the limitation of burrowing primarily within artificially elevated ground (berms) on this parcel.

We propose placing soil mounds within the preserve area and reestablishing those mounds with muscadine grape, saw palmetto, and native forage grasses such as wiregrass, taken directly from the development area of the site. Additionally we will plant 50 viable native prickly pear cactus pads on the mounds as a primary forage for tortoise, which establishes quickly in sand (mounds)

and thrives year round in our climate. Further the preserve area will be fenced with 2-foot high sturdy wire tortoise fence trenched in 4", compacted, and staked taught with sturdy 2X2 wood stakes. Orange construction fencing will also be placed adjacent to the tortoise fencing as a necessary visual reference for construction crews working near the bounds of the area.

The integrity of the tortoise fencing, after original placement, during development of the parcel will be the direct responsibility of the onsite project superintendent. Tortoise fencing will be checked by the designee of the superintendent and during spot checks by the environmental consultant for integrity, whenever site work is taking place adjacent to this preserved area and weekly when development is ongoing on the jobsite away from the designated area. Any encroachment or disturbance of the fence will immediately be rectified at the time of occurrence to prohibit the tortoises from mingling with equipment.

No formal preserve area monitoring plan is set forth or offered for the tortoise area as it has been proposed under the state take permitting process and we feel it would place an undue financial burden, above and beyond the establishment and enhancement of the preserve, on the owners of the parcel, which will have been formally satisfied through take funds distributed to the state for this projects impacted "tortoise habitat". We will however encourage language for a post relocation / preserve establishment site inspection with Lee County Staff as a condition of issuance for the general development area Vegetation Clearing Permit.

Please call Marshall Bagley of BE&P, Inc. @ 693-3919 with questions.

Thank you for your time and attention to this matter.

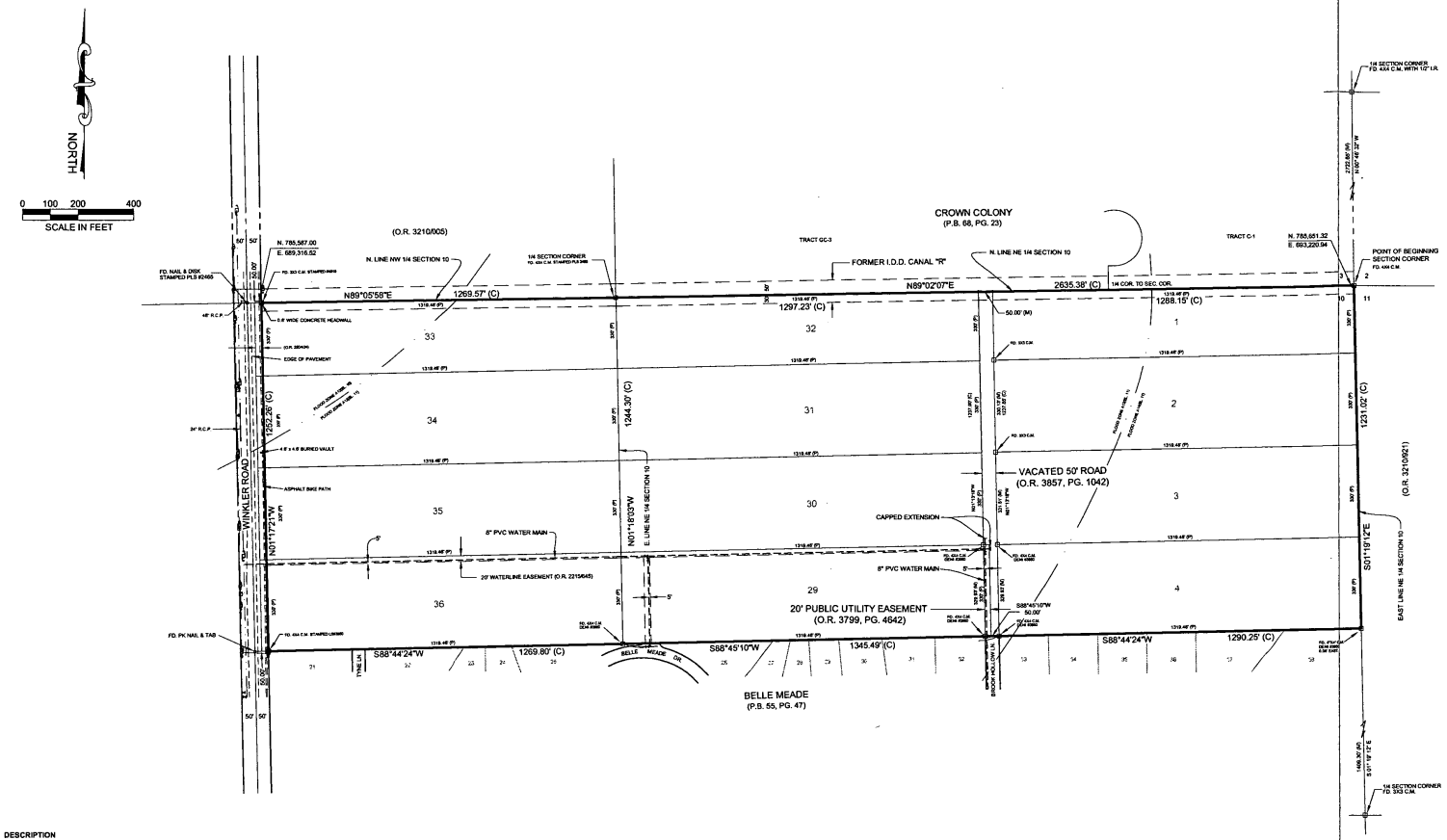
Sincerely,

Marshall Bagley
BE&P, Inc.

Cc. Development Solutions by fax: 239.481.8477

RECEIVED
AUG 18 2003
ZONING COUNTER

2003-00049



DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County Florida. Said tract or parcel being more particularly described as follows:
From the northeast corner of the northeast quarter (NE 1/4) of said Section 10 run S01°19'12"E along the east line of said fraction and the east line of lots 1 through 4 of SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records, for 1,231.02 feet to the northeast corner of BELLE MEADE subdivision as recorded in Plat Book 55, Page 47, Lee County Records; thence run along the north line of said subdivision for the following courses: S88°44'24"W for 1290.25 feet; S88°45'10"W for 1345.49 feet to an intersection with the west line of said fraction; thence continue along the north line of said BELLE MEADE subdivision S88°44'24"W for 1,269.80 feet to an intersection with the east right-of-way line of Winkler Road (100.00 feet wide); thence run N01°17'21"W along said right-of-way line for 1,252.26 feet to an intersection with the north line of the northwest quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said north line for 1,269.57 feet to the southwest corner of CROWN COLONY subdivision as recorded in Plat Book 68, Page 23, Lee County Records; thence run N89°02'07"E along the south line of said subdivision for 2,635.38 feet to the POINT OF BEGINNING.
Containing 111.27 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the NE 1/4 of said Section 10 to bear N89°02'07"E.

THIS SURVEY IS FOR THE BENEFIT OF:

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED:

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES

1. DATE OF LAST FIELD WORK: AUGUST 16, 2002.
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. THERE ARE NO VISIBLE IMPROVEMENTS, OTHER THAN AS SHOWN.
5. SURVEYED PARCEL CONTAINS 111.27 ACRES, MORE OR LESS.
6. ACCORDING TO F.I.R.M. COMMUNITY PANEL 12#124 0435 B, EFFECTIVE SEPTEMBER 19, 1984, FLOOD ZONES ARE AS SHOWN.
7. BEARINGS SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TO BEAR N 89°02'07" E.
8. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM.
9. ALL DISTANCES SHOWN ARE GRID (SCALE FACTOR 0.999942).
10. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
11. THERE ARE NO VISIBLE ENCROACHMENTS.

LEGEND:

B.A.I.	BARRACO & ASSOCIATES, INC.
B.M.	BENCH MARK
C.I.R.	CAPPED IRON ROD
COR.	CORNER
C.M.	CONCRETE MONUMENT
CONC.	CONCRETE
DESC.	DESCRIPTION
D.E.	DRAINAGE EASEMENT
DIST.	DISTANCE
EL.	ELEVATION
FD.	FOUND
I.R.	IRON ROD
L.C.R.	LEE COUNTY RECORDS
LB	LICENSED BUSINESS
(M)	MEASURED
(P)	PLAT
(C)	CALCULATED
PG.	PAGE
P.K.	PARKER-KALON
P.B.	PLAT BOOK
O.R.	OFFICIAL RECORD BOOK
P.U.E.	PUBLIC UTILITY EASEMENT
SQ. FT.	SQUARE FEET
TWP.	TOWNSHIP
R.C.P.	REINFORCED CONCRETE PIPE

- UGT — UNDER GROUND TELEPHONE SERVICE
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- WATER VALVE
- FOUND P.K.&DISK(P.C.P.) (UNLESS OTHERWISE NOTED)
- SET 1/2" IRON ROD WITH CAP STAMPED LB6940(UNLESS OTHERWISE NOTED)
- FOUND 1/2" IRON ROD WITH CAP STAMPED LB6940(UNLESS OTHERWISE NOTED)
- FD. 4X4 CONC. MONUMENT

RECEIVED
AUG 18 2003
ZONING COUNTER

DCI 2003-00049

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

SOUTHWEST FLORIDA LAND THREE, LLC
8660 COLLEGE PARKWAY
SUITE 160
FORT MYERS, FLORIDA 33919
PHONE (239) 489-4066
FAX (239) 481-8477

PROJECT DESCRIPTION

LOTS 1-4 & 29-36
SEMINOLE GARDENS

(P.B. 4, PG. 65, L.C.R.)
SECTION 10, T. 46 S.,
R. 24 E.,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER CERTIFICATE NO. 5949 STATE OF FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	21608S03.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21608\DWG\SURVEYING\
PLOT DATE	FRI. 8-15-2003 - 1:40 PM
PLOT BY	SCOTT ROBINSON

DRAWING DATA

SURVEY DATE	AUGUST 16, 2002
DRAWN BY	SER
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	F.B. 17/29-31,37

PLAN REVISIONS

STRAP NUMBERS

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
21608 10-46-24	1

LEE COUNTY
RECEIVED
03 MAR 11 PM 12:58
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

THIS INSTRUMENT PREPARED BY:

Department of Community Development
Development Services Division
1500 Monroe Street
Fort Myers Florida 33901

INSTR # 5727320
Official Records BK 03857 PG 1042
RECORDED 03/01/2003 06:55:04 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 28.50
DEPUTY CLERK G Sherwood

(b)

RESOLUTION NO. 02-11-68 FOR PETITION TO VACATE

Case Number: **VAC2002-00032**

WHEREAS, Petitioner; **Winkler Preserve, LLC** in accordance with Florida Statute (F.S.) Chapter 177 and Lee County Administrative Code (LCAC) 13-1, filed a Petition to vacate the public's interest in the easement, plat or portion of a plat legally described in the attached Exhibit "A"; and

WHEREAS, the Petition also included a request, in accordance with F.S. Chapter 336 and LCAC 13-8, to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A"; and

WHEREAS, the Board of County Commissioners of Lee County, Florida held a Public Hearing concerning the Petition to Vacate on the **26th of November, 2002 at 5:00 p.m.**; and

WHEREAS, a legally sufficient Affidavit of Publication regarding the Notice of Public Hearing on this Petition to Vacate, was entered into the minutes of the County Commission Meeting and a copy of said Affidavit is attached as Exhibit "C"; and

WHEREAS, the Petitioner is fee simple title holder to the underlying land sought to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, the Petitioner provided proof all applicable state and county taxes have been paid on the property to be vacated in accordance with F.S. Chapter 177; and

WHEREAS, Petitioner did provide notice to all affected property owners concerning the intent of the Petition to Vacate in accordance with the LCAC 13-1; and

WHEREAS, it appears that vacating, abandoning, closing or discontinuing the subject right-of-way or portion of right-of-way is in the best interest of the public and promotes the public's health, safety and welfare without invading or violating individual property rights; and

WHEREAS, the letters of review and recommendation provided by various governmental and utility entities indicate that granting the Petitioner's request is appropriate and in accordance with the requirements of the Florida Statutes.

RECEIVED
AUG 18 2003
ZONING COUNTER

DCI 2003-00046
#5
11-26-02

NOW therefore be it resolved by the Board of County Commissioners as follows:

1. Petition to Vacate No. **VAC2002-00032** is hereby granted.

2. The public's interest in the easement, plat or portion of plat legally described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated.

3. The public's interest in the right-of-way or portion of right-of-way described in Exhibit "A" and graphically depicted in the sketch attached as Exhibit "B" is hereby vacated, abandoned, closed and discontinued.

4. A Notice of Resolution Adoption will be published one time within 30 days of adoption in a newspaper of general circulation. An Affidavit of Publication for the Notice of Resolution Adoption will be attached to the Resolution as Exhibit "D".

5. This Resolution will become effective upon recording of a fully executed Resolution, including all exhibits referred to above, in the public records of Lee County, Florida.

This Resolution passed by voice and entered into the minutes of the Board of County Commissioners of Lee County, Florida, this **26th of November, 2002**.

ATTEST:
CHARLIE GREEN, CLERK

Michele G. Cooper
Deputy Clerk Signature

Michele G. Cooper
Please Print Name

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

Ray Judah
Chairman Signature

Ray Judah
Please Print Name

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

APPROVED AS TO FORM

County Attorney Signature

Joan C. Henry
Please Print Name

DCI 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65, Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01° 13' 18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89° 02' 07" E along said North line for 50.00 feet; thence run S 01° 13' 18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88° 45' 10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-¼) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89° 02' 07" E.

Scott A. Wheeler 11/24/02

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

21608

SCOTT A. WHEELER LS 5349 STATE OF FLORIDA REGISTERED

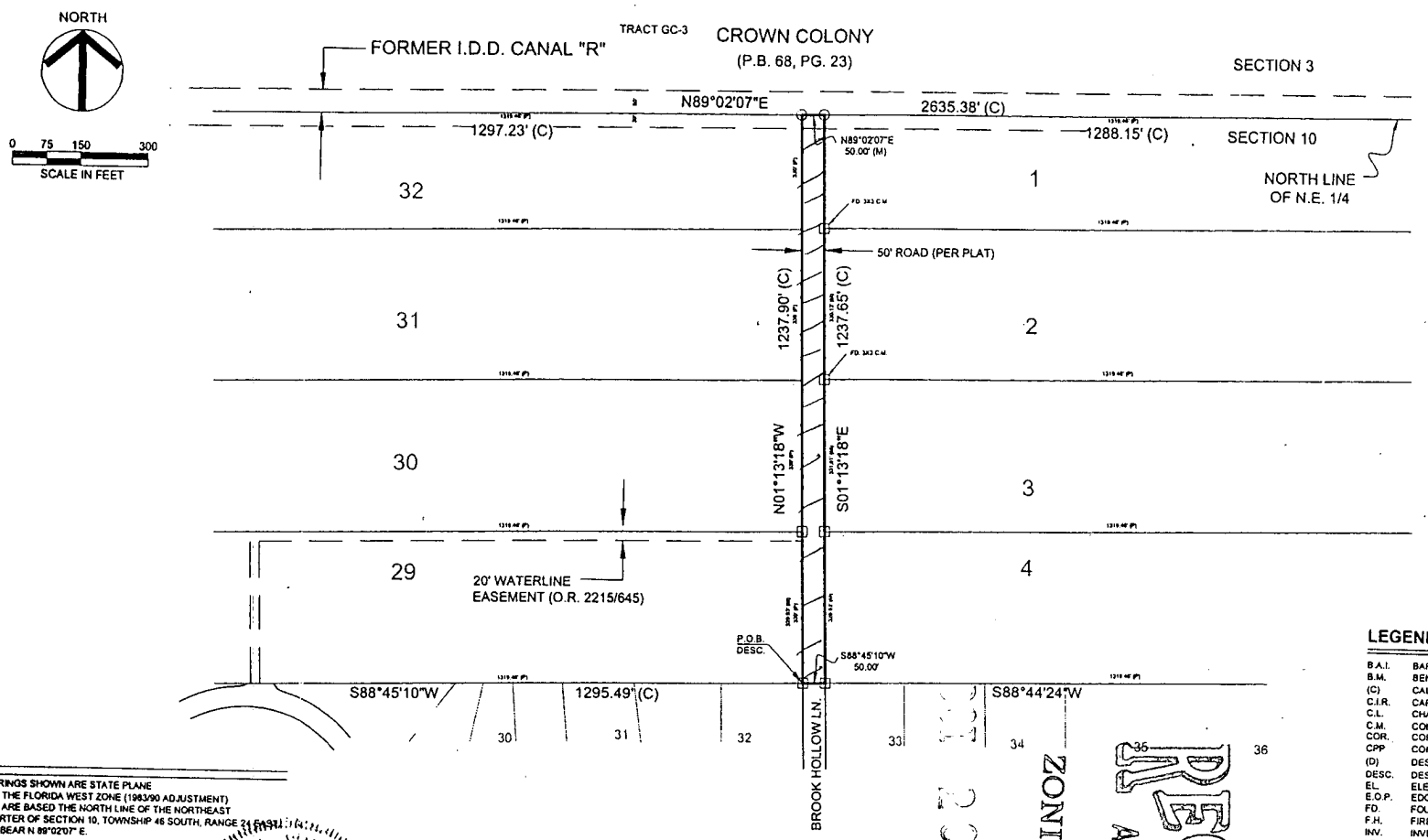
Official Records BK 03857 PG 1044

DCT 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

Exhibit A

Post Office Drawer 2800 • Fort Myers, FL 33902
Phone (941) 461-3170 • Fax (941) 461-3169



NOTES

1. BEARINGS SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST TO BEAR N 89°02'07" E.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-5940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

SCOTT A. WHEELER CERTIFICATE No. 5949 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER

DATE SIGNED: 8/14/02

Exhibit B

RECEIVED AUG 18 2003 ZONING COUNTER

LEGEND:

B.A.I.	BARRACO & ASSOCIATES, INC.
B.M.	BENCH MARK
(C)	CALCULATED
C.I.R.	CAPPED IRON ROD
C.L.	CHAIN LINK
C.M.	CONCRETE MONUMENT
COR.	CORNER
CPP	CONCRETE POWER POLE
(D)	DESCRIPTION
DESC.	DESCRIPTION
EL.	ELEVATION
E.O.P.	EDGE OF PAVEMENT
FD.	FOUND
F.H.	FIRE HYDRANT
INV.	INVERT
I.R.	IRON ROD
LB	LICENSED BUSINESS
(M)	MEASURED
M.H.	MANHOLE
(O.R.)	OFFICIAL RECORD BOOK
(P)	PLAT
P.B.	PLAT BOOK
PG.	PAGE
PK	PARKER-KALON
P.R.M.	PERMANENT REFERENCE MONUMENT
RCP	REINFORCED CONCRETE PIPE
RGE.	RANGE
R/W	RIGHT OF WAY
TWP.	TOWNSHIP
W/	WITH
O	SET 1/2" IRON ROD WITH CAP STAMPED BAI LB6940, UNLESS OTHERWISE NOTED

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (941) 461-3170
FAX (941) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PROJECT DESCRIPTION

ROAD RIGHT OF WAY
SEMINOLE GARDENS
(P.B. 4, PG. 65)
SEC. 10, TWP. 46 S. RGE. 24 E
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	RWSKETCH.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21900\DWG\SURVEY\RW\
PLOT DATE	THU, 1-24-2002 - 1:29 PM
PLOT BY	SCOTT WHEELER

DRAWING DATA

SURVEY DATE	01/23/2002
DRAWN BY	JHS
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	

PLAN REVISIONS

STRAP NUMBERS

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
21900 10-46-24	2 OF 2

Official Records BK 03857 PG 1045

NEWS-PRESS

Published every morning – Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kieanna Henry
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a
Notice of Public Hearing
In the matter of **Petition to Vacate VAC2002-00032**
in the _____ Court
was published in said newspaper in the issues of
November 11, 18, 2002

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kieanna Henry

Sworn to and subscribed before me this

18th day of November 2002 by

Kieanna Henry
personally known to me or who has produced

_____

as identification, and who did or did not take an oath.

Notary Public Brenda Leighton

Print Name _____

My commission Expires:

Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

Official Records BK 03857 PG 1046

NOTICE OF PUBLIC HEARING FOR PETITION TO VACATE
Case Number: VAC2002-00032

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 26th day of November 2002 @ 5:00 PM in the County Commissioners' Meeting Room, Old Lee County Courthouse, 2120 Main Street, Fort Myers, Florida, the Board of County Commissioners of Lee County, Florida, will consider and take action on a Petition vacating, abandoning, closing and discontinuing the public's interest in the right-of-way or portion of a right-of-way, as well as the easement, plat or portion of a plat legally described in the attached Exhibit 'A'

DESCRIPTION
Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65,
Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01°13'18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89°02'07" E along said North line for 50.00 feet; thence run S 01°13'18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88°45'10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-1/4) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89°02'07" E.

Interested parties may appear in person or through a representative and be heard with respect to the Petition to Vacate.

Anyone wishing to appeal the decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such appeal, and may need a verbatim record, to include all testimony and evidence upon which the appeal is to be based.

A copy of the Petition to Vacate is on file in the Office of the Clerk of the Circuit Court of Lee County, Florida, Minutes Department, Room 200, 2115 Second Street, Fort Myers, Florida, 33902-0398.
P.O. Sekulski
REF-P111102-14
REF-P111802-15
Nov 11,18 No. 15743

RECEIVED
AUG 18 2003
ZONING COUNTER

5:00#5
11/26/2002

CLERK'S OFFICE
FROM: G. Henry

Exhibit C

NEWS-PRESS

Published every morning – Daily and Sunday
Fort Myers, Florida

Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared
Kieanna Henry
who on oath says that he/she is the
Asst. Legal Clerk of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a
Notice of Resolution
In the matter of **Petition to Vacate VAC2002-00032**
in the _____ Court
was published in said newspaper in the issues of
January 17, 2003

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Kieanna Henry

Sworn to and subscribed before me this

17th day of January 2003 by

Kieanna Henry
personally known to me or who has produced

_____

as identification, and who did or did not take an oath.

Notary Public Brenda Leighton

Print Name _____

My commission Expires:

Brenda Leighton
MY COMMISSION # CC808905 EXPIRES
February 14, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

NOTICE OF RESOLUTION ADOPTION FOR PETITION TO VACATE
Case Number: VAC2002-00032

TO WHOM IT MAY CONCERN:

NOTICE is hereby given that on the 26th day of November, 2002 the Board of County Commissioners of Lee County, Florida adopted Resolution No. 02-11-68. The effect of this Resolution is to vacate, abandon, close and discontinue the public's interest in the right-of-way or portion of right-of-way legally described in the attached Exhibit "A".

DESCRIPTION
Road Right-of-Way
Seminole Gardens
Plat Book 4, Page 65,
Lee County Records
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Seminole Gardens as recorded in Plat Book 4, Page 65, Lee County Records located in Section 10, Township 46 South, Range 24, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the Southeast corner of Lot 29 of said Seminole Gardens run N 01°13'18" W along the east line of said Lot 29 and Lots 30, 31 and 32 of said Seminole Gardens for 1237.90 feet to an intersection with the north line of the northeast quarter (NE-¼) of said Section 10; thence run N 89°02'07" E along said North line for 50.00 feet; thence run S 01°13'18" E along the westerly line of Lots 1, 2, 3 and 4 of said Seminole Gardens for 1237.65 feet to the Southwest corner of said Lot 4; thence run S 88°45'10" W for 50.00 feet to the point of beginning.

Containing 61,889 square feet, more or less.

Bearings herein above mentioned are State Plane for the Florida West Zone (1983/90 adjustment) and are based on the north line of the northeast quarter (NE-1/4) of said Section 10, Township 46 South, Range 24 East, Lee County Florida to bear N 89°02'07" E.

Please Govern Yourself Accordingly.
Charlie Green, Clerk
Jan 17 No. 17281

RECEIVED
AUG 18 2003
COUNTER

Exhibit "D"

03 JAN 21 AM 11:35
LEE COUNTY
RECEIVED

2003-00049

Law Offices
BOLAÑOS TRUXTON, P.A.

2121 Ponce De Leon Boulevard
Suite 600
Coral Gables, Florida 33134
Telephone: (305) 567-0424
Facsimile: (305) 567-0423

12800 University Drive
Suite 340
Ft. Myers, Florida 33907
Telephone: (941) 437-5421
Facsimile: (941) 437-5797

Reply to Ft. Myers

Email: gtruxton@bolanostruxton.com

August 28, 2002

John J. Fredyma, Esquire
Assistant County Attorney
Lee County, Florida
2115 2nd Street
Fort Myers, Florida 33901

RECEIVED
AUG 18 2003
ZONING

Re: Plat of Seminole Gardens, Plat Book 4, Page 65, Lee County Public Records (the "Plat") VAC2002-00032 & DCI2002-00012

Dear Mr. Fredyma:

Please be advised that this firm represents Winkler Preserve, L.L.C. ("Winkler Preserve"). Winkler Preserve currently is the owner of fee simple title to Lots 31 through 34 of the Plat. Additionally, Winkler Preserve is under contract to purchase Lots 1, 2, 3, 4, 29, 30, 35 and 36 of the Plat.

Winkler Preserve has filed a Petition for Vacation of that portion of the fifty (50) foot road right-of-way depicted on the Plat lying to the West of and adjacent to Lots 1 through 4, and to the East of and adjacent to Lots 29 through 32. Although the Plat depicts a fifty (50) foot road, it does not contain a specific dedication.

Pursuant to your request, I am enclosing a copy of the relevant portions of Attorney Title Insurance Fund Note No. TN24.01.03, "Ownership of Vacated Platted Streets". TN24.01.03 states that where there is no specific dedication of streets on the Plat, the owners of lots abutting the streets take title. With respect to interior streets, the owners of lots abutting an interior street take title to the center of the vacated street.

Since there are no dedications on the Plat of Seminole Gardens for the fifty (50) foot right-of-way, the owners of lots abutting the fifty (50) foot right-of-way will take title to the center line upon vacation of the right-of-way.

Please call me if you have any questions.

Very truly yours,

Gregg S. Truxton

GST/pgt

L:\Realmark Group (823)\Realmark Realty Group, LLC (03)\Fredyma 8-27-02.doc

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DCI 2003-00049

BOLANOS TRUXTON, P.A.
2121 Ponce de Leon Boulevard, Suite 600, Coral Gables, Florida 33134-5222
12800 University Drive, Suite 340, Ft. Myers, Florida 33907

must, in the first instance, have been constructed, in the sense of built or made, by the public entity so that at a definite point in time it can be said that construction of a road has occurred. Also, the court said that the road must be continuously and uninterruptedly maintained or repaired for the four-year statutory period. The court also said that the statutory requirements are designed to put the legal titleholder on notice both as to the commencement of the four year period (construction) and as to the continued assertion of the adverse claim for the four-year period (repair or maintenance).

See also TN 3.02.02 E.

Ownership of Vacated Platted Street **TN 24.01.03**
(Rev. 12/95)

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For ownership of vacated unplatted streets, see TN 24.01.08.

Platted streets must be vacated by proper governmental action before they can be insured. A Fund Agent may rely on a recorded ordinance or resolution of the appropriate governing body, as a release of public rights to the vacated area, provided a specific legal description of it is set forth, and it states unequivocally that the governmental interest is vacated. Private rights must be considered.

A. Ownership: Dedicator or Remote Grantees

After a platted street is vacated, who has better title to the vacated street—the dedicator or the remote grantees, the purchasers of lots abutting the street? The primary guide in such situations is the intention of the dedicator as reflected in the dedication.

Where there is no specific dedication of streets on a plat or where the dedication is silent as to the reversionary interest after vacation of the streets, the general rule is that the owners of lots abutting the streets take title. The difficulty arises when the dedication contains a reversion clause that may indicate a contrary intention.

Dedications of streets often contain a reversion clause such as:

> . . . reserving to ourselves, our heirs, administrators, executors, or assigns, the reversion or reversions thereof if ever discontinued by law.

In *Peninsular Point, Inc. v. South Georgia Dairy Co-op*, 251 So.2d 690 (Fla. 1st DCA 1971), the First District Court of Appeal held that a reversion clause similar to the one set out above manifested a clear intent by the dedicator that upon vacation of the street the title should not revert to the abutting lot owner. Probably to overcome the effect of the *Peninsular Point, Inc.* case, the Florida Legislature enacted Sec. 177.085, F.S., effective

July 1, 1972, which provides among other things that the reversionary interest in platted streets is carried to the grantees unless the grantors clearly provide otherwise in the conveyances. Title Standard 11.3 expresses concern with the constitutionality of the purported retroactive application of this statute to plats filed prior to the statute's effective date. *United States v. 16.33 Acres of Land in Cty. of Dade*, 342 So.2d 476 (Fla. 1977), involved a dedication and reversion clause in a plat filed prior to July 1, 1972. The Fund's opinion is that it controls over the *Peninsular Print. Inc.* unless the holder of the reversionary rights instituted suit as provided for in Sec. 177.085 (2).

In the *United States* case, the Supreme Court of Florida held that upon conveyance of all the lots in a plat, without clear reservation of the reversionary interest in the deeds, the reversionary interest of the dedicator was distributed among the lot owners and the dedicator had no interest in the property.

Therefore, for issuing a Fund policy, if the dedication contains a reversion clause to the dedicator and all lots were conveyed without reservation of the reversionary interest in the deeds, ownership of the vacated street can generally be insured without an exception for or the clearing of any interest of the dedicator. See Title Standard 11.3.

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B. If the reversionary interest in the vacated street remains in the dedicator, the dedicator takes title to the entire street. If, as is the usual situation, the reversionary interest is distributed to the abutting owners, what is the width of their ownership?

1. Interior Streets. The general rule is that the owners of lots abutting an interior street take title to the center of the vacated street. Title Standards 11.4 and 11.5; *Burkart v. City of Fort Lauderdale*, 168 So.2d 65 (Fla. 1964).

2. Perimeter Streets. With at least one reported exception, the general rule is that owners of lots abutting a perimeter street take title to the entire width of the vacated street. In *Caples v. Taliaferro*, 197 So.861 at 867 (Fla. 1940), the Supreme Court of Florida stated that when a street is platted on the margin of the grantor's land, a conveyance of the land abutting the street carries the fee to the entire width of the street unless expressly reserved. See also Sec. 177.085, F.S., which provides that a conveyance of lots in a subdivision abutting a right of way or similar strip "shall carry the reversionary interest in the abutting street to the centerline or other appropriate boundary, unless the owner clearly provides otherwise in the conveyance (emphasis added)."

An apparent exception to the perimeter street rule is reported in *Calvert v. Morgan*, 436 So.2d 314 (Fla. 1st DCA 1983). All the land in question was owned at one time by the Woodham Corporation. In 1961, Woodham filed a plat and dedicated to the City of Jacksonville, without reserving the reversionary interest, a perimeter right of way for drainage and utilities on the north margin of the plat. At this time Woodham was the owner

Winkler Preserve RPD Use Schedule

ACCESSORY USES AND STRUCTURES
ACCESSORY APARTMENT
DWELLING UNIT: SINGLE FAMILY, ZERO LOT LINE
ENTRANCE GATES AND GATEHOUSE
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES: GROUP I
EXCAVATION: WATER RETENTION
FENCES, WALL
HOME OCCUPATION
PARKING LOT: ACCESSORY
MODELS: DISPLAY CENTER, MODEL HOME
REAL ESTATE SALES OFFICE
RESIDENTIAL ACCESSORY USES
RECREATIONAL FACILITIES: PERSONAL, PRIVATE ON-SITE

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Friday, August 15, 2003

RE: **WINKLER PRESERVE**

Dear Homeowners / Board Members:

Based on positive discussions with President, Janeanne Archiable, we are canceling the homeowner's meeting scheduled for August 14 at 7 PM. In lieu, we are giving you a written update.

This letter will outline the terms that Winkler Preserve LLC has agreed to, thus moving forward with the above named development and taking into consideration the Belle Meade Homeowners' concerns along with the private property rights that we as landowners have. We are applying for zoning and are proceeding to obtain zoning for the Winkler Preserve community based on the following:

1. We will proceed with development of the property **without** the use of **blasting** and will use alternative excavation, utilizing trenching and rock crushing machines on site. Construction activities will be limited to Monday through Friday normal construction business hours and Saturdays from 9 AM to 1 PM. No work will be permitted for site development on Sundays.
2. We will proceed with the residential zoning for 282 single-family homesites as originally depicted in the application and exhibits attached.
3. No mulching or stockpiling of debris will be allowed and/or placed within two hundred feet (200') of the southern property line during site development.
4. One hundred feet (100') along the southern property will remain in its existing state during site development. Once all other earthwork activities are completed, the southern one hundred feet (100') will be cleared and filled for single-family lots. This does not preclude this area from complying with all other conditions and pertinent regulations.
5. Prior to the issuance of a certificate of compliance for infrastructure on the subject property, a buffer must be planted along the entire southern boundary of the subject property within the twenty-foot (20') wide drainage berm easement shown on the submitted Master Concept Plan. This buffer must consist of a coco plum hedge (24-inch, 3-gallon container planted 3-foot-on-center), and must be maintained by the homeowners' association.
6. No deviations or variances may be granted to reduce the thirty-five foot (35') rear setback for main structures or the twenty-five foot (25') rear setback for accessory structures along the entire south property line of the subject property.
7. No structures may encroach within the twenty-foot (20') wide drainage berm easement depicted on the submitted Master Concept Plan.

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8. A twenty-foot (20') wide, stabilized, gate emergency access stub-out on the subject property to Winkler Road will be installed as depicted on the Master Concept Plan, and be included in any development order for the subject property versus showing a connection to Belle Meade.
9. Winkler Preserve LLC will pursue lake depth of twenty feet (20') for the on-site lakes and will provide engineering and scientific data to insure the lakes meet and exceed the necessary governmental agencies permitting standards and avoidance of contaminants of ground water aquifers.

We will simultaneously resubmit a zoning package with the above revisions and will apply for a development order under the permitted agricultural zoning to commence with the clearing and site development of the property.

We look forward to working with all of our neighbors to create a successful residential community with the least amount of impact to the residents. Please feel free to send us any questions you may have. Thank you.

Sincerely,

Randy Thibaut
President
Land Solutions, Inc.

Kathy Morgan
President
Development Solutions, LLC

RET:js

Cc: Winkler Preserve LLC
A. Jeffrey Seitz, Advance Homes
W. Michael Kerver, Advance Homes
Carl Barraco, Barraco & Associates, Inc.
Russell P. Schropp, Esquire
All Board Members of Belle Meade:
Patricia Gattinoni, Michael Morris, Lea Ann Reeves, Thomas Simon

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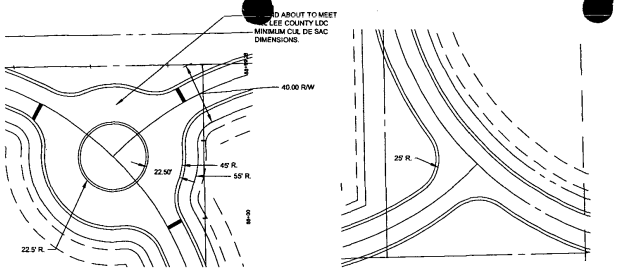
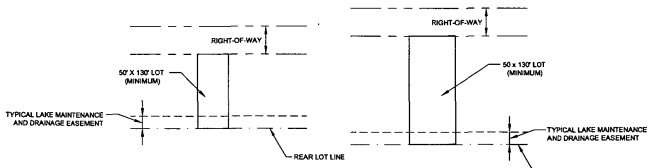


ALTERNATE INTERSECTION
N.T.S.

TYPICAL INTERSECTION
N.T.S.



TYPICAL LOT CONFIGURATION
N.T.S.

The Winkler Preserve Project Summary

Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	282
Gross Residential Density	2.57 DU's/acre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	N/A - All Lots Min. 6,500 sq. ft. or greater
Minimum Regulatory Native Open Space	N/A - 15.5 ac. East Site Tidal & Tidal Mangrove Wetland

Residential Development Standards:

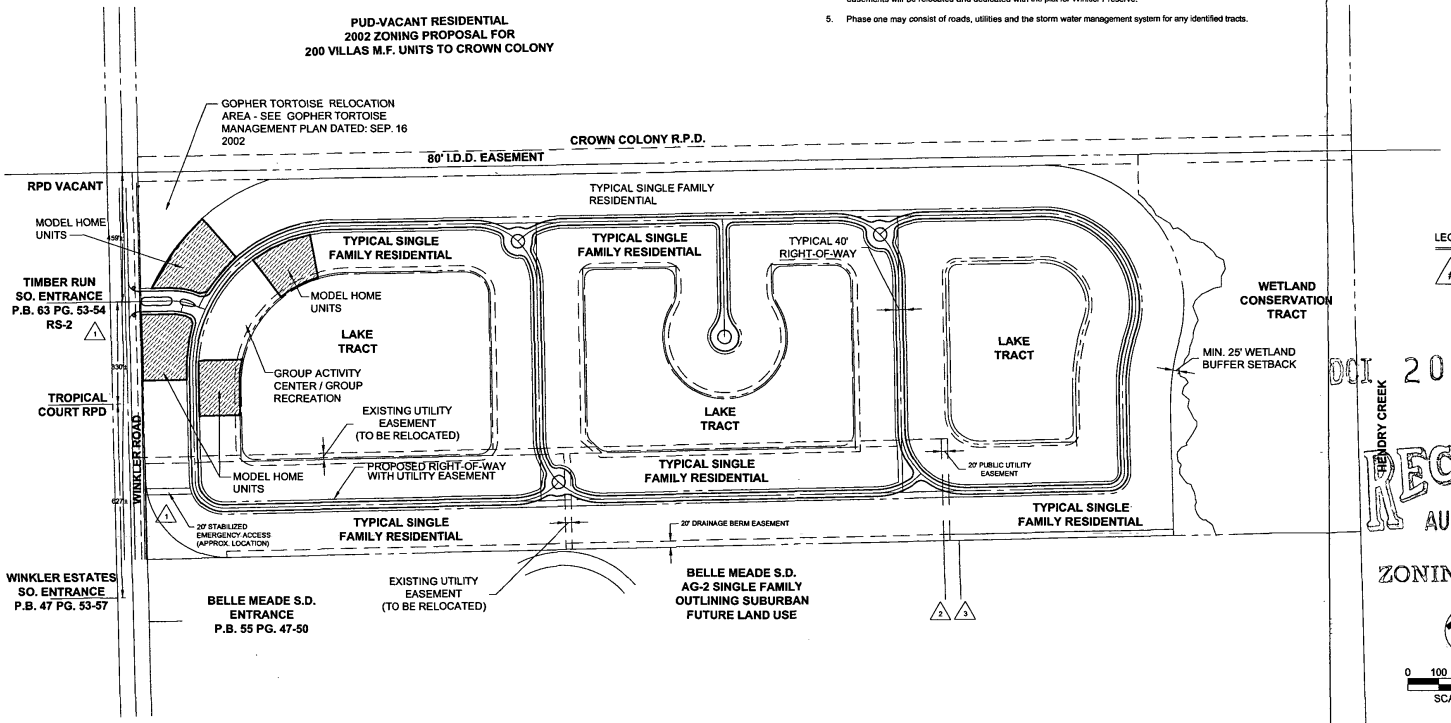
Single Family Dwelling Units	
Min. Area Dimensions:	
- Min. Lot Area	6,500 sq. ft.
- Min. Lot Depth	130 ft.
- Min. Lot Width	50 ft.
Min. Building Setbacks:	
- Right-of-Way (Front Entry Garage)	20 ft.
- Right-of-Way (Side Entry Garage)	15 ft.
- Side Yard	5 ft.
- Zero Lot Lines	5/0 ft.
- Rear Yard Setback	15 ft., 35 ft. along south property line
- Rear To Water Body	20 ft.
- Rear To Preserve Setback	20 ft.
- Accessory Structures (Side & Rear Yard)	5 ft., 25 ft. rear along south property line
Max. Building Height	35 ft./2 stories
Max. Lot & Group Activity Center Parcel Coverage	45%

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Unless otherwise noted, project parking and circulation shall conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq. ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for Winkler Preserve.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts.

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

PUD-VACANT RESIDENTIAL
2002 ZONING PROPOSAL FOR
200 VILLAS M.F. UNITS TO CROWN COLONY



LEGEND

△ # DEVIATION LOCATION (SEE RESOLUTION)

DOI 2003-00049

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NORTH

0 100 200 400
SCALE IN FEET

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21656MCP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG\MCP\
PLOT DATE	FRI, 8-15-2003 - 11:47 AM
PLOT BY	TODD VANA
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN=21737Z00
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS	
5-2002	PER COUNTY COMMENTS
7-2002	REDUCE SCALE TO 200'
7-22-2002	ADD DEVIATION #2
12-3-2002	PER COUNTY COMMENTS
7-10-2003	ADD EMERGENCY ACCESS
8-15-2003	PER SUFFICIENCY RESPONSE

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
21656	1

TRAFFIC IMPACT STATEMENT

FOR

WINKLER PRESERVE

(PROJECT NO. 011201)

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PREPARED BY:
Metro Transportation Group, Inc.
12651 McGregor Boulevard, Suite 4-403
Fort Myers, Florida 33919-4489
239-278-3090

August 12, 2003

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. FUTURE TRAFFIC CONDITIONS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. CONCLUSION

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I. INTRODUCTION

Metro Transportation Group, Inc. (Metro) has conducted a traffic impact analysis to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking approval for zoning. This report has been completed in compliance with guidelines established in the Lee County Traffic Impact Statement Guidelines. The development site is located on the east side of Winkler Road to the south of Summerlin Road in Lee County, Florida. The site location is illustrated on **Figure 1**.

The subject site consists of approximately 110-acres. According to the site plan prepared by Stuart and Associates, the development is expected to consist of up to 282 single family dwelling units. Access to the site will be provided via a single access location to Winkler Road.

This analysis will determine what impact, if any, the Winkler Preserve will have on the surrounding street system and identifies any improvements required based on criteria established in the Lee County Traffic Impact Statement Guidelines.

II. EXISTING CONDITIONS

The subject site is approximately 110-acres in size. The subject site is currently vacant. Adjacent to the site to the west is Winkler Road. To the south is the Belle Meade development, and to the north the site is bordered by the Stonebridge development. The property is bordered by vacant property to the east.

Winkler Road is a two-lane collector facility to the south of Summerlin Road. Winkler Road is a two-lane arterial facility to the north of Summerlin Road. At its signalized intersection with Summerlin Road, the northbound approach of Winkler Road contains two travel lanes, a left turn lane and a shared thru/right turn lane. Winkler Road has a posted speed limit of 45 mph and is under the jurisdiction of the Lee County Department of Transportation.

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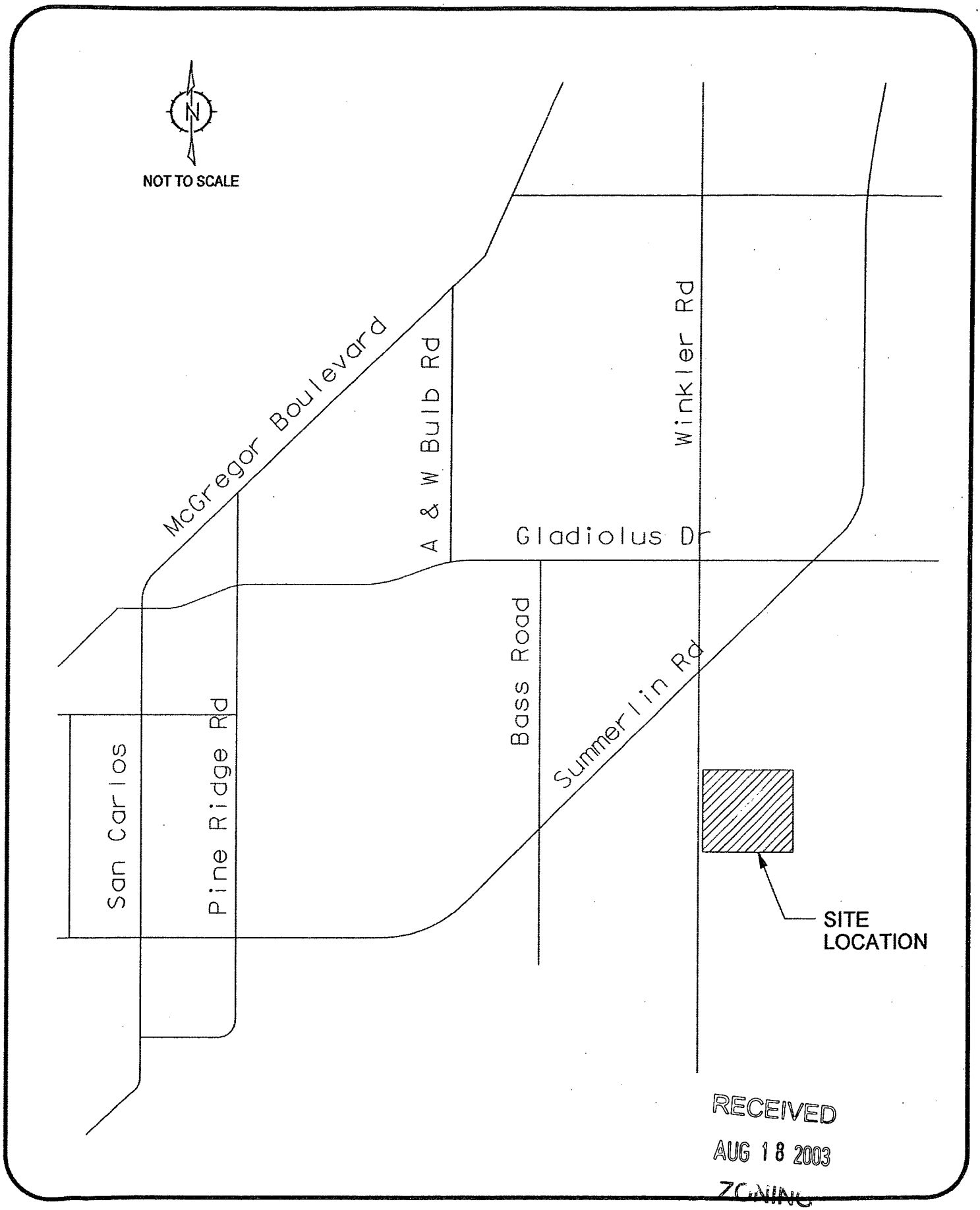

SITE LOCATION

FIGURE: 1

Summerlin Road is an east/west divided four-lane arterial in the vicinity of the subject site. Summerlin Road is a "Controlled Access Facility" in the vicinity of the subject site. In addition, the Lee County Capital Improvement Plan indicates that funding is scheduled for the six-laning of Summerlin Road from Bass Road to Gladiolus Drive in the fiscal year 2004/2005. The intersection of Summerlin Road and Winkler Road operates under signalized conditions. Summerlin Road has a posted speed limit of 55 mph and is under the jurisdiction of the Lee County Department of Transportation.

III. PROPOSED DEVELOPMENT

The Winkler Preserve development is located within Lee County. Upon completion of development, the 110-acre Winkler Preserve will consist of up to 282 single family dwelling units. **Table 1** summarizes the land use utilized for trip generation purposes for the Winkler Preserve development.

Table 1
Land Uses
Winkler Preserve

Land Use	Size
Single Family	282 dwelling units

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 6th Edition. Land Use Code 210 (Single Family Dwelling Units) was utilized for trip generation purposes of the Winkler Preserve development. The trip generation equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Winkler Preserve development as currently proposed. The daily trip generation is also indicated in the table for the development.

Table 2
Trip Generation
Winkler Preserve

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	2-way
282 single family units	50	155	205	175	95	270	2,675

As seen in Table 2, the proposed development will generate less than 300 peak hour trips. Therefore, the analysis conducted was consistent with the requirements set forth by Lee County in the Traffic Impact Statement Guidelines for developments generating less than 300 peak hour trips.

V. TRIP DISTRIBUTION

The new trips shown in Table 2 were then assigned to the surrounding roadway system based on the anticipated routes the drivers will utilize to approach the site. Based on current and projected population in the area and other existing or planned competing/complementary uses in the area, a distribution of the site traffic was formulated. The anticipated trip distribution of the development traffic is shown on **Figure 2**. In order to determine which roadway segments surrounding the site will be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, contained in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour – Peak Direction Level of Service "C" volumes, as defined by the Lee County Generalized Level of Service Tables provided by the Lee County Division of Transportation.

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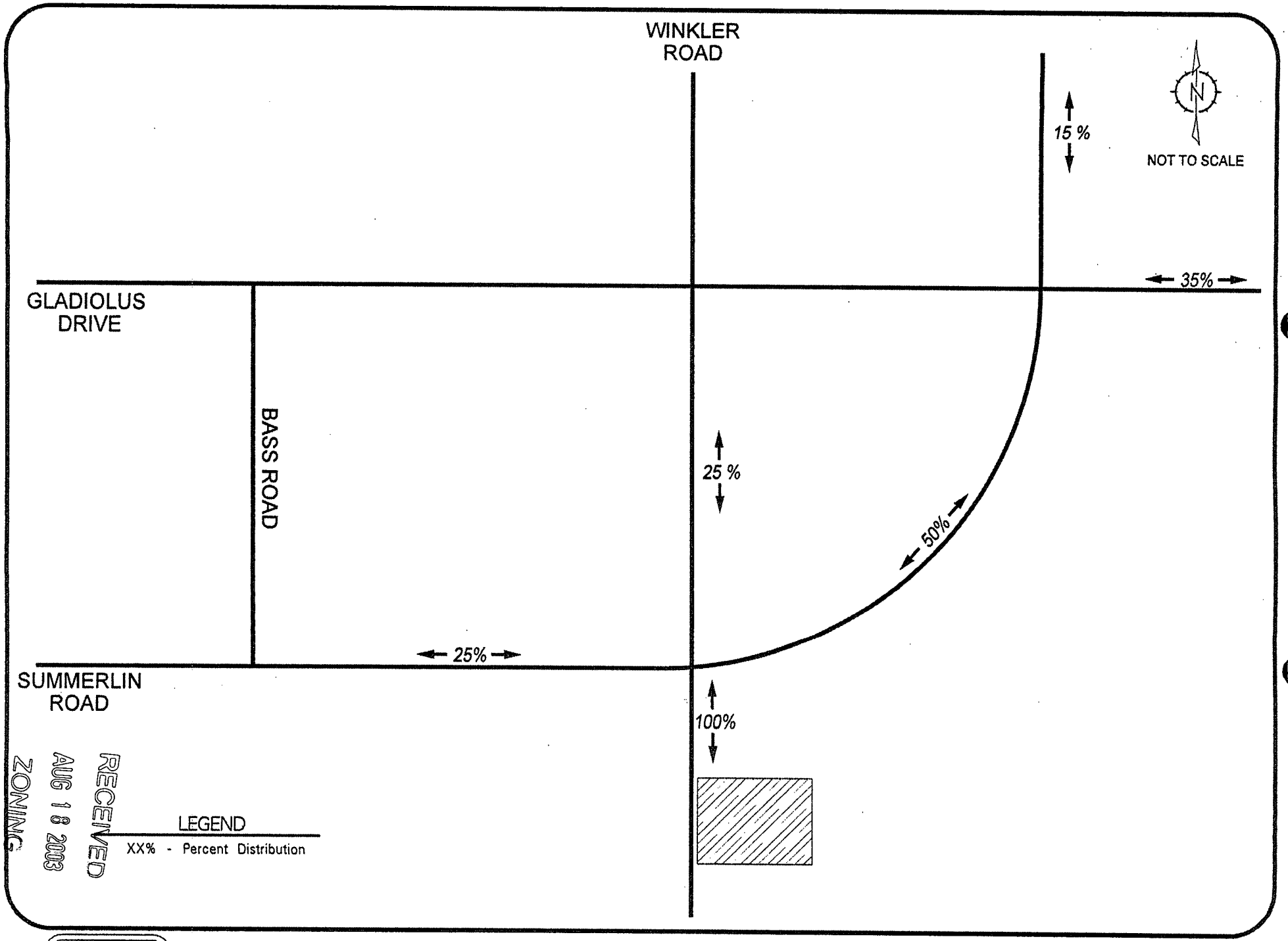

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METRO

TRAFFIC DISTRIBUTION

FIGURE: 2

VI. FUTURE TRAFFIC CONDITIONS

It was assumed that the Winkler Preserve would be completed by the year 2006. Based on this project build-out, the surrounding roadways and intersection were analyzed for the year 2007. Furthermore, based on this projected build-out, a growth rate was applied to the existing traffic conditions for all roadway links and intersections that could be significantly impacted by this development. The existing roadway link traffic data was obtained from the 2001/2002 – 2002/2003 Lee County Concurrency Management Inventory and Projections Report, dated December 2002. Based on the project distribution shown in Figure 2, the link data was analyzed for the existing conditions, year 2007 without the development and year 2007 with the development. **Figure 3** indicates the site traffic assignment for the Winkler Preserve.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2007 base year traffic volumes as well as the growth rate utilized for each roadway segment. **Figure 4** indicates the year 2007 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 4 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday A.M. and P.M. peak hours with the development traffic added to the roadways.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Figure 4 details the levels of service for all links inside the project's area of influence. These levels of service were derived based on the Lee County Generalized Level of Service Volume Tables. **Table 1A** in the Appendix details the calculations to determine the Level of Service on the analyzed links. As can be seen from Figure 4, the roadway links analyzed as part of this report will not be adversely impacted as a result of the proposed expansion. All of the roadway segments analyzed as a part of this report can be

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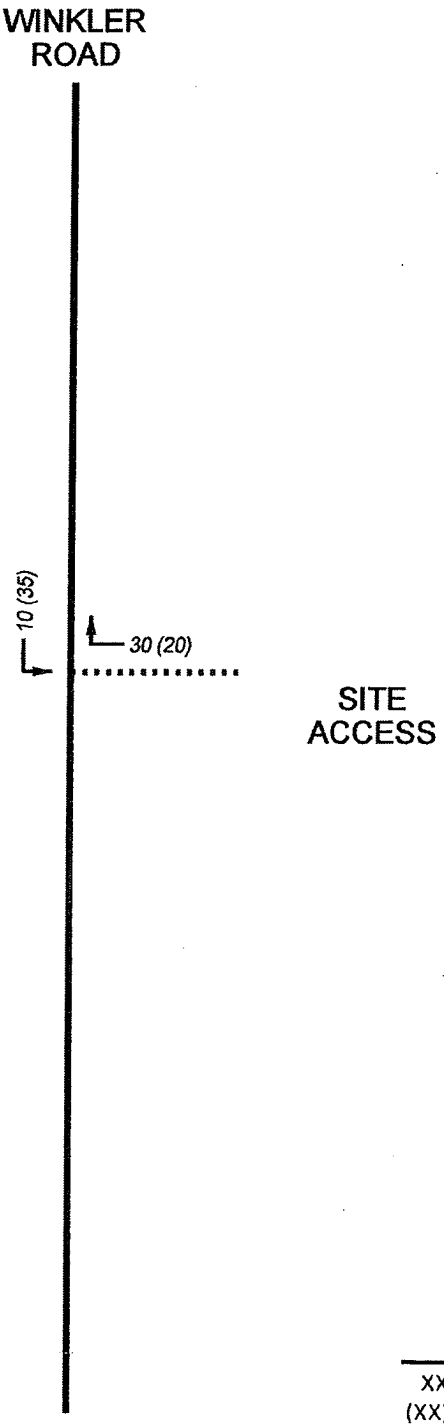
NOT TO SCALE



LEGEND

XX - Weekday A.M. Peak Hour
(XX) - Weekday P.M. Peak Hour

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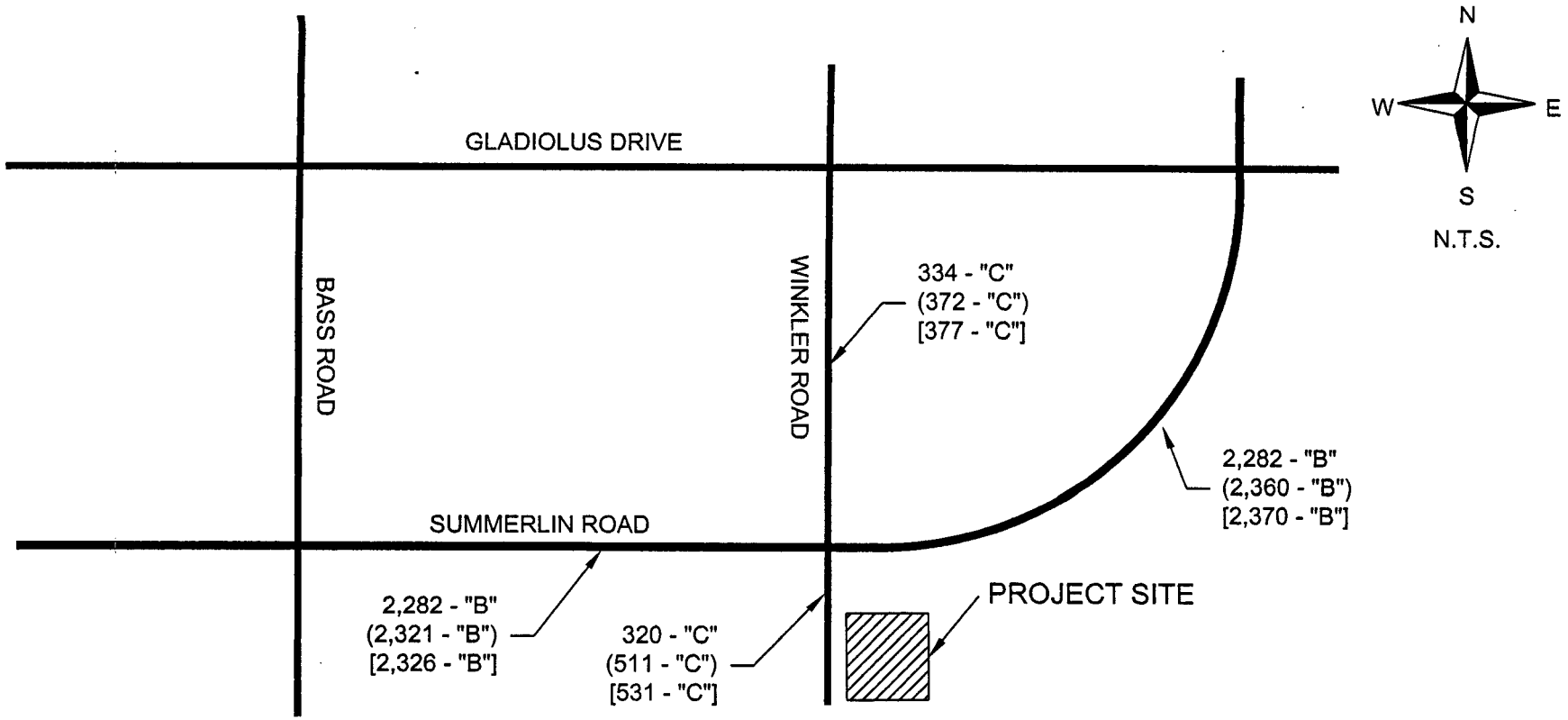
SITE TRAFFIC ASSIGNMENT

FIGURE: 3

F0112.01



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XXX - "C" PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

(XXX -"C") PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS AM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

[XXX -"C"] PEAK SEASON PEAK HOUR
PEAK DIRECTION BACKGROUND
TRAFFIC PLUS PM PROJECT TRAFFIC
AND LEVEL OF SERVICE DESIGNATION

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2007 BUILD-OUT TRAFFIC CONDITIONS

Figure 4

the development is completed, will maintain the Level of Service as projected without the development.

Tables 1A and 2A reflect a traffic count conducted on March 6, 2002 at the intersection of Winkler Road and Summerlin Road. During the P.M. Peak Hour, the highest hourly volume existing on Winkler Road to the south of Summerlin Road is 320 vehicles. Thus, this volume was utilized for the 2002 Peak Hour, Peak Season, Peak Direction traffic volume on Winkler Road, south of Summerlin Road. The growth rate for Winkler Road to the south of Summerlin Road was taken from the growth rate on Winkler Road to the north of Summerlin Road. Based on the 2007 traffic projections contained in Table 2A, Winkler Road to the south of Summerlin Road will maintain an acceptable Level of Service once the project traffic is added to the surrounding roadway network.

Turn lane analysis was performed as a result of the proposed development as well. Turn lanes will not be warranted at the site access drive for the Winkler Preserve as a result of the added project traffic. The two-way, peak season, peak hour background traffic on Winkler Road at the project entrance will not exceed the necessary 500 vehicles to warrant turn lanes. The Lexington development and the Belle Meade development add traffic to this section of Winkler Road. Other projects south of the subject site that have access to Winkler Road include Southwind Estates (101 single family homes), and Woodgate Estates (28 single family homes).

A recent traffic count conducted by Metro at the access to the Lexington Country Club south of the subject site indicated that only approximately 63 vehicles entered/exited this site during the peak hours. This count was conducted in February 2003. The Belle Meade subdivision is platted for approximately 55 lots. This development combined with the Southwind and Woodgate Estates subdivisions will not generate the amount of traffic to increase the two-way peak hour traffic on Winkler Road beyond the 500 vehicles. Therefore, no turn lanes will be warranted as a result of the Winkler Preserve development.

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On the site access drive, a westbound right turn lane will be warranted, however a one-lane approach will function as a right turn lane due to the fact that no traffic is expected to travel south on Winkler Road from the Winkler Preserve development.

VIII. CONCLUSION

The development of approximately 110-acres associated with the Winkler Preserve on Winkler Road, to the south of its intersection with Summerlin Road in Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The existing roadway network, as well as improvements scheduled within the next three years, can accommodate the additional new vehicle trips the development is anticipated to generate. Site specific turn lane improvements will not be warranted based on the Lee County Turn Lane Policy due to the lack of significant traffic expected to exist on Winkler Road at the time of project build-out. No roadway improvements will be required due to the development of the Winkler Preserve development as currently proposed.

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APPENDIX

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TABLE 1A & 2A

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TABLE 1A
PEAK DIRECTION
PROJECT TRAFFIC VS. 10% LOS C LINK VOLUMES

Revised 8/12/03

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 205 VPH IN= 50 OUT= 155

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	ROADWAY CLASS	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
Gladiolus Drive	W. of U.S. 41	6LD	670	2490	2850	2920	-	35.00%	61	2.1%
Summerlin Road	W. of Winkler Road	6LD	410	2490	2960	3040	-	25.00%	44	1.5%
	E. of Winkler Road	6LD	410	2490	2960	3040	-	50.00%	88	3.0%
	N. of Gladiolus Drive	6LD	410	2490	2960	3040	-	15.00%	26	0.9%
Winkler Road	N. of Summerlin Road	2LN	0	280	790	900	920	25.00%	44	5.5%
	N. of Site	2LN	0	280	790	900	920	100.00%	175	22.2%

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TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS

Revised 8/12/03

TOTAL PROJECT TRAFFIC AM = 205 VPH IN = 50 OUT= 155
TOTAL PROJECT TRAFFIC PM = 275 VPH IN= 175 OUT= 100

ROADWAY	SEGMENT	PCS	BASE YR ADT	2002 ADT	YRS OF GROWTH	ANNUAL RATE	2002 PK HR PK SEASON PEAK DIR.[1]		2007 PK HR PK SEASON PEAK DIR.	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2007 BCKGRND + AM PROJ TRAFFIC	2007 BCKGRND + PM PROJ TRAFFIC
Gladiolus Drive	W. of U.S. 41	46	28100	40700	6	6.30%	2104		2856	35.00%	54	61	2910	2917
Summerlin Road	W. of Winkler Road	19	29200	34000	9	1.71%	2097		2282	25.00%	39	44	2321	2326
	E. of Winkler Road	19	29200	34000	9	1.71%	2097		2282	50.00%	78	88	2360	2370
	N. of Gladiolus Drive	19	25300	23300	9	0.00%	1189		1189	15.00%	23	26	1212	1215
Winkler Road	N. of Summerlin Road	19	2800	5600	9	8.01%	227		334	25.00%	39	44	372	377
	N. of Site	--	--	--	--	2.18%	320	[2]	356	100.00%	155	175	511	531

[1] The 2002 Peak Hour, Peak Season, Peak Direction Traffic Volume was obtained from the 2001/2002-2002/2003 Lee County Concurrency Report

[2] The Peak Hour, Peak Season, Peak Direction Traffic Volume for Winkler Road to the south of Summerlin Road is a 2002 traffic volume, and it was obtained from a traffic count performed on 3/06/02

		2007 BCKGRND + AM PROJ LOS	2007 BCKGRND + PM PROJ LOS
Gladiolus Drive	W. of U.S. 41	D	D
Summerlin Road	W. of Winkler Road	B	B
	E. of Winkler Road	B	B
	N. of Gladiolus Drive	B	B
Winkler Road	N. of Summerlin Road	C	C
	N. of Site	C	C

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LEE COUNTY GENERALIZED LEVEL OF SERVICE SPREADSHEET

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Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

d:\los02\input1

Uninterrupted Flow Highway
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	100	340	680	970	1,300
2	Divided	990	1,610	2,330	3,010	3,420
3	Divided	1,490	2,410	3,490	4,510	5,130

Arterials

Class I (>0.00 to 1.99 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	280	760	900	920
2	Divided	450	1,630	1,900	1,950	**
3	Divided	670	2,490	2,850	2,920	**
4	Divided	890	3,220	3,610	3,700	**

Class II (>2.00 to 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	210	660	850	900
2	Divided	*	490	1,460	1,790	1,890
3	Divided	*	760	2,240	2,700	2,830
4	Divided	*	1,000	2,970	3,490	3,670

Class III (more than 4.50 signalized intersections per mile)
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	370	720	850
2	Divided	*	*	870	1,640	1,790
3	Divided	*	*	1,340	2,510	2,690
4	Divided	*	*	1,770	3,270	3,480

Controlled Access Facilities
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	120	740	930	960	**
2	Divided	270	1,620	1,970	2,030	**
3	Divided	410	2,490	2,960	3,040	**

Collectors
Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	530	800	850
1	Divided	*	*	560	840	900
2	Undivided	*	*	1,180	1,620	1,710
2	Divided	*	*	1,240	1,710	1,800

Note: the service volumes for I-75 (freeway) should be from FDOT's most current version of LOS Handbook.

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LEE COUNTY FY 01/02-05/06 TRANSPORTATION CAPITAL IMPROVEMENT PLAN – SUMMERLIN ROAD

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PROJECT NAME	Summerlin Rd/San Carlos to Gladiolus	DATE PREPARED:	10/22/02
PROJECT NUMBER	4067	COMPREHENSIVE PLAN REFERENCE	21.1.5;23.2.1;23.2.4
MANAGING DEPT.	Transportation	COMMISSION DISTRICT	3

PROJECT DESCRIPTION:

Widen Existing Four Lane Road To Six Lane Rural Arterial (3.9 Miles) and Construct a Grade Separation at Gladiolus Drive. Also, Widen Winkler Road to Four Lanes from Summerlin Road to Gladiolus Drive.

PROJECT LOCATION:

South Lee County, San Carlos Boulevard (SR 865) To Gladiolus Drive.

ESTIMATED PROJECT COST (IN THOUSANDS)	FY 96-01 PRIOR EXP.	FY 01/02 BUDGET	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	5 YEAR NEW TOTAL	YEARS 6-10	PROJECT TOTAL
DESIGN / PERMITTING	50	2,000								2,050
RIGHT -OF- WAY ACQUISITION			1,685					1,685		1,685
MAINLINE CONSTRUCTION					6,000			6,000		6,000
ADDITIONAL CONSTRUCTION										
PROJECT MANAGEMENT	12	38			100			100		150
CONSTRUCTION INSPECTION					300			300		300
MITIGATION										
LANDSCAPING						1,560		1,560		1,560
OTHER										
TOTAL	62	2,038	1,685	0	6,400	1,560	0	9,645	0	11,745

CIP FUNDING SOURCES AND AMOUNTS	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07
Impact Fees (4)			4,278		
Impact Fees (6)			130		
Gas Taxes	1,685		1,994		
Ad Valorem				1,560	

OPERATING IMPACT:	FY 02/03	FY 03/04	FY 04/05	FY 05/06	FY 06/07	O & M FUNDING SOURCE
START UP	N/A	N/A	N/A	N/A	N/A	
RECURRING (Operations)	N/A	N/A	N/A	76,596	76,596	Transportation Trust Fund
(Traffic)	N/A	N/A	N/A	3,000	3,090	
TOTAL	0	0	0	79,596	79,686	

COMMENTS:

Preliminary Design Funded in Prior Year to Determine Cross Sections and Review Access Management. Design Phase expanded to include design of overpass at Gladiolus/Summerlin using existing Sanibel surplus toll revenues. Funds not yet identified for inclusion of overpass in CST phase - anticipate future cost increases and possible advancement of CST phase to FY 03/04. Combined with adjacent project (#4066).

ALL COSTS IN THOUSANDS OF DOLLARS, EXCEPT FOR OPERATING IMPACTS

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TURNING MOVEMENT COUNT – SUMMERLIN ROAD @ WINKLER ROAD

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Default Titles
Change These in The Preferences Window
Select File/Preference in the Main Scree
Then Click the Titles Tab

ner : Cool
unted by: Dawn/Jennifer

File Name : SumWink
Site Code : 00002452
Start Date : 03/06/2002
Page No : 1

Groups Printed- 1 - Cars

	Winkler Rd. From North					Summerlin Rd. From East					Winkler Rd. From South					Summerlin Rd. From West					
Start Time	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Right	Thru	Left	Truck	App. Total	Int. Total
Factor	1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		1.0	1.0	1.0	1.0		
07:00 AM	15	20	3	3	41	4	201	33	25	263	31	22	2	2	57	0	160	25	0	185	546
07:15 AM	31	17	2	4	54	6	272	26	22	325	25	6	7	1	49	1	206	16	4	227	655
07:30 AM	23	10	1	0	34	1	280	34	24	339	31	13	8	3	55	0	187	24	5	216	644
07:45 AM	24	9	2	1	36	8	329	34	21	387	65	21	14	11	101	2	239	18	8	267	791
Total	93	56	8	8	165	19	1082	127	92	1314	152	62	31	17	262	3	792	83	17	895	2636
08:00 AM	19	14	7	1	41	2	298	28	28	356	36	21	8	10	76	4	229	22	7	262	734
08:15 AM	34	16	6	5	61	4	353	53	30	440	37	19	7	6	69	4	243	18	12	277	847
08:30 AM	31	19	7	4	61	3	326	82	23	384	31	13	21	5	70	7	237	28	13	285	800
08:45 AM	41	24	6	2	73	8	314	46	25	393	42	25	12	8	87	9	226	16	9	259	812
Total	125	73	26	12	236	17	1291	159	106	1573	146	78	48	29	301	24	934	84	41	1083	3193
09:00 AM	0	0	0	0	0	0	0	0	0	0	30	19	18	6	73	17	285	16	11	329	402
09:15 AM	26	28	3	1	58	4	270	45	22	341	41	20	14	4	79	10	260	22	15	327	805
09:30 AM	25	18	2	7	53	6	281	35	31	353	41	25	13	6	85	10	315	27	27	379	870
09:45 AM	21	17	11	3	52	5	226	33	27	291	0	0	0	0	0	0	0	0	0	0	343
Total	72	63	17	11	163	15	777	113	80	985	112	64	45	16	237	37	860	65	53	1035	2420
10:00 AM	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
Total	24	16	9	0	49	1	230	28	15	274	0	0	0	0	0	0	0	0	0	0	323
11:00 AM	23	26	10	1	60	6	269	43	20	360	39	29	23	3	94	5	302	13	18	338	852
11:15 AM	44	27	15	2	88	4	321	22	14	361	38	26	11	6	79	11	355	21	16	403	931
11:30 AM	32	35	13	7	87	5	314	36	12	367	44	30	11	7	92	15	336	15	15	381	927
11:45 AM	31	16	15	7	69	4	248	40	15	307	62	27	9	5	73	14	377	21	21	433	882
Total	130	104	53	17	304	21	1172	141	61	1395	181	112	54	21	338	45	1370	70	70	1555	3592
12:00 PM	22	29	9	5	65	13	255	21	14	303	44	37	8	4	93	6	327	95	12	380	841
12:15 PM	31	38	12	5	86	14	294	34	20	362	43	20	9	3	75	6	361	23	10	400	923
12:30 PM	25	27	15	2	69	4	321	44	19	388	30	9	13	3	55	10	334	24	16	384	896
12:45 PM	28	32	14	1	75	3	300	32	14	349	35	21	6	7	71	12	365	17	15	409	904
Total	106	126	50	13	295	34	1170	131	67	1402	152	87	36	17	294	34	1387	99	53	1573	3564
03:00 PM	32	29	15	3	79	9	319	36	13	379	35	29	9	4	77	10	486	30	15	543	1078
03:15 PM	35	24	16	4	79	5	337	35	11	388	48	34	9	17	108	11	406	24	11	452	1027
03:30 PM	29	23	20	3	75	7	378	22	8	415	57	33	24	9	123	16	441	30	13	500	1113
03:45 PM	38	32	15	4	89	7	339	45	10	401	51	27	8	5	91	13	464	23	15	515	1096
Total	134	108	66	14	322	28	1373	140	42	1583	191	123	50	35	399	50	1799	107	54	2010	4314
04:00 PM	20	15	9	0	44	9	199	35	6	249	24	18	9	2	53	8	449	30	14	501	857
04:15 PM	34	23	12	5	74	12	259	37	12	320	35	24	11	2	72	11	476	48	14	549	1015
04:30 PM	47	30	13	5	95	11	275	17	7	310	40	24	6	7	79	10	433	42	15	500	984
04:45 PM	27	19	13	2	61	11	366	30	10	417	42	27	13	8	90	8	361	36	17	422	990
Total	128	87	47	12	274	43	1099	119	35	1296	151	93	41	19	304	37	1719	156	60	1972	3846
05:00 PM	32	31	16	1	80	10	279	22	7	318	38	24	14	3	79	9	411	29	16	465	842
05:15 PM	26	24	11	0	61	14	289	19	3	325	28	21	8	2	59	16	374	50	15	455	902
05:30 PM	23	14	12	3	52	19	295	34	4	352	27	30	5	3	65	15	344	31	14	404	873
05:45 PM	14	18	15	0	48	13	294	30	1	338	23	16	3	2	44	5	411	24	8	448	878
Total	97	88	54	4	243	56	1157	105	15	1333	116	91	30	10	247	45	1540	134	53	1772	3595
Grand Total	908	721	330	91	2051	226	9351	1063	513	11155	1171	710	337	164	2382	275	1042 1	798	401	11895	27483
Apprch %	44.3	35.2	16.1	4.4		2.0	83.8	9.5	4.6		49.2	29.8	14.1	6.9		2.3	87.6	6.7	3.4		
Total %	3.3	2.6	1.2	0.3	7.5	0.8	34.0	3.9	1.9	40.6	4.3	2.6	1.2	0.6	8.7	1.0	37.9	2.9	1.5	43.3	

Peak Dir, Peak Hour = 72+79+90+79
= 320 veh

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HCS2000 INTERSECTION CAPACITY ANALYSIS – WINKLER ROAD @ SITE ACCESS DRIVE

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*RLP*	Intersection	*Winkler Rd @ Site Access Drive*
Agency/Co.	*Metro Transportation Group, In*	Jurisdiction	*Lee County*
Date Performed	*6/19/2003*	Analysis Year	*2005*
Analysis Time Period	*A.M. Peak Hour*		

Project Description *Project 011201 - Winkler Preserve*

East/West Street: *Site Access Drive* | North/South Street: *Winkler Road*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*0*	*405*	*0*	*10*	*290*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*405*	*0*	*10*	*290*	*0*
Percent Heavy Vehicles	*0*	–	–	*0*	–	–
Median Type	*Undivided*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration			*TR*	*LT*		
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*30*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*0*	*30*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration		*LR*				

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*LT*		*LR*				
v (vph)		*10*		*30*				
C (m) (vph)		*1165*		*650*				
v/c		*0.01*		*0.05*				
95% queue length		*0.03*		*0.14*				
Control Delay		*8.1*		*10.8*				
LOS		*A*		*B*				
Approach Delay	–	–	*10.8*					
Approach LOS	–	–	*B*					

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TWO-WAY STOP CONTROL SUMMARY

General Information		Site Information	
Analyst	*RLP*	Intersection	*Winkler Rd @ Site Access Drive*
Agency/Co.	*Metro Transportation Group, In*	Jurisdiction	*Lee County*
Date Performed	*6/19/2003*	Analysis Year	*2005*
Analysis Time Period	*P.M. Peak Hour*		

Project Description *Project 011201 - Winkler Preserve*

East/West Street: *Site Access Drive* | North/South Street: *Winkler Road*

Intersection Orientation: *North-South* | Study Period (hrs): *0.25*

Vehicle Volumes and Adjustments

Major Street	Northbound			Southbound		
Movement	1	2	3	4	5	6
	L	T	R	L	T	R
Volume	*0*	*405*	*0*	*35*	*290*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*405*	*0*	*35*	*290*	*0*
Percent Heavy Vehicles	*0*	–	–	*0*	–	–
Median Type	*Undivided*					
RT Channelized			*0*			*0*
Lanes	*0*	*1*	*0*	*0*	*1*	*0*
Configuration			*TR*	*LT*		
Upstream Signal		*0*			*0*	

Minor Street	Westbound			Eastbound		
Movement	7	8	9	10	11	12
	L	T	R	L	T	R
Volume	*0*	*0*	*20*	*0*	*0*	*0*
Peak-Hour Factor, PHF	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*	*1.00*
Hourly Flow Rate, HFR	*0*	*0*	*20*	*0*	*0*	*0*
Percent Heavy Vehicles	*0*	*0*	*0*	*0*	*0*	*0*
Percent Grade (%)		*0*			*0*	
Flared Approach		*N*			*N*	
Storage		*0*			*0*	
RT Channelized			*0*			*0*
Lanes	*0*	*0*	*0*	*0*	*0*	*0*
Configuration		*LR*				

Delay, Queue Length, and Level of Service

Approach	NB	SB	Westbound			Eastbound		
Movement	1	4	7	8	9	10	11	12
Lane Configuration		*LT*		*LR*				
v (vph)		*35*		*20*				
C (m) (vph)		*1165*		*650*				
v/c		*0.03*		*0.03*				
95% queue length		*0.09*		*0.10*				
Control Delay		*8.2*		*10.7*				
LOS		*A*		*B*				
Approach Delay	–	–	*10.7*					
Approach LOS	–	–	*B*					

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TRIP GENERATION EQUATIONS

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TRIP GENERATION EQUATIONS
WINKLER PRESERVE
TRIP GENERATION STUDY

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour	Daily (2-way)
Single Family Units (LUC 210)	T = 0.700 (X) + 9.477, 25% in	Ln (T) = 0.901 Ln (X) + 0.527, 64% in	Ln (T) = 0.920 Ln (X) + 2.707
T = Trips, X = # of Units			

ZONING DIVISION

LEE COUNTY

PLANNED DEVELOPMENT SUFFICIENCY REVIEW

TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Susan Hollingsworth
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Stephanie Keyes, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Jeff E. Laurien

DATE: 07/11/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: WINKLER PRESERVE

CASE #: DCI2003-00049

INFORMATION SUMMARY:

NEW SUBMITTAL

___ To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 07/25/2003

Additional Comments:

(DCI) Lee County LDC Section 34-373(d)(1).
Sufficiency and Completeness

No hearing will be scheduled for an application for a Planned Development until the application has been found sufficient. All applications for Planned Developments will be deemed sufficient unless a letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of submittal of the application. All amended applications will be deemed sufficient unless a subsequent letter advising the applicant of any insufficiencies has been mailed within fifteen (15) working days of the date of the resubmittal. The contents of insufficiency letters will be limited to brief explanations of the manner in which insufficient applications do not comply with the formal requirements in Section 34-373.

cc: DCI planner/working file
DCI Zone File

Distributed by: Jessica M Smith

Date: 07/15/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

February 25, 2004

Henderson, Franklin, Starnes & Holt, P.A.
Russell Schropp
P.O. Box 280
Ft. Myers, FL 33902

Re: Agenda Schedule for Winkler Preserve RPD
Case No. DCI2003-00049

Dear Mr. Schropp:

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: March 15, 2004, 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

Billie Jacoby
Administrative Assistant

cc: Development Solutions
Winkler Preserve, LLC
Barraco and Associates, Inc.
Stuart and Associates, Inc.
Bagley Environmental and Planting Services, Inc.
Jeff Laurien, Senior Planner
Zoning File

U:\200402\DCI20030.004\9\APPLICANT LETTER BCC.WPD

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

LEE COUNTY
RECEIVED
04 FEB 25 AM 8:55
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

DATE: February 24, 2004

TO: Billie Jacoby
Development Services

FROM: Tina Boone
Tina Boone, Legal Administrative Secretary

RE: Winkler Preserve RPD
Zoning Case #DCI2003-00049
Resolution #Z-03-064

Attached please find the legal verification letter in regard to the above matter. Please place this verification in the appropriate file. Thank you.

/tb
attachment

cc: Joan C. Henry, Assistant County Attorney

Henderson|Franklin
ATTORNEYS AT LAW

1715 Monroe Street (33901)
Post Office Box 280 • Fort Myers, FL 33902 0280
Tel: 239.334.4121 • Fax: 239.334.4100 • www.henlaw.com
Office Sanibel • Tel: 239.472.6700

January 18, 2004

2004 JAN 21 AM 8:07
RECEIVED BY
LEE CO. ATTORNEY

Memorandum

TO: Dawn Perry-Lehnert

FROM: Russell P. Schropp

Re: Winkler Preserve, DCI2003-00049

Thanks for your letter and draft resolution on the above referenced case. The HEX recommendation was revised on January 6 (copy enclosed) to amend her condition #8 (condition #7 in your draft resolution), and I'd request that the resolution be amended to reflect her change. Other than that, the resolution looks fine.

The legal description is correct.

Your letter referenced some handwritten changes on the MCP, but I don't see any. Was this an oversight or did I miss them? In any event, we agree that any changes to the MCP to reflect the Board's ultimate decision can be finalized after the Board takes action on this matter.

Thanks again.

/rs
enc

cc: Ron Inge
Carl Barraco

MEMORANDUM

From The
Department Of
Community Development
Zoning Division

Date: March 3, 2004

To: DCI 2003-00049

From: Billie Jacoby

RE: Notice of Public Hearing - March 15,2 004 BCC
Lee County Board of County Commissioners Meeting

I, Billie Jacoby, 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.

F/6

NOTICE TO PARTICIPANT

CASE NUMBER:	DCI2003-00049
NAME:	Winkler Preserve RPD
REQUEST:	Request is to rezone the 109.85-acre subject property from the Agricultural-2 (AG-2) zoning district to the Residential Planned Development (RPD) zoning district to allow 282 single-family units with a maximum height of 35 feet (two stories). No Blasting is proposed on the site.
LOCATION:	The subject property is located at 17151 Winkler Road (along the east side of South Winkler Road between the Crown Colony RPD and the Belle Meade S.D.), in S10, T46S, R24E, Lee County, FL.
PROPERTY OWNER'S REPRESENTATIVE:	Ronald Inge Development Solutions 239-482-1500

Notice is hereby given that the Lee County Board of Commissioners will hold a public hearing at 9:30 a.m. on March 15, 2004, to review the written recommendation made by the Hearing Examiner and make a final decision in the above-referenced case. This hearing will be held in the Commissioners' Meeting Room, 2120 Main St., Ft. Myers, FL.

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

Additional copies of the Hearing Examiner's recommendation may be obtained or the file reviewed at the Zoning Division, 1500 Monroe St., Ft. Myers, FL. Call 479-8585 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 Billie Jacoby at 479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

DCI2003-00049

Development Solutions, LLC
Angela Wright/Ronald Inge
6150 Diamond Centre Court, Building 1300
Ft. Myers, FL 33912

Winkler Preserve, LLC
11220 Metro Parkway, Suite 27
Ft. Myers, FL 33912

Barraco and Associates, Inc.
Dan Delisi
2271 McGregor Blvd.
Ft. Myers, FL 33901

Stuart and Associates, Inc.
Greg Stuart
2180 West First St., Suite 503
Ft. Myers, FL 33901

Bagley Environmental and Planting Services, Inc.
Marshall Bagley
4850 Cedar Hammock Ct.
Ft. Myers, FL 33905-6628

Henderson, Franklin, Starnes & Holt, P.A.
Russell Schropp
P.O. Box 280
Ft. Myers, FL 33902

Jane Anne Archiable
8621 Belle Meade Drive
Ft. Myers, FL 33908

Tom Hart
c/o Knott Consoer
1625 Hendry Street
Ft. Myers, FL 33901

Lea Ann Reeves
8591 Belle Meade Drive
Ft. Myers, FL 33908

Thomas Simon
8551 Belle Meade Drive
Ft. Myers, FL 33908

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Planners

RECEIVED
MAR 15 2004
PERMIT COUNTER

LEE COUNTY
RECEIVED
04 FEB 25 AM 8:57
COMM. DEV/
PUB. WRKS. CNTR.
SECOND FLOOR

February 24, 2004

Perry-Lehnert, Dawn E.
Assistant County Attorney
Lee County
P.O Box 398
Fort Myers, Florida 33902-0398

Re: Winkler Preserve RPD
Zoning Case #DC12003-00049
Resolution No. Z-03-064

Dear Ms. Perry-Lehnert;

Enclosed please find one 11"x17 and one 2'x3' revised Master Concept Plan for the above referenced project, which is revised as you requested.

If you should have any questions or require additional information, please advise.

Very truly yours,

BARRACO AND ASSOCIATES, INC.

Carl A. Barraco

Carl A. Barraco, P.E.
President

CAB/ad
21737
cc: Jeff Laurien w/enclosures
Ron Inge w/enclosures
Russell Schropp w/enclosures

MEMORANDUM

FROM THE

DEPARTMENT OF COMMUNITY DEVELOPMENT DEVELOPMENT SERVICES DIVISION

DATE: November 5, 2003

TO: File DC12003-00049

FROM: Billie Jacoby
DCD Administration

RE: Notice of Public Hearing - November 20, 2003 **HEX**

I, Billie Jacoby, 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: DCI2003-00049

CASE NAME: WINKLER PRESERVE

REQUEST: To rezone the 109.85+/- acre subject property from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow 282 single-family units with a maximum height of 35 feet (2 stories). No blasting is proposed.

LOCATION: The subject property is located at 17151 Winkler Road (Along the east side of South Winkler Road between the Crown Colony RPD and the Belle Mead S.D.), in **S**10 (Section)-**T**46 (Township)**S-R**24 (Range)**E**, Lee County, Florida.

SIZE OF PROPERTY: 109.82 Acres ±

STAFF REPORT: Direct inquiries to Jeff E. Laurien, Senior Planner, at 239-479-8336, at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL 33901.

PROPERTY OWNER'S REPRESENTATIVE: RONALD INGE
DEVELOPMENT SOLUTIONS LLC
239-482-1500

Notice is hereby given that the Lee County Hearing Examiner will hold a public hearing at 11:30 a.m. on November 20, 2003, on the above case. The public hearing will be held in the Hearing Examiner's Meeting Room, 1500 Monroe St., Ft. Myers, FL 33901.

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

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

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

Copies of the staff report will be available two weeks prior to the hearing. The file may be reviewed at the Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Billie Jacoby at 239/479-8585.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

10-46-24-01-00001.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00002.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00003.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00004.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00029.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00030.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00031.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00033.0000
WINKLER PRESERVE LLC
C/O METRO COMMERCE CENTER
11220-27 METRO PKWY
FORT MYERS, FL 33912

10-46-24-01-00034.0000
WINKLER PRESERVE LLC
C/O METRO COMMERCE CENTER
11220-27 METRO PKWY
FORT MYERS, FL 33912

10-46-24-01-00035.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00036.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

02-46-24-00-00001.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

03-46-24-00-00003.0030
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-000C1.0000
CROWN COLONY COMM ASSOC INC
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-00GC1.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK14.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK15.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK16.0000
CROWN COLONY COMMUNITY
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-09-00000.0860
WILKINS HARRY G + CLAIRE E
17006 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0870
VANICK KATHLEEN M +
17008 COLONY LAKES BLVD
FORT MYERS, FL 33908

DC12003-00049

03-46-24-09-00000.0880
SEATON GLENN L + MARLENA A
17012 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0890
CREAMER ROBERT SR + JANET M
17014 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0900
CARDUCCI PATRICIA A
17018 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0910
CONTINENTAL HOMES OF FL INC
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.0920
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.0930
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.0940
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.1710
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1720
CONTINENTAL HOMES OF FLORIDA
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1730
CONTINENTAL HOMES OF FLORIDA
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1740
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1750
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-0000A.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000B3.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000B4.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000L2.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000R2.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-13-00FD2.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-13-00MF4.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-13-00MF5.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

All data is current at time of printing and subject to change without notice.

03-46-24-13-00RD2.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

10-46-24-01-00062.0000
TOLLEFSON DEVELOPMENT OF FL IN
710 E GRAND ST
CLERMONT, FL 34711

10-46-24-02-00000.0010
REILLY WILLIAM P
8771 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0020
BREUER DENNIS R + LINDA K
8781 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0030
FREESE CHRIS E +
P O BOX 112
SULLIVAN, IL 61951

10-46-24-02-00000.0170
JOHNSON LAURILYN ELLEN
8800 KING LEAR CT
FT MYERS, FL 33908

10-46-24-02-00000.0180
HOLLIS THOMAS + BARBARA JEAN
1651 FLOSSMOOR RD
FORT MYERS, FL 33919

10-46-24-02-00000.0190
NOVELLA RALPH + JOSELYN R
8770 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0200
LEIKAM JEFFREY K + GAYLE A
8760 KING LEAR CT
FT MYERS, FL 33908

10-46-24-02-0000A.00CE
WINKLER ESTATES LOT OWNERS

10-46-24-03-00000.0010
SALVESEN DONALD M + BARBARA K
9121 SOUTHMONT COVE #103
FORT MYERS, FL 33908

10-46-24-03-00000.0020
BEILE GEROLD A + DIANE L
17340 CARDEN CT
FT MYERS, FL 33908

10-46-24-03-00000.0040
FIRESTONE GARY M
31 BARKLEY CIR
FT MYERS, FL 33907

10-46-24-03-00000.0050
FALKLAND FREDERICK J + MARY I
17331 CARDEN CT
FORT MYERS, FL 33908

10-46-24-03-00000.0060
RUMMEL JEFFREY + CAROLYN
8731 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0070
DINIZO ERMINIA
8721 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0080
MCDONALD DANIEL D TR
8711 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0090
CAMPBELL G MONTGOMERY +BARBARA
8701 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0100
STEWART GARY W + DIANE F
8671 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0110
STEWART GARY W + DIANE F
8671 BELLE MEADE DR
FORT MYERS, FL 33908

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10-46-24-03-00000.0120
CAGATA JAY C + CARRIE M
8651 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0130
CAGATA JAY C + CARRIE M
8651 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0140
WADDELL BARRY A TR 1/2 +
8641 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0150
RINCON WILLIAM G + MARGARITA
8631 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0160
ARCHIABLE JANEANNE TR
8621 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0170
DELSOL MANUEL + MARIA
8611 BELL MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0180
WEISS MICHAEL J + FELICE R
8601 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0190
REEVES JAMES A + LEA ANN
8591 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0200
CLARK MICHAEL A + ANGELA G
8526 SOUTH LAKE CR
FT MYERS, FL 33908

10-46-24-03-00000.0210
TOWLER PAMELA
6308 PANTHER LN E-6
FORT MYERS, FL 33919

10-46-24-03-00000.0220
HODGES STANLEY + CHERYL
8740 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0240
PIMPIGNANO ALBERT + ADELAIDE
8720 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0250
KIM MICHAEL K
8700 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0260
BUONOCORE RALPH J + VIRGINIA E
1351 BUNKER WAY
FORT MYERS, FL 33919

10-46-24-03-00000.0270
JOHNSON LISA M WALKER
8650 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0280
GATTINONI FLAVIO + PATRICIA H
8620 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0290
GATTINONI FLAVIO + PATRICIA H
8620 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0300
DELGADO ALEJANDRO + MINERVA
8610 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0310
LOWE PETER J + JULIE
16729 WELLINGTON LAKE CIR
FORT MYERS, FL 33908

10-46-24-03-00000.0320
LANDFRIED DENNIS A + MARCI W
5322 NAUTILUS DR
CAPE CORAL, FL 33904

All data is current at time of printing and subject to change without notice.

10-46-24-03-00000.0330
ERHARD MICHAEL + ANDREA
8570 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0340
DEVRIES BART H
8560 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0350
THESIER ROBERT M +
15420 CATALPA COVE LANE
FORT MYERS, FL 33908

10-46-24-03-00000.0360
GRABOWSKI PETER +
P O BOX 08087
FORT MYERS, FL 33908

10-46-24-03-00000.0370
MAXWELL DONALD W + ILEANA C
8700 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0380
LOBEL CHRISTINE M
8520 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0390
FAISAL MOHAMED M + SHAMEEM T
4400 WILDER RD
NAPLES, FL 34105

10-46-24-03-00000.0400
ARCHAMBAULT JEFFREY +
15100 PORTS OF IONA DR #303
FORT MYERS, FL 33908

10-46-24-03-00000.0470
RUSSELL WILLIAM H + ANITA P
650 KEITHLEY DR
GREAT FALLS, VA 22066

10-46-24-03-00000.0480
IZZO ROBERT + JOANN
36 SHEPARD AV
STATEN ISLAND, NY 10314

10-46-24-03-00000.0490
ALLING ERIC + MARILYN
6 KIWANIS BEACH RD
UPTON, MA 01568

10-46-24-03-00000.0500
ALLING ERIC + MARILYN
6 KIWANIS BEACH RD
UPTON, MA 01568

10-46-24-03-00000.0510
BUTLER BRIAN L + HEATHER E
6588 WELLINGTON LAKES CIRCLE
FORT MYERS, FL 33908

10-46-24-03-00000.0520
DOERRE CARL J + FRANCES
8820 WOODGATE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0530
KRONFELD JOEL + KIM
89 ROCKLAND AV
LARCHEMOUNT, NY 10538

10-46-24-03-00000.0540
SIMON FRANCES M TR
8551 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0550
MORRIS CHERRIE R + MIKE A
17331 BROOK HOLLOW LN
FORT MYERS, FL 33908

10-46-24-03-0000A.00CE
BELLE MEADE PROPERTY OWNERS
C/O JANE ANNE ARCHIALE-PRES
8621 BELLE BEADE DR
FORT MYERS, FL 33908

10-46-24-07-00000.0010
VASBINDER BUDDY E +
8761 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0020
ZUMBO ANTHONY J + DENICE M
8781 TIMBER RUN CT
FORT MYERS, FL 33908

All data is current at time of printing and subject to change without notice.

10-46-24-07-00000.0030
CORBELLINI MICHAEL A +
8081 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0040
JESSEN KENNETH P + SUSAN H
6993 KIMBERLY TER
FORT MYERS, FL 33919

10-46-24-07-00000.0150
DENUNZIO JOHN A
8820 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0160
BABAIR MICHAEL D + JULIA M
8800 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0170
MEDINA HILDA G
8780 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0180
WHITE JOHN D + BETTY G
P O BOX 238
PROVINCETOWN, MA 02657

11-46-24-00-00001.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

10-46-24-09-00000.0010
HENDERSON PAULA M
17002 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0020
NGUYEN LOC BA
16998 COLONY LAKES BLVD
FT MYERS, FL 33908

10-46-24-09-00000.0030
TSONTON CHRISTOPHER A
2403 HUNTERS CREEK CIR
HINCKLEY, OH 44233

10-46-24-09-00000.0040
CONGERO JANET
16990 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0050
MICHAUD ROBERT + SUSAN
16986 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0060
LEAGUE JOANNA + JONATHAN
16982 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0070
BROSY MICHAEL J + CARLA D
16978 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0830
CAPOBIANCO JOHN + DIANE
16979 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0840
MCMAHON PETER + MARIA
16983 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0850
CAMPBELL LEROY G +
16993 COLONY LAKES BLVD
FORT MYERS, FL 33908

Jack Myatt, (*Iona/McGregor)
Chairman Kelly Greens Community Awareness Committee
16221 Kelly Woods Drive
Ft. Myers, FL 33908

Barbara England, CAM (*Iona/McGregor)
Lexington Country Club
16257 Willowcrest Way
Ft. Myers, FL 33908

Development Solutions, LLC
Ronald Inge
6150 Diamond Centre Court, Building 1300
Ft. Myers, FL 33912

118 LABELS PRINTED

All data is current at time of printing and subject to change without notice.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 479-8585

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

October 31, 2003

REVISED LETTER DUE TO 2ND HEARING TIME CHANGE and AGENT CHANGE.

Development Solutions, LLC
Angela Wright
6150 Diamond Centre Court
Building 1300
Ft. Myers, FL 33912

Re: Agenda Schedule for Winkler Preserve RPD
Case No. DCI2003-00049

Dear Ms. Wright:

Your zoning request is scheduled before the Hearing Examiner on November 20, 2003. Due to the removal of a case on the same agenda, your case has been moved from 2:00 p.m. to **11:30 a.m.** 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 encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your **NEW** zoning sign will be ready for pickup any time after October 31, 2003, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than November 4, 2003, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Billie Jacoby

Billie Jacoby
Administrative Assistant

cc: Winkler Preserve, LLC
Barraco and Associates, Inc.
Stuart and Associates, Inc.
Bagley Environmental and Planting Services, Inc.
Henderson, Franklin, Starnes & Holt, P.A.
Jeff Laurien, Senior Planner
Zoning File

U:\200310\DCI20030.004\9\APPLICANT LETTER REVISED2.WPD

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 479-8585

October 24, 2003

REVISED LETTER DUE TO TIME CHANGE

Development Solutions, LLC
Kathy Morgan
6150 Diamond Centre Court
Building 1300
Ft. Myers, FL 33912

Re: Agenda Schedule for Winkler Preserve RPD
Case No. DCI2003-00049

Dear Ms. Morgan:

By request of the Hearing Examiner's office, your zoning request has been REscheduled before the Hearing Examiner on November 20, 2003, at 2:00 p.m. ~~1:00 p.m.~~ 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 encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Billie Jacoby
Administrative Assistant

cc: Winkler Preserve, LLC
Barraco and Associates, Inc.
Stuart and Associates, Inc.
Bagley Environmental and Planting Services, Inc.
Henderson, Franklin, Starnes & Holt, P.A.
Jeff Laurien, Senior Planner
Zoning File

U:\200310\DCI20030.004\9\applicant letter REVISED.wpd

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 479-8585

October 22, 2003

Development Solutions, LLC
Kathy Morgan
6150 Diamond Centre Court
Building 1300
Ft. Myers, FL 33912

Re: Agenda Schedule for Winkler Preserve RPD
Case No. DCI2003-00049

Dear Ms. Morgan:

Your zoning request has been scheduled before the Hearing Examiner on November 20, 2003, at 1:00 p.m. 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 encourages the applicant to provide reduced copies of these exhibits for the record as an alternative to a full size copy.

Your zoning sign will be ready for pickup any time after October 22, 2003, at the drive-thru window at 1500 Monroe St., Ft. Myers, FL. This sign must be posted in accordance with Department procedures no later than November 4, 2003, and is to remain posted until final decision is rendered.

Call if you have any questions.

DEPARTMENT OF COMMUNITY DEVELOPMENT
Development Services Division

Billie Jacoby
Administrative Assistant

cc: Winkler Preserve, LLC
Barraco and Associates, Inc.
Stuart and Associates, Inc.
Bagley Environmental and Planting Services, Inc.
Henderson, Franklin, Starnes & Holt, P.A.
Jeff Laurien, Senior Planner
Zoning File

U:\200310\DCI20030.004\9\applicant letter.wpd

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Stephanie Keyes, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Jeff E. Laurien

DATE: 09/24/2003

PROJECT NAME: WINKLER PRESERVE

CASE #: DCI2003-00049

INFORMATION SUMMARY:

X To update your file
___ Review and forward substantive comments **ASAP**.

Additional Comments:

cc: DCI planner/working file
DCI Zone File

Distributed by: Jamie Princing

Date: 09/24/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-479-8336

September 24, 2003

MS. KATHY MORGAN
DEVELOPMENT SERVICES, LLC
6150 DIAMOND CENTRE COURT
BUILDING 1300
FORT MYERS, FL 33919

Re: WINKLER PRESERVE
DCI2003-00049 - PDL Application (Major PD)

Dear MS. KATHY MORGAN :

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:

> To rezone the 109.85+/- acre subject property from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow 282 single-family units with a maximum height of 35 feet (2 stories). No blasting is proposed.
>
> 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 October 8, 2003 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 November 20, 2003. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jeff E. Laurien
Senior Planner

copy w/o attachments
- Pamela Houck, Division Director
- Joan Henry, Assistant County Attorney
- DS Reviewer - Bob Rentz
- Paul O'Connor, Planning
- Kim Trebatoski, Environmental Sciences
- Roland Ottolini, Natural Resources
- Andy Getch, LCDOT
- Stephanie Keyes, Lee County School District
- Billie Jacoby, DCD Admin
- DCI Zoning File
- DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUBSTANTIVE REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Stephanie Keyes, Lee County School District
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Jeff E. Laurien

DATE: 09/11/2003

PROJECT NAME: WINKLER PRESERVE

CASE #: DCI2003-00049

INFORMATION SUMMARY:

___ To update your file
_X_ Review and forward substantive comments **ASAP**.

RESPONSE REQUIRED BY: 09/19/2003

Additional Comments:
sufficiency letter distribution

cc: DCI planner/working file
DCI Zone File

Distributed by: Billie Jacoby

Date: 09/11/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-479-8336

September 11, 2003

Superseded

MS. KATHY MORGAN
DEVELOPMENT SERVICES, LLC
6150 DIAMOND CENTRE COURT
BUILDING 1300
FORT MYERS, FL 33919

Re: WINKLER PRESERVE
DCI2003-00049 - PDL Application (Major PD)

Dear MS. KATHY MORGAN :

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:

> To rezone the 109.85+/- acre subject property from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow 282 single-family units with a maximum height of 35 feet (2 stories). No blasting is proposed.
>
> 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 September 25, 2003 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 November 12, 2003. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

You may schedule or waive a formal pre-hearing conference to discuss substantive issues. Contact me if you have any questions or if you would like to meet informally prior to the public hearings.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Jeff E. Laurien
Senior Planner

Superseded

copy w/o attachments
- Pamela Houck, Division Director
- Joan Henry, Assistant County Attorney
- DS Reviewer - Bob Rentz
- Paul O'Connor, Planning
- Kim Trebatoski, Environmental Sciences
- Roland Ottolini, Natural Resources
- Andy Getch, LCDOT
- Stephanie Keyes, Lee County School District
- Billie Jacoby, DCD Admin
- DCI Zoning File
- DCI Working File

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution FROM: Jeff E. Laurien DATE: 09/08/2003

Joan Henry, Asst. County Attorney
Jerry Murphy, Zoning
Thomas Osterhout, Lee County Utilities

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: WINKLER PRESERVE CASE #: DCI2003-00049

INFORMATION SUMMARY:

RESUBMITTAL

___ To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/22/2003

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: Billie Jacoby Date: 09/09/2003

From: Joan Henry
To: Laurien, Jeff
Date: 9/8/03 4:32PM
Subject: Winkler Preserve

RECEIVED
SEP 08 2003
ZONING

Jeff,

I received Kathy Morgan's fax and after discussing the utility concerns with Thom Osterhout and Jerry Murphy am satisfied with how they will be addressed at d.o.

Please let me know if you have any questions or comments.

Joan C. Henry
Assistant County Attorney
Lee County Attorney's Office
jhenry@leegov.com
Phone: (239) 335-2236
FAX: (239) 335-2606

CC: Houck, Pam; Murphy, Jerry; Osterhout, Thom

Development Solutions, LLC

RECEIVED
SEP 08 2003
ZONING

Date:	**September 8, 2003**
To:	**Joan Henry Fax: 239-335-2606** **Jeff Laurien Fax: 239-479-8313** **Fax: 239-590-9153**
From:	**Development Solutions, LLC** **Kathy Morgan, President** **Phone: 239-482-1500** **Fax: 239-481-8477**
Pages:	7
Subject:	**Winkler Preserve – DCI2003-00049**

Joan,

As we discussed today, the existing utilities on the site will be relocated with the Development Order and HRS Permits. The new utilities locations will be provided with either an easement (prepared by LCU) or better yet with a dedication on the Plat for the subdivision.

I am attaching a copy of the easement that was executed for the existing utilities that are located within the right-of-way that was vacated on Winkler Preserve. A similar easement will be executed for the relocation or on the face of the plat.

Please find the project sufficient and schedule the zoning hearing.

Thank you.

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 335-2236
Facsimile: (239) 335-2606

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

January 6, 2003

RECEIVED
SEP 08 2003
ZONING

Winkler Reserve, LLC
c/o Development Solutions, LLC
8660 College Parkway, Suite 160
Fort Myers, FL 33912

Attention: Kathy Morgan

Re: Winkler Preserve, LLC
Petition to Vacate #VAC2002-00032

Dear Ms. Morgan:

Enclosed please find a copy of the recorded Perpetual Public Utility Easement Grant in connection with the above-referenced matter.

Very truly yours,

Joan C. Henry
Assistant County Attorney

JCH/la
Enclosure

cc: Terry Kelley, Utilities, Engineering
Sal Elrubaie, Development Services

INSTR # 5656253
OR BK 03799 PG 4642
RECORDED 12/17/2002 10:33:38 AM
CHARLIE GREEN, CLERK OF COURT
LEE COUNTY
RECORDING FEE 24.00
DEED DOC 0.70
[illegible] C Keller

This Instrument Prepared By:
Lee County Utilities
1500 Monroe Street - 3rd Floor
Fort Myers, Florida 33901

PERPETUAL PUBLIC UTILITY EASEMENT GRANT

THIS INDENTURE is made and entered into this 21 day of October, 2002, by and between Winkler Preserve, LLC, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, hereinafter referred to as GRANTEE.

WITNESSETH:

1. For and in consideration of the sum of TEN DOLLARS ($10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

3. The public utility easement shall not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures shall not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents shall remain in the GRANTEE, GRANTEE's successors, appointees, and/or

assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free of any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, shall indemnify and hold the GRANTEE harmless for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3 within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities location within the above-described easement.

7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised or amended from time to time.

8. GRANTEE shall have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of roads. The easement is strictly for utility purposes.

10. This easement shall be binding upon the parties hereto, their successors and assigns.

IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

CTY ATTY APPROVED 2000 PUE

1st Witness
Janet E. Allison

2nd Witness
Kathy Morgan

GRANTOR
W. Michael Kerver
Vice President
Winkler Preserve, LLC
Title:

STATE OF Florida)
) SS:
COUNTY OF Lee)

The foregoing instrument was signed and acknowledged before me this 21 day of October, 20 02, by W. Michael Kerver as Vice President of Winkler Preserve, LLC
(Print or Type Name)
who has produced personally known
(Type of Identification and Number)
as identification, and who (did) (did not) take an oath.

Notary Public Signature

Janet E. Allison
Printed Name of Notary Public

OFFICIAL NOTARY SEAL
JANET E ALLISON
COMMISSION NUMBER
CC877901
MY COMMISSION EXPIRES
OCT. 29,2003

CC877901
Notary Commission Number

(Notary Seal)

CTY ATTY APPROVED 2000 PUE

Barraco and Associates, Inc.
www.barraco.net
Civil Engineers, Land Surveyors and Consultants

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records in Section 10, Township 46 South, Range 24 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

BEGINNING at the southeast corner of Lot 29 of said SEMINOLE GARDENS run N01°13'18"W along the east line of said Lot 29 for 329.93 feet to the northeast corner of said Lot 29; thence run N88°45'22"E along an easterly extension of the north line of said Lot 29 for 20.00 feet; thence run S01°13'18"E along a line 20 feet east of and parallel to the east line of said Lot 29 for 329.93 feet to an intersection with the north line of BELLE MEADE Subdivision as recorded in Plat Book 55, Page 47, Lee County Records ; thence run S88°45'10"W along said north line for 20.00 feet to the POINT OF BEGINNING.

Containing 0.15 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida west zone (NAD 1983/90 Adjustment) and are based on the east line of Lot 29 SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records to bear N01°13'18"W.

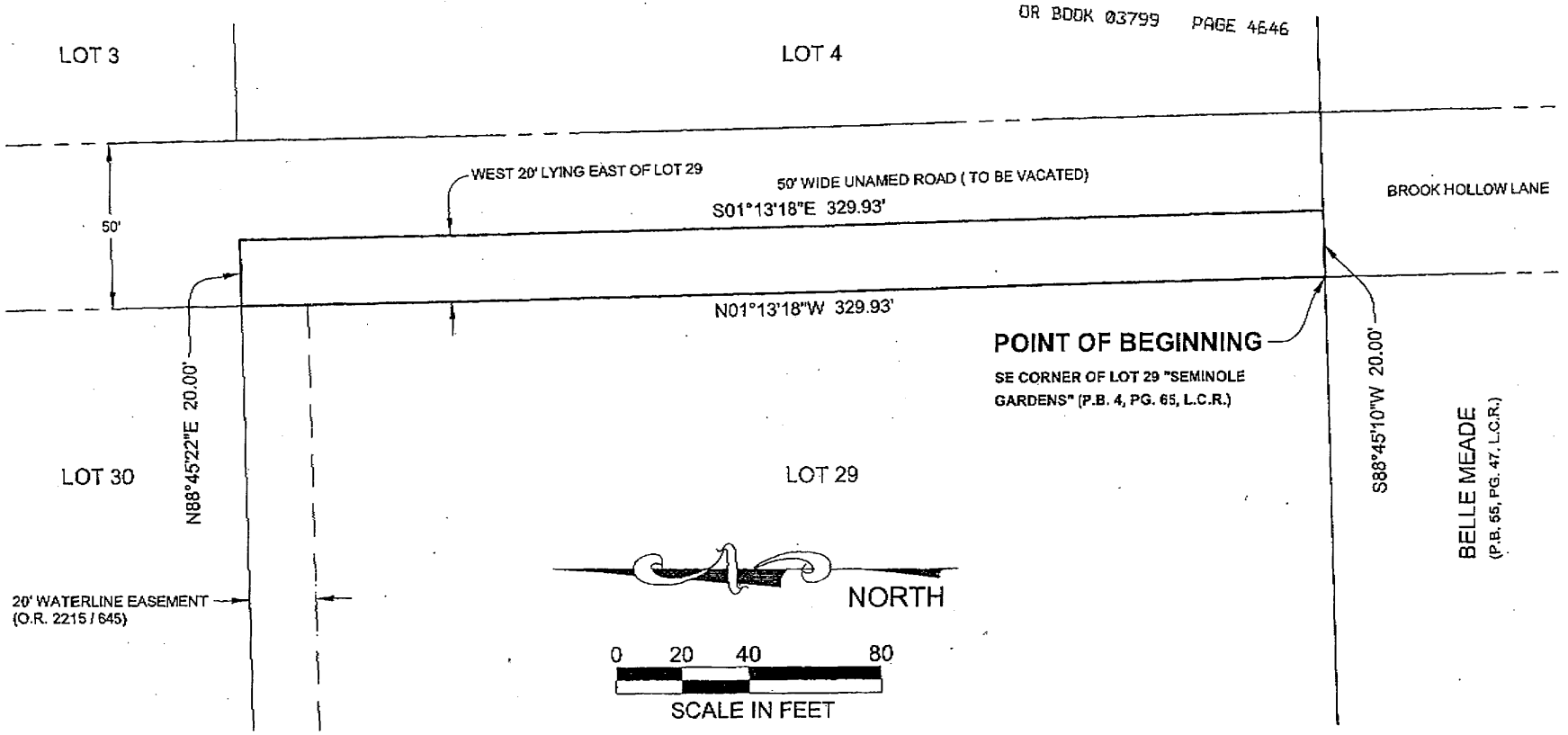
21608s04desc.doc

Scott A. Wheeler 8/2/02

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

OR BOOK 03798 PAGE 4645

OR BOOK 03799 PAGE 4646



THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED: 8/21/02

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES

1. BEARINGS HEREINABOVE MENTIONED ARE STATE PLANE FOR THE FLORIDA WEST ZONE (NAD 1983/90 ADJUSTMENT) AND ARE BASED ON THE EAST LINE OF LOT 29 SEMINOLE GARDES AS RECORDED IN PLAT BOOK 4, PAGE 65, LEE COUNTY RECORDS TO BEAR N01°13'18"E.
2. DESCRIPTION IS ATTACHED.

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
www.barraco.com
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION ENGINEERING 7363 - SURVEYING LB

PREPARED FOR:
SOUTHWEST FLORIDA LAND THREE, I
6860 COLLEGE PARKWAY SUITE 100
FORT MYERS, FLORIDA 33919
PHONE (239) 481-4066
FAX (239) 481-8477

PROJECT DESCRIPTION:
UTILITY EASEMEI SEMINOLE GARDE
(P.B. 4, PG. 65, L.C.R.)
SECTION 10, T. 46 S., R. 24 E.,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR
SCOTT A. WHEELER NO. 5949 STATE OF FLORIDA REGISTERED SURVEYOR & MAPPER
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	21508.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21508\DWG\SURVEY\PHO
PLOT DATE	FRI, 8-9-2002 - 9:29 AM
PLOT BY	SCOTT ROBINSON

DRAWING DATA

SURVEY DATE	08-01-02
DRAWN BY	ASH
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	

PLAN REVISIONS

STAMP NUMBERS

SEP. 8, 2003 2:29PM LAND SOLUTIONS, INC. No. 7254 P. 7/7

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT FILING	SHEET NUMBER
21508 10-46-24	2 OF 2

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: 239-479-8336

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

September 5, 2003

MS. KATHY MORGAN
EAST BAY GROUP, LLC
6747 PLANTATION MANOR LOOP
FORT MYERS, FL 33912

Re: WINKLER PRESERVE
DCI2003-00049 - PDL Application (Major PD)

Dear MS. KATHY MORGAN :

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

Jeff E. Laurien
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Bob Rentz, Development Review
DCI Zoning File
DCI Working File

Legal Requirements Sufficiency Checklist

4) General Legal Submittal Requirements For all Applications. All properties within a single application must be abutting. [34-201(b)(1)]

The applicant needs to provide staff with a draft easement agreement that is acceptable to both the County Attorney's Office and Lee County Utilities for the relocation of the Utility Easement.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Josh Philpott - 479-8365

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

21) Miscellaneous Items.

Based on responses from the County Attorney's office, the "existing utlitiy easement (to be relocated)" as depicted on the submitted MCP, must be "released or relocated prior to hearing (unless they are accommodated for (sic) the development on the MCP)". Please contact staff to discuss what is necessary at this time.

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney

FROM: Jeff E. Laurien

DATE: 09/02/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: WINKLER PRESERVE

CASE #: DCI2003-00049

INFORMATION SUMMARY:

RESUBMITTAL

X To update your file
_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 09/16/2003

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: Becky Tatlock

Date: 09/03/2003

ZONING DIVISION
LEE COUNTY
PLANNED DEVELOPMENT SUFFICIENCY REVIEW
TRANSMITTAL SHEET

TO: Distribution
Joan Henry, Asst. County Attorney
TIS Reviewer - Bob Rentz
DS Reviewer - Bob Rentz
Paul O'Connor, Planning
Kim Trebatoski, Environmental Sciences
Andy Getch, LCDOT
Roland Ottolini, Natural Resources
Jerry Murphy, Zoning

FROM: Jeff E. Laurien

DATE: 08/18/2003

*** REVIEWERS - remember permit plan checklists should now be used.**

PROJECT NAME: WINKLER PRESERVE

CASE #: DCI2003-00049

INFORMATION SUMMARY:

RESUBMITTAL

___ To update your file
_X_ Review and forward sufficiency questions or make finding of sufficiency

RESPONSE REQUIRED BY: 08/29/03

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: Billie Jacoby

Date: 08/19/2003

LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

Bob Janes
District One

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yeager
County Attorney

Diana M. Parker
County Hearing Examiner

Writer's Direct Dial Number: 239-479-8336

July 30, 2003

MS. KATHY MORGAN
EAST BAY GROUP, LLC
6747 PLANTATION MANOR LOOP
FORT MYERS, FL 33912

Re: WINKLER PRESERVE
DCI2003-00049 - PDL Application (Major PD)

Dear MS. KATHY MORGAN :

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

Jeff E. Laurien
Senior Planner

cc: Pamela Houck, Division Director
Paul O'Connor, Planning
Joan Henry, Assistant County Attorney
Kim Trebatoski, Environmental Sciences
Roland Ottolini, Natural Resources
Andy Getch, LCDOT
Billie Jacoby, DCD Admin
Bob Rentz, Development Review
DCI Zoning File
DCI Working File

Environmental Sciences Planned Development Sufficiency Checklist

3) 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]

Please submit a copy of the Sept 16, 2002 gopher tortoise management plan referenced on the Master Concept Plan.

13) Contact. The Environmental Planner may be contacted regarding any question on the Environmental Sciences Sufficiency Checklist.

Kim Trebatoski, Principal Environmental Planner
239-479-8183; e-mail: trebatkm@leegov.com

Legal Requirements Sufficiency Checklist

1a1) If the owner(s) has authorized an agent to prepare and sign the application and to represent him in all matters pertaining to the application, the agent must provide a document establishing his authority which has been signed by the owner and notarized by a notary public. [34-202(b)(1)b.]

The applicant needs to provide staff with the new affidavit form signed by the authorized agent.

1a2) If the property is subject to a contract for purchase and the vendee is the applicant, the applicant must submit a notarized authorization form from the landowner. [34-202(b)(1)c.]

Need to update the second page of the application to show the property is not up for sales contract.

6) All applications requiring a public hearing must include the following: [34-202(a)]

See Below.

6c) Boundary Survey. A boundary survey meeting the minimum technical standards for land surveying in the state, as set out in chapter 61G 17-6, FAC, is required for property encompassing 10 or more acres and for all Planned Development applications. [34-202(a)(2)]

Boundary Survey shows "50-ft ROW to be vacated," if a ROW exists, show it without the "to be vacated." If the ROW has been vacated the applicant needs to remove it from both the MCP and Survey. Also need to provide staff with an update opinion of title for the ROW.

6d) Confirmation of Ownership. If at any time during the review process the director concludes there is a question regarding ownership of the property, the director may require a title insurance policy, attorney's opinion of title, or ownership and encumbrance report. [34-202(a)(3)]

Need to provide an updated "Opinion of Title" for the vacated ROW.

7) Miscellaneous Items.

Sufficiency or non-applicability of legal requirements subject to change upon review of subsequent resubmittals.

8) Contact. The Planner may be contacted regarding any questions on this Checklist.

Josh Philpott - 479-8365

LCDOT Sufficiency Checklist

1) Sufficiency Comments.

Please update the TIS, it was done in January 2002.

2) The LCDOT reviewer may be contacted regarding any questions on the LCDOT Checklist.

Michael Tisch at 479-8580.

T.I.S. Checklist

4) Background Traffic. The TIS must contain 100th highest hour traffic for the current year and for the year following the year in which the project is expected to be completed.

Given the fact that the previous traffic counts on Winkler Rd. were done in early 2002, the traffic counts should be updated.

Development Review Checklist

3) Zoning Traffic Impact Statement. A zoning TIS is required. [34-373(a)(7)]

5) Contact. The reviewer may be contacted regarding questions on the Development Review Sufficiency Checklist.

Contact Bob Rentz @ 479-8587 X12

Lee County Sufficiency Checklist for Planned Developments, Amendments, and Existing Developments Requesting Planned Development Zoning

11) Master Concept Plan. All applications must be accompanied by a graphic illustration (Master Concept Plan) of the proposed development. [34-373(a)(6)]

Please remove the Location Map, the reference to no transit routes, the schedule of uses and the requested deviations from the MCP. Please submit the schedule of uses on a seperate 8.5" x 11" piece of paper, and place a simple legend on the MCP which explains what the triangles (deviations) represent and place a note in that legend that states "see resolution". For the development standards, please indicate a 0' setback for the zero-lot line parcels as part of the side yard setback. Please remove the second sentance of note 5 (leave the notes on the MCP). Please re-label "gopher Tortoise Relocation" as "Gopher Tortoise Preserve". The MCP states "existing r/w to be vacated" in reference to the row in the eastern portion of the subject property. Has this not already been vacated? If so, plese submit documents demonstrating this, and remove this note and row from the MCP. The MCP indicates a "20' stabilized emergency access" into Belle Meade. Is this the intent with the requested deviations and emergency access depicted onto Winkler Road? Please clarify, and remove if this is not the intent. Please label the "20' drainage berm" along the southern boundary of the subject property as "20' drainage berm easement".

20) Contact. The Zoning Planner may be contacted regarding any questions on the Planned Development Sufficiency Checklist.

21) Miscellaneous Items.

Has permission to impact upon the wetlands been granted by SFWMD? If so, please submit a document which indicates this.

LEE COUNTY
SOUTHWEST FLORIDA

COURTESY NOTICE
OF RECEIPT OF ZONING APPLICATION

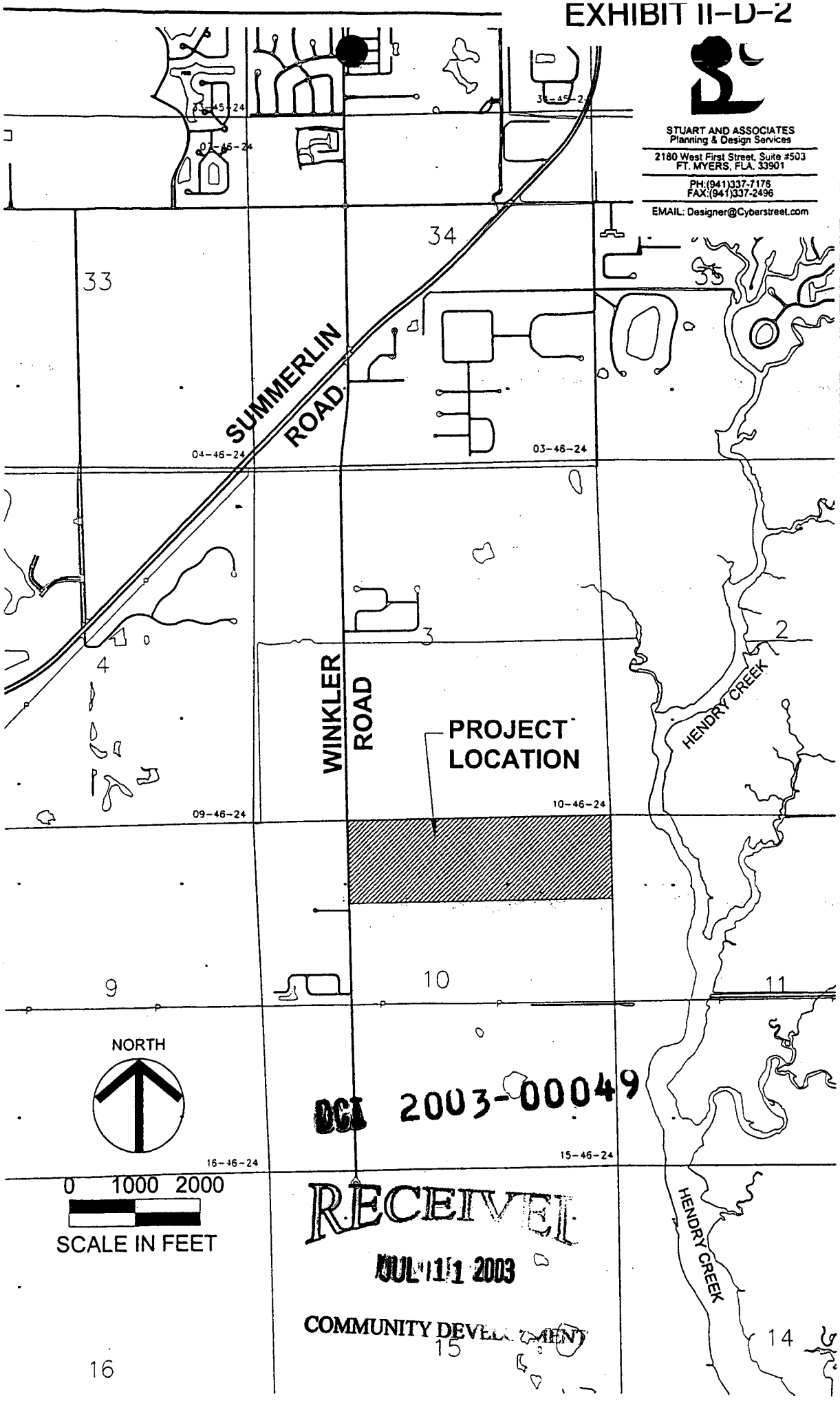
Date:	July 15, 2003
Case Number:	DCI2003-00049
Case Name:	WINKLER PRESERVE
Request:	To rezone the 109.85+/- acre subject property from Agricultural-2 (AG-2) to Residential Planned Development (RPD) to allow 282 single-family units/lots with a maximum height of 35 feet (2 stories). No blasting is proposed.
Location:	The subject property is located at 17151 Winkler Road, Fort Myers, FL 33908 (Along the east side of South Winkler Road between the Crown Colony RPD and the Belle Mead S.D.)
Location Map:	SEE REVERSE
PROPERTY OWNER'S REPRESENTATIVE:	MS. KATHY MORGAN EAST BAY GROUP, LLC 941-768-6677
Lee County Planner:	Jeff E. Laurien 239-479-8336

The file may be reviewed Monday through Friday between the hours of 7:30 a.m. and 4:30 p.m. at the Lee County Development Services Division, 1500 Monroe St., Fort Myers, FL 33901. Call 239/479-8585 for additional information.

This is a courtesy notice. A public hearing date has not yet been set. You will receive another notice once the hearing date and time have been established.

JSS

EXHIBIT II-D-2



STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7178
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

DCI 2003-00049

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Barraco and Associates, Inc.
CIVIL ENGINEERS, SURVEYORS AND LAND DEVELOPMENT CONSULTANTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
8660 COLLEGE PARKWAY, SUITE 160
FORT MYERS, FLORIDA 33919
PHONE (941) 489-4066
FAX (941) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

ENGINEER OF RECORD:
CARL A. BARRACO, P.E.
FOR THE FIRM
2271 McGREGOR BOULEVARD
FORT MYERS, FLORIDA 33901
FLORIDA P.E. NO. 38536

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FILE NAME	21656X-LOC8X11.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21656\DWG\EXHIBITS\
PLOT DATE	WED. 3-13-2002 - 3:19 PM
PLOT BY	JENNIFER PARKER
DESIGN BY	
XREF1	
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

AREA LOCATION MAP
EXHIBIT II-D-2

PROJECT / FILE NO.	SHEET NUMBER
21656 10-46-24	1

EXHIBIT II-D-5

10-46-24-01-00001.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00002.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00003.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00004.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00029.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00030.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00031.0000
WINKLER PRESERVE LLC
4215 E 60TH ST STE 6
DAVENPORT, IA 52807

10-46-24-01-00033.0000
WINKLER PRESERVE LLC
C/O METRO COMMERCE CENTER
11220-27 METRO PKWY
FORT MYERS, FL 33912

10-46-24-01-00034.0000
WINKLER PRESERVE LLC
C/O METRO COMMERCE CENTER
11220-27 METRO PKWY
FORT MYERS, FL 33912

10-46-24-01-00035.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

10-46-24-01-00036.0000
WINKLER PRESERVE LLC
4215 EAST 60TH ST STE #6
DAVENPORT, IA 52807

02-46-24-00-00001.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

03-46-24-00-00003.0030
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-000C1.0000
CROWN COLONY COMM ASSOC INC
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-00GC1.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK14.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK15.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-07-0LK16.0000
CROWN COLONY COMMUNITY
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-09-00000.0860
WILKINS HARRY G + CLAIRE E
17006 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0870
VANICK KATHLEEN M +
17008 COLONY LAKES BLVD
FORT MYERS, FL 33908

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03-46-24-09-00000.0880
SEATON GLENN L + MARLENA A
17012 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0890
CREAMER ROBERT SR + JANET M
17014 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0900
CARDUCCI PATRICIA A
17018 COLONY LAKES BLVD
FORT MYERS, FL 33908

03-46-24-09-00000.0910
CONTINENTAL HOMES OF FL INC
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.0920
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.0930
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.0940
CONTINENTAL HOMES OF FL INC
8000 GOVERNORS SQUARE BLVD 101
MIAMI LAKES, FL 33016

03-46-24-09-00000.1710
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1720
CONTINENTAL HOMES OF FLORIDA
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1730
CONTINENTAL HOMES OF FLORIDA
STE 150
1192 E NEWPORT CENTER DR
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1740
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-00000.1750
D R HORTON INC
1192 E NEWPORT CNTR DR STE150
DEERFIELD BEACH, FL 33442

03-46-24-09-0000A.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000B3.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000B4.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000L2.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-09-000R2.0000
COLONY LAKES DEVELOPMENT CO LL
301 YAMATO RD STE 3191
BOCA RATON, FL 33431

03-46-24-13-00FD2.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-13-00MF4.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

03-46-24-13-00MF5.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

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03-46-24-13-00RD2.0000
CENTEX HOMES
5801 PELICAN BAY BLVD STE 600
NAPLES, FL 34108

10-46-24-01-00062.0000
TOLLEFSON DEVELOPMENT OF FL IN
710 E GRAND ST
CLERMONT, FL 34711

10-46-24-02-00000.0010
REILLY WILLIAM P
8771 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0020
BREUER DENNIS R + LINDA K
8781 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0030
FREESE CHRIS E +
P O BOX 112
SULLIVAN, IL 61951

10-46-24-02-00000.0170
JOHNSON LAURILYN ELLEN
8800 KING LEAR CT
FT MYERS, FL 33908

10-46-24-02-00000.0180
HOLLIS THOMAS + BARBARA JEAN
1651 FLOSSMOOR RD
FORT MYERS, FL 33919

10-46-24-02-00000.0190
NOVELLA RALPH + JOSELYN R
8770 KING LEAR CT
FORT MYERS, FL 33908

10-46-24-02-00000.0200
LEIKAM JEFFREY K + GAYLE A
8760 KING LEAR CT
FT MYERS, FL 33908

10-46-24-02-0000A.00CE
WINKLER ESTATES LOT OWNERS

10-46-24-03-00000.0010
SALVESEN DONALD M + BARBARA K
9121 SOUTHMONT COVE #103
FORT MYERS, FL 33908

10-46-24-03-00000.0020
BEILE GEROLD A + DIANE L
17340 CARDEN CT
FT MYERS, FL 33908

10-46-24-03-00000.0040
FIRESTONE GARY M
31 BARKLEY CIR
FT MYERS, FL 33907

10-46-24-03-00000.0050
FALKLAND FREDERICK J + MARY I
17331 CARDEN CT
FORT MYERS, FL 33908

10-46-24-03-00000.0060
RUMMEL JEFFREY + CAROLYN
8731 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0070
DINIZO ERMINIA
8721 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0080
MCDONALD DANIEL D TR
8711 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0090
CAMPBELL G MONTGOMERY +BARBARA
8701 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0100
STEWART GARY W + DIANE F
8671 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0110
STEWART GARY W + DIANE F
8671 BELLE MEADE DR
FORT MYERS, FL 33908

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10-46-24-03-00000.0120
CAGATA JAY C + CARRIE M
8651 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0130
CAGATA JAY C + CARRIE M
8651 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0140
WADDELL BARRY A TR 1/2 +
8641 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0150
RINCON WILLIAM G + MARGARITA
8631 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0160
ARCHIABLE JANEANNE TR
8621 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0170
DELSOL MANUEL + MARIA
8611 BELL MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0180
WEISS MICHAEL J + FELICE R
8601 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0190
REEVES JAMES A + LEA ANN
8591 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0200
CLARK MICHAEL A + ANGELA G
8526 SOUTH LAKE CR
FT MYERS, FL 33908

10-46-24-03-00000.0210
TOWLER PAMELA
6308 PANTHER LN E-6
FORT MYERS, FL 33919

10-46-24-03-00000.0220
HODGES STANLEY + CHERYL
8740 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0240
PIMPIGNANO ALBERT + ADELAIDE
8720 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0250
KIM MICHAEL K
8700 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0260
BUONOCORE RALPH J + VIRGINIA E
1351 BUNKER WAY
FORT MYERS, FL 33919

10-46-24-03-00000.0270
JOHNSON LISA M WALKER
8650 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0280
GATTINONI FLAVIO + PATRICIA H
8620 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0290
GATTINONI FLAVIO + PATRICIA H
8620 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0300
DELGADO ALEJANDRO + MINERVA
8610 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0310
LOWE PETER J + JULIE
16729 WELLINGTON LAKE CIR
FORT MYERS, FL 33908

10-46-24-03-00000.0320
LANDFRIED DENNIS A + MARCI W
5322 NAUTILUS DR
CAPE CORAL, FL 33904

10-46-24-03-00000.0330
ERHARD MICHAEL + ANDREA
8570 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0340
DEVRIES BART H
8560 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0350
THESIER ROBERT M +
15420 CATALPA COVE LANE
FORT MYERS, FL 33908

10-46-24-03-00000.0360
GRABOWSKI PETER +
P O BOX 08087
FORT MYERS, FL 33908

10-46-24-03-00000.0370
MAXWELL DONALD W + ILEANA C
8700 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0380
LOBEL CHRISTINE M
8520 BELLE MEADE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0390
FAISAL MOHAMED M + SHAMEEM T
4400 WILDER RD
NAPLES, FL 34105

10-46-24-03-00000.0400
ARCHAMBAULT JEFFREY +
15100 PORTS OF IONA DR #303
FORT MYERS, FL 33908

10-46-24-03-00000.0470
RUSSELL WILLIAM H + ANITA P
650 KEITHLEY DR
GREAT FALLS, VA 22066

10-46-24-03-00000.0480
IZZO ROBERT + JOANN
36 SHEPARD AV
STATEN ISLAND, NY 10314

10-46-24-03-00000.0490
ALLING ERIC + MARILYN
6 KIWANIS BEACH RD
UPTON, MA 01568

10-46-24-03-00000.0500
ALLING ERIC + MARILYN
6 KIWANIS BEACH RD
UPTON, MA 01568

10-46-24-03-00000.0510
BUTLER BRIAN L + HEATHER E
6588 WELLINGTON LAKES CIRCLE
FORT MYERS, FL 33908

10-46-24-03-00000.0520
DOERRE CARL J + FRANCES
8820 WOODGATE DR
FORT MYERS, FL 33908

10-46-24-03-00000.0530
KRONFELD JOEL + KIM
89 ROCKLAND AV
LARCHEMOUNT, NY 10538

10-46-24-03-00000.0540
SIMON FRANCES M TR
8551 BELLE MEADE DR
FT MYERS, FL 33908

10-46-24-03-00000.0550
MORRIS CHERRIE R + MIKE A
17331 BROOK HOLLOW LN
FORT MYERS, FL 33908

10-46-24-03-0000A.00CE
BELLE MEADE PROPERTY OWNERS
C/O JANE ANNE ARCHIALE-PRES
8621 BELLE BEADE DR
FORT MYERS, FL 33908

10-46-24-07-00000.0010
VASBINDER BUDDY E +
8761 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0020
ZUMBO ANTHONY J + DENICE M
8781 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0030
CORBELLINI MICHAEL A +
8081 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0040
JESSEN KENNETH P + SUSAN H
6993 KIMBERLY TER
FORT MYERS, FL 33919

10-46-24-07-00000.0150
DENUNZIO JOHN A
8820 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0160
BABAIR MICHAEL D + JULIA M
8800 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0170
MEDINA HILDA G
8780 TIMBER RUN CT
FORT MYERS, FL 33908

10-46-24-07-00000.0180
WHITE JOHN D + BETTY G
P O BOX 238
PROVINCETOWN, MA 02657

10-46-24-07-0000A.0000
LEE COUNTY
P O BOX 398
FORT MYERS, FL 33902

10-46-24-09-00000.0010
HENDERSON PAULA M
17002 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0020
NGUYEN LOC BA
16998 COLONY LAKES BLVD
FT MYERS, FL 33908

10-46-24-09-00000.0030
TSONTON CHRISTOPHER A
2403 HUNTERS CREEK CIR
HINCKLEY, OH 44233

10-46-24-09-00000.0040
CONGERO JANET
16990 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0050
MICHAUD ROBERT + SUSAN
16986 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0060
LEAGUE JOANNA + JONATHAN
16982 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0070
BROSY MICHAEL J + CARLA D
16978 COLONY LAKES BLVD
FORT MYERS, FL 33908

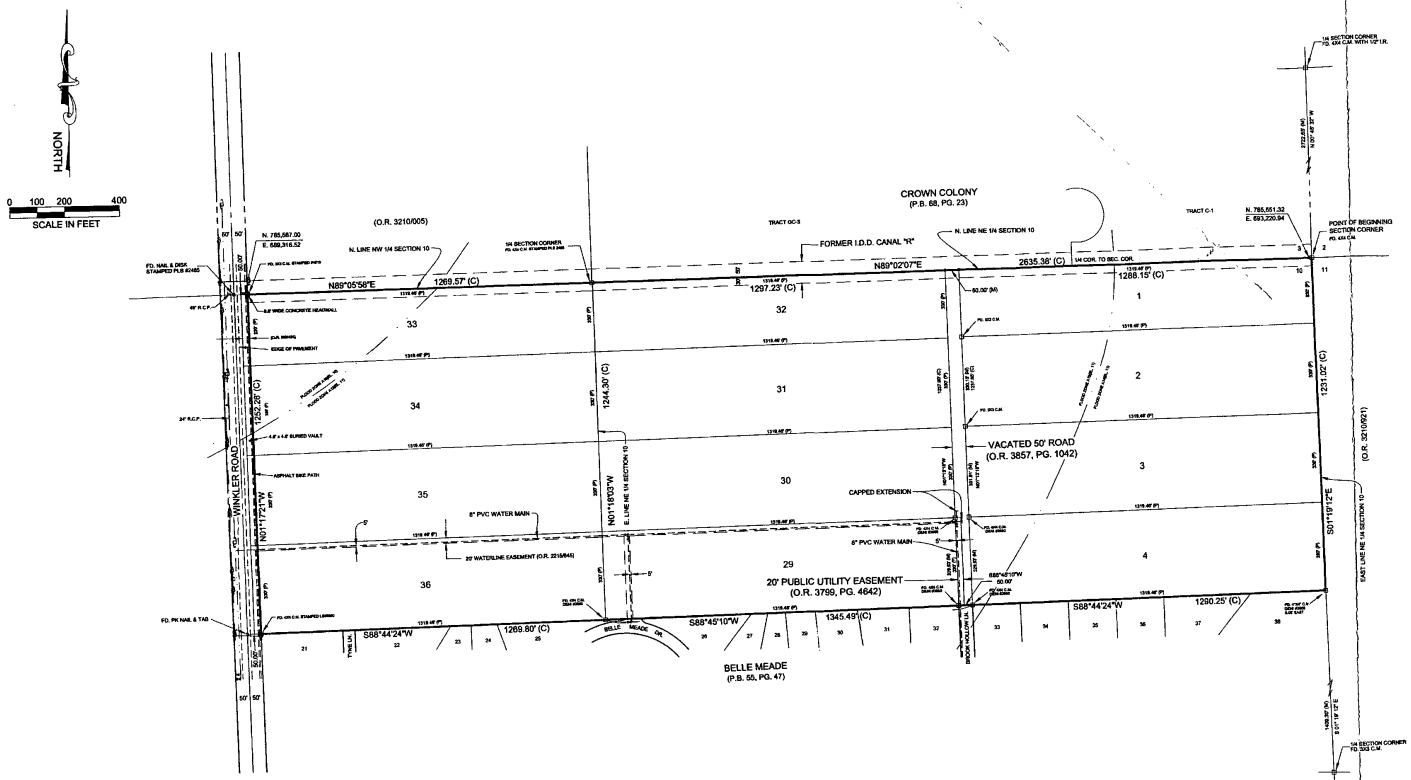
10-46-24-09-00000.0830
CAPOBIANCO JOHN + DIANE
16979 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0840
MCMAHON PETER + MARIA
16983 COLONY LAKES BLVD
FORT MYERS, FL 33908

10-46-24-09-00000.0850
CAMPBELL LEROY G +
16993 COLONY LAKES BLVD
FORT MYERS, FL 33908

11-46-24-00-00001.0000
TIITF STATE OF FLORIDA
C/O DIV OF STATE LANDS
3900 COMMONWEALTH BLVD
MAIL STATION 115
TALLAHASSEE, FL 32399

All data is current at time of printing and subject to change without notice.



DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 24 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 24 East, Lee County Florida. Said tract or parcel being more particularly described as follows:
From the northeast corner of the northeast quarter (NE 1/4) of said Section 10 run S01°19'12"E along the east line of said fraction and the east line of lots 1 through 4 of SEMINOLE GARDENS as recorded in Plat Book 4, Page 65, Lee County Records, for 1,231.02 feet to the northeast corner of BELLE MEADE subdivision as recorded in Plat Book 55, Page 47, Lee County Records; thence run along the north line of said subdivision for the following courses: S88°44'24"W for 1290.25 feet; S88°45'10"W for 1345.49 feet to an intersection with the west line of said fraction; thence continue along the north line of said BELLE MEADE subdivision S88°44'24"W for 1,269.80 feet to an intersection with the east right-of-way line of Winkler Road (100.00 feet wide); thence run N01°17'21"W along said right-of-way line for 1,252.26 feet to an intersection with the north line of the northwest quarter (NW 1/4) of said Section 10; thence run N89°05'58"E along said north line for 1,269.57 feet to the southwest corner of CROWN COLONY subdivision as recorded in Plat Book 68, Page 23, Lee County Records; thence run N89°02'07"E along the south line of said subdivision for 2,635.38 feet to the POINT OF BEGINNING.
Containing 111.27 acres, more or less.
Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the north line of the NE 1/4 of said Section 10 to bear N89°02'07"E.

THIS SURVEY IS FOR THE BENEFIT OF:

NO OTHER PERSON OR ENTITY MAY RELY ON THIS SURVEY.

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED: 8/15/03

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

NOTES

1. DATE OF LAST FIELD WORK: AUGUST 16, 2002.
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATIONS AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON THE SUBJECT PARCEL.
3. THIS SURVEY IS SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED BY A FULL AND ACCURATE TITLE SEARCH.
4. THERE ARE NO VISIBLE IMPROVEMENTS, OTHER THAN AS SHOWN.
5. SURVEYED PARCEL CONTAINS 111.27 ACRES, MORE OR LESS.
6. ACCORDING TO F.I.R.M. COMMUNITY PANEL 125124 0435 B, EFFECTIVE SEPTEMBER 19, 1984, FLOOD ZONES ARE AS SHOWN.
7. BEARINGS SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 24 EAST, TO BEAR N 89°02'07" E.
8. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON THE SURVEYED PARCEL BY THIS FIRM.
9. ALL DISTANCES SHOWN ARE GRID (SCALE FACTOR 0.999942).
10. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
11. THERE ARE NO VISIBLE ENCROACHMENTS.

LEGEND:

B.A.L.	BARRACO & ASSOCIATES, INC.	UGT	UNDER GROUND TELEPHONE SERVICE
B.M.	BENCH MARK		
C.I.R.	CAPPED IRON ROD		CONCRETE POWER POLE
COR.	CORNER		
C.M.	CONCRETE MONUMENT		WOOD POWER POLE
CONC.	CONCRETE		
DESC.	DESCRIPTION		GUY ANCHOR
D.E.	DRAINAGE EASEMENT		
DIST.	DISTANCE		WATER VALVE
EL.	ELEVATION		
FD.	FOUND		FOUND P.K.&DISK(P.C.P.) (UNLESS OTHERWISE NOTED)
I.R.	IRON ROD		
L.C.R.	LEE COUNTY RECORDS		SET 1/2" IRON ROD WITH CAP STAMPED LB6940(UNLESS OTHERWISE NOTED)
LB	LICENSED BUSINESS		
(M)	MEASURED		
(P)	PLAT		FOUND 1/2" IRON ROD WITH CAP STAMPED LB6940(UNLESS OTHERWISE NOTED)
(C)	CALCULATED		
PG.	PAGE		
PK	PARKER-KALON		FD. 4X4 CONC. MONUMENT
P.B.	PLAT BOOK		
O.R.	OFFICIAL RECORD BOOK		
PUE	PUBLIC UTILITY EASEMENT		
SQ. FT.	SQUARE FEET		
TWP.	TOWNSHIP		
R.C.P.	REINFORCED CONCRETE PIPE		

DCI 2003-00049

RECEIVED
AUG 18 2003
ZONING COUNTER

Barraco and Associates, Inc.
CIVIL ENGINEERS - SURVEYORS
PLANNERS - LANDSCAPE ARCHITECTS
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

SOUTHWEST FLORIDA LAND THREE, LLC

8660 COLLEGE PARKWAY
SUITE 160
FORT MYERS, FLORIDA 33919

PHONE (239) 489-4066
FAX (239) 481-8477

PROJECT DESCRIPTION

LOTS 1-4 & 29-36
SEMINOLE GARDENS

(P.B. 4, PG. 65, L.C.R.)
SECTION 10, T. 46 S.,
R. 24 E.,
LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER — CERTIFICATE NO. 5949 — STATE OF FLORIDA — PROFESSIONAL SURVEYOR & MAPPER

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NAME	21608303.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21608\DWG\SURVEYING\
PLOT DATE	FRI. 8-15-2003 - 11:06 AM
PLOT BY	SCOTT ROBINSON

DRAWING DATA

SURVEY DATE	AUGUST 16, 2002
DRAWN BY	SER
CHECKED BY	SAW
SCALE	AS NOTED
FIELD BOOK	F.B. 17/29-31,37

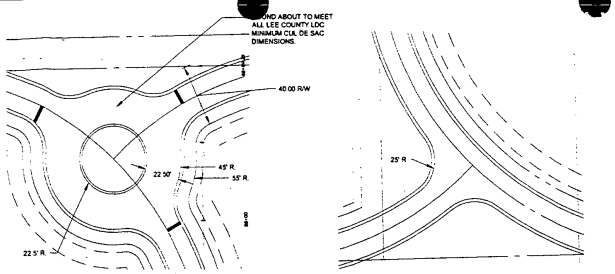
PLAN REVISIONS

STRAP NUMBERS

BOUNDARY SURVEY

Applicant Agent Checked by SAW

PROJECT / FILE NO.	SHEET NUMBER
21608 10-46-24	1

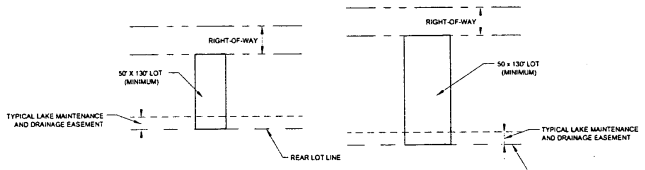


ALTERNATE INTERSECTION
N.T.S.

TYPICAL INTERSECTION
N.T.S.

OCI 2003-00049

RECEIVED
MAR 15 2004
PERMIT COUNTER



TYPICAL LOT CONFIGURATION
N.T.S.

The Winkler Preserve Project Summary

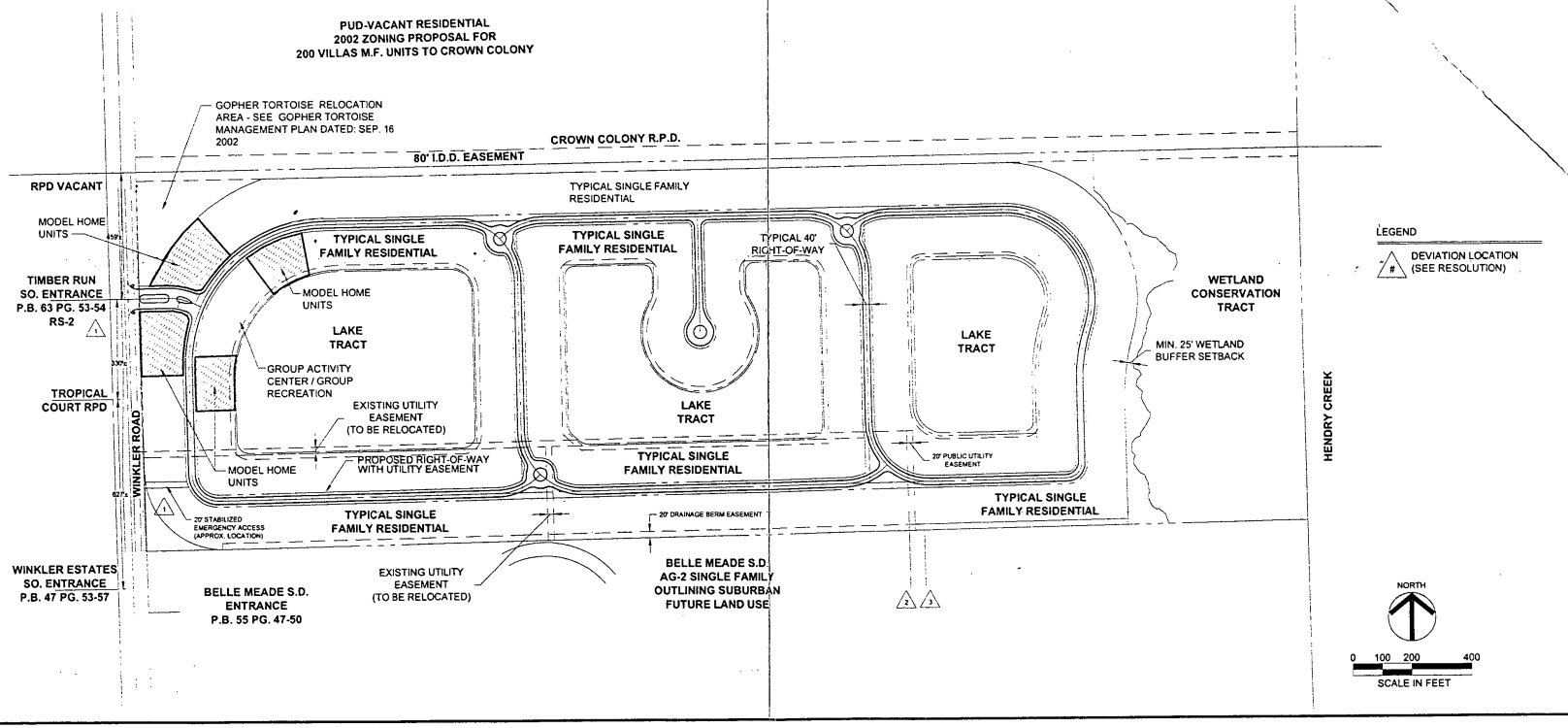
Future Land Use	Outlying Suburban
Existing Zoning/Requested Zoning	AG-2 to RPD
Development Program	Large Lot Single Family Subdivision
Residential Units	Up to 282 D.U. in compliance with condition 5 (Z-03-064)
Gross Residential Density	2.57 DU/acre
Fire District	Iona McGregor Fire District
Water & Sanitary Sewer Utilities	Lee County Utilities
Minimum Regulatory Open Space	N/A - All Lots Min. 6,500 sq. ft. or greater
Minimum Regulatory Native Open Space	N/A - 15.5 ac. East Site Tidal & Tidal Mangrove Wetland

Project Notes and General Conditions

1. The plans' final layout, parking and circulation areas, surface water management system, and other functional elements will be substantially consistent with the zoning Master Concept Plan. The Master Concept Plan Preliminary Plat Plan depicts the project's general single family home site parcel configuration and as such, is for conceptual review and zoning purposes only. The final Plat Plan will be determined at the projects Development Order stage.
2. Project parking and circulation will conform with LDC 34-2013 - 2020. Required parking for Private On-site Group Recreation facilities at one space per 300 sq. ft.
3. The project's surface water management system will comply and be maintained in accordance with all relevant local, state and federal rules and regulations.
4. The existing utility easement and waterline will be relocated adjacent to the proposed right-of-ways and easements that will connect watermain to Belle Meade Subdivision. The waterline will be relocated during construction and easements will be relocated and dedicated with the plat for Winkler Preserve.
5. Phase one may consist of roads, utilities and the storm water management system for any identified tracts.

STUART AND ASSOCIATES
Planning & Design Services
2180 West First Street, Suite #503
FT. MYERS, FLA. 33901
PH:(941)337-7176
FAX:(941)337-2496
EMAIL: Designer@Cyberstreet.com

PUD-VACANT RESIDENTIAL
2002 ZONING PROPOSAL FOR
200 VILLAS M.F. UNITS TO CROWN COLONY



LEGEND

DEVIATION LOCATION (SEE RESOLUTION)

NORTH

0 100 200 400
SCALE IN FEET

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BOULEVARD
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 481-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
6150 DIAMOND CENTER COURT
BUILDING 1300
FORT MYERS, FLORIDA 33912
PHONE (239) 489-4066
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

WINKLER PRESERVE

RESIDENTIAL DEVELOPMENT

PART OF SECTION 10
TOWNSHIP 46 SOUTH
RANGE 24 EAST
LEE COUNTY, FLORIDA

PROJECT ENGINEER

NOT VALID WITHOUT EMBOSSED SEAL, SIGNATURE AND DATE
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FILE NAME	21656MCP.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21737\DWG MCP\
PLOT DATE	MON 2-23-2004 - 9:16 AM
PLOT BY	JENNIFER PARKER
DESIGN BY	JENNIFER PARKER
XREF1	BASEPLAN+21737200
XREF2	
XREF3	
XREF4	
XREF5	
XREF6	

PLAN REVISIONS

5-2002	PER COUNTY COMMENTS
7-2002	REDUCE SCALE TO 200'
7-22-2002	ADD DEVIATION #2
12-3-2002	PER COUNTY COMMENTS
7-10-2003	ADD EMERGENCY ACCESS
8-15-2003	PER SUFFICIENCY RESPONSE
2-23-04	PER LEE COUNTY COMMENTS

PLAN STATUS

PRELIMINARY SITE PLANNING
NOT FOR CONSTRUCTION

MASTER CONCEPT PLAN

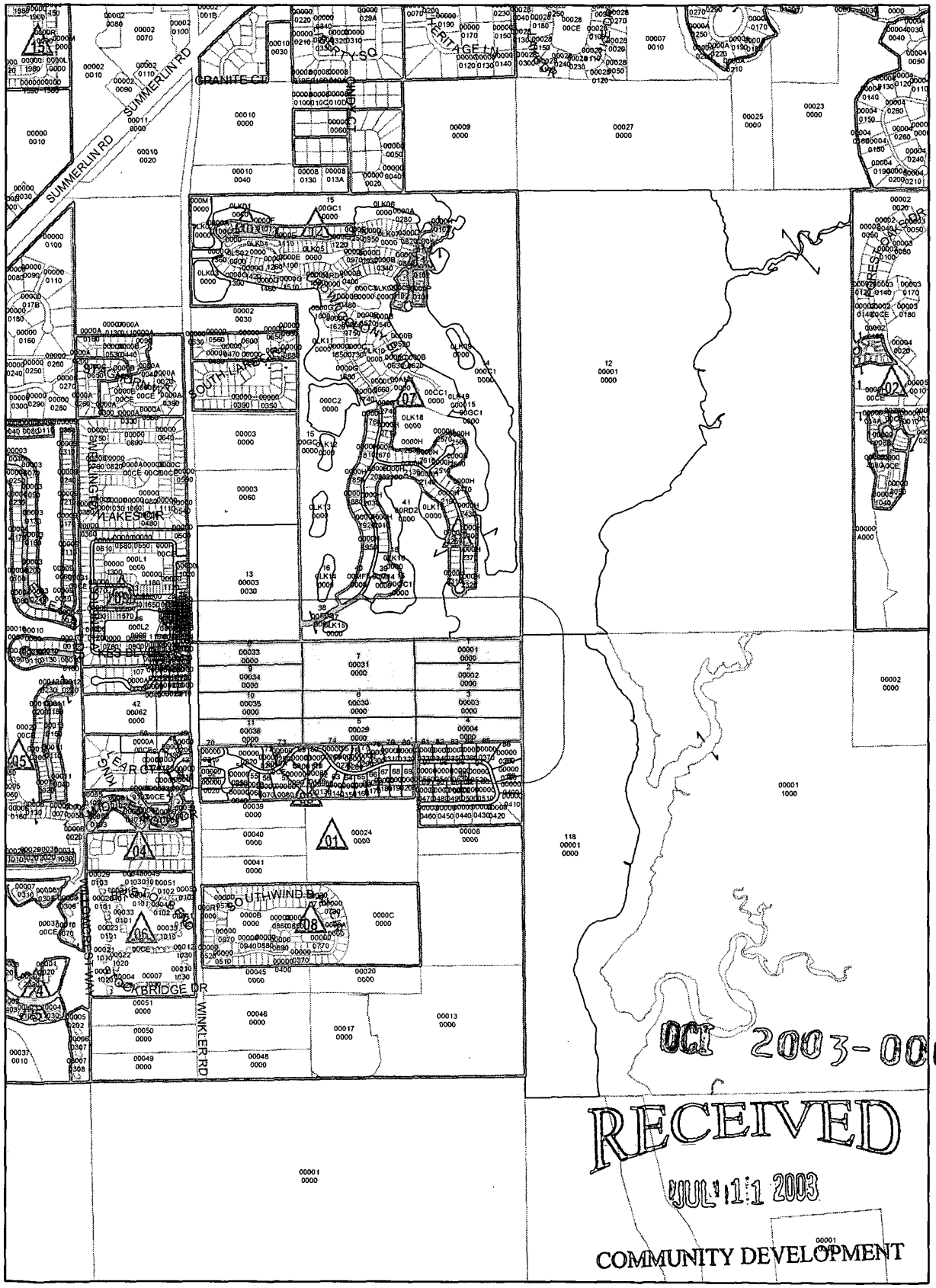
PROJECT / FILE NO	SHEET NUMBER
21656	1

EXHIBIT II-D-4
EXHIBIT III-A-2

VARIANCE REPORT

6/18/2003

Subject Parcels : 11 Affected Parcels : 107 Buffer Distance : 500 ft



DCI 2003-00049

N
W E
S

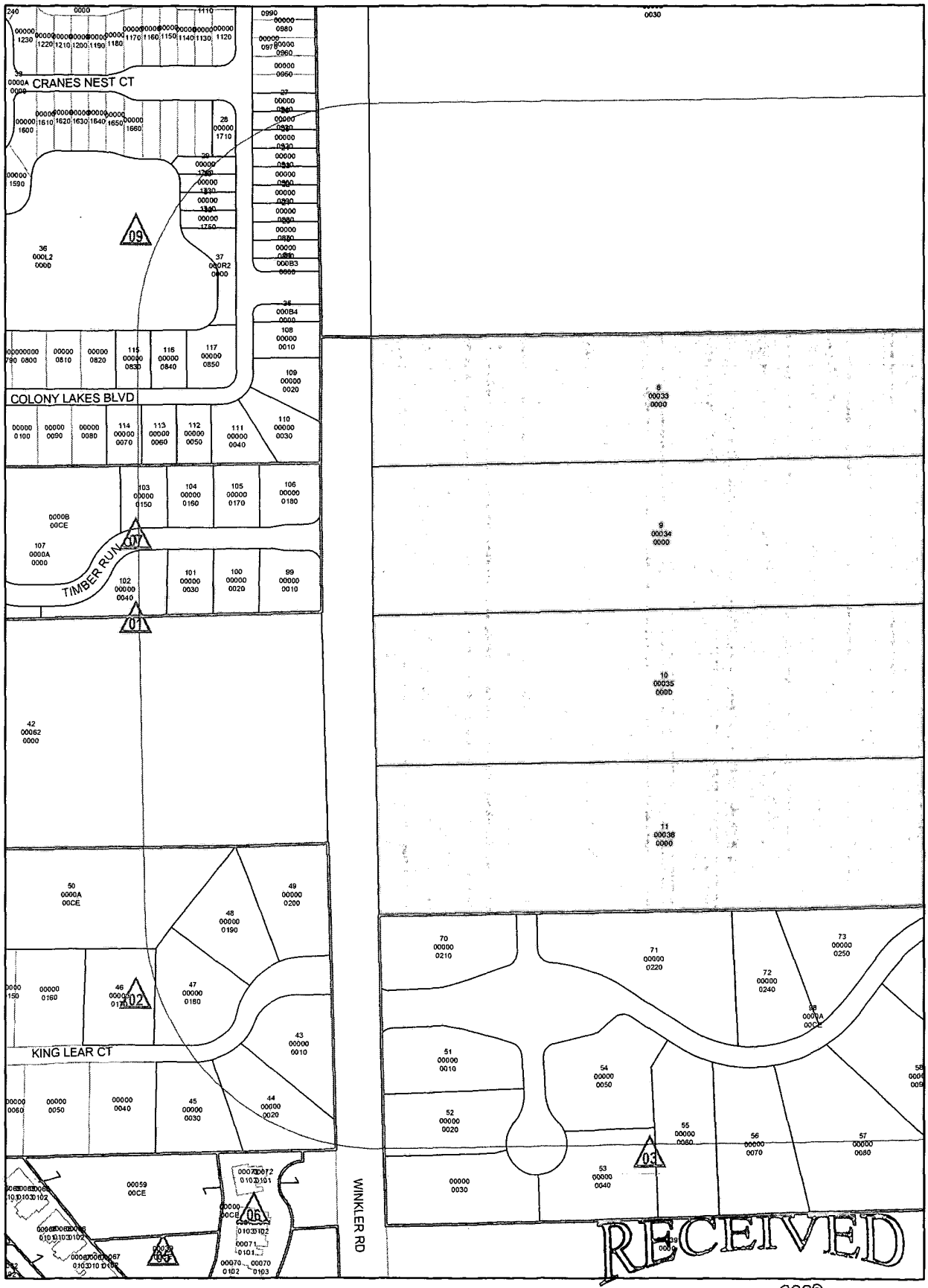
10-46-24-01-00001.0000 et al.

1,900 950 0 1,900 Feet

VARIANCE REPORT

6/18/2003

Subject Parcels : 11 Affected Parcels : 107 Buffer Distance : 500 ft



RECEIVED

JUL 11 2003

COMMUNITY DEVELOPMENT

DCI 2003-00049

10-46-24-01-00001.0000 et al.

350 175 0 350 Feet

EXHIBIT II-D-3

Lee County Property Appraiser

Kenneth M. Wilkinson, C.F.A.

GIS Department / Map Room

Phone: (239) 339-6159 • Fax: (239) 339-6139 • eMail: MapRoom@LeePA.org

VARIANCE REPORT

RECEIVED
JUL 11 2003
COMMUNITY DEVELOPMENT

Date of Report: June 18, 2003
Buffer Distance: 500 ft
DCI 2003-00049
Parcels Affected: 107
Subject Parcel: 10-46-24-01-00001.0000, 10-46-24-01-00002.0000, 10-46-24-01-00003.0000, 10-46-24-01-00030.0000, 10-46-24-01-00035.0000, 10-46-24-01-00004.0000, 10-46-24-01-00029.0000, 10-46-24-01-00036.0000, 10-46-24-01-00031.0000, 10-46-24-01-00033.0000, 10-46-24-01-00034.0000

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
WINKLER PRESERVE LLC 4215 E 60TH ST STE 6 DAVENPORT IA 52807	**10-46-24-01-00001.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 1	1
WINKLER PRESERVE LLC 4215 E 60TH ST STE 6 DAVENPORT IA 52807	**10-46-24-01-00002.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 2	2
WINKLER PRESERVE LLC 4215 EAST 60TH ST STE #6 DAVENPORT IA 52807	**10-46-24-01-00003.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 3	3
WINKLER PRESERVE LLC 4215 E 60TH ST STE 6 DAVENPORT IA 52807	**10-46-24-01-00004.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 4	4
WINKLER PRESERVE LLC 4215 EAST 60TH ST STE #6 DAVENPORT IA 52807	**10-46-24-01-00029.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 29	5
WINKLER PRESERVE LLC 4215 EAST 60TH ST STE #6 DAVENPORT IA 52807	**10-46-24-01-00030.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 30	6
WINKLER PRESERVE LLC 4215 E 60TH ST STE 6 DAVENPORT IA 52807	**10-46-24-01-00031.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOTS 31 + 32	7
WINKLER PRESERVE LLC C/O METRO COMMERCE CENTER 11220-27 METRO PKWY FORT MYERS FL 33912	**10-46-24-01-00033.0000** 17031 WINKLER RD FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 33 LESS R/W OR 260/434	8
WINKLER PRESERVE LLC C/O METRO COMMERCE CENTER 11220-27 METRO PKWY FORT MYERS FL 33912	**10-46-24-01-00034.0000** 17091 WINKLER RD FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 34 LESS R/W OR 260/434	9
WINKLER PRESERVE LLC 4215 EAST 60TH ST STE #6 DAVENPORT IA 52807	**10-46-24-01-00035.0000** 17151 WINKLER RD FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 35 LESS R/W OR 260 PG 434	10
WINKLER PRESERVE LLC 4215 EAST 60TH ST STE #6 DAVENPORT IA 52807	**10-46-24-01-00036.0000** 17211 WINKLER RD FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 36 LESS R/W OR 260/434	11

All data is current at time of printing and subject to change without notice.

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
TIITF STATE OF FLORIDA C/O DIV OF STATE LANDS 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399	**02-46-24-00-00001.0000** GOVT LOT FORT MYERS FL 33908	PTS LYING W OF HENDRY CRK IN SEC 2 TWP 46 R 24	12
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-00-00003.0030** 16881 WINKLER RD FORT MYERS FL 33908	SE 1/4 OF SW 1/4 E OF WINKLER RD EXT	13
CROWN COLONY COMM ASSOC INC 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-07-000C1.0000** 16210 CROWN ARBOR WAY FT MYERS FL 33908	CROWN COLONY SUBD DESC IN PB 68 PGS 23-38 TRACT C-1	14
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-07-00GC1.0000** GOLF COURSE FL	CROWN COLONY SUBD DESC IN PB 68 PGS 23-38 TRACTS GC-1 THRU GC-5 + TRACTS GCB-1 THRU GCB-3 GOLF COURSE	15
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-07-0LK14.0000** SUBMERGED FL	CROWN COLONY SUBD DESC IN PB 68 PGS 23-38 TRACT LK-14	16
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-07-0LK15.0000** SUBMERGED FL	CROWN COLONY SUBD DESC IN PB 68 PGS 23-38 TRACT LK-15	17
CROWN COLONY COMMUNITY 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-07-0LK16.0000** SUBMERGED FL	CROWN COLONY SUBD DESC IN PB 68 PGS 23-38 TRACT LK-16	18
WILKINS HARRY G + CLAIRE E 17006 COLONY LAKES BLVD FORT MYERS FL 33908	**03-46-24-09-00000.0860** 17006 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 86	19
VANICK KATHLEEN M + 17008 COLONY LAKES BLVD FORT MYERS FL 33908	**03-46-24-09-00000.0870** 17008 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 87	20
SEATON GLENN L + MARLENA A 17012 COLONY LAKES BLVD FORT MYERS FL 33908	**03-46-24-09-00000.0880** 17012 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 88	21
CREAMER ROBERT SR + JANET M 17014 COLONY LAKES BLVD FORT MYERS FL 33908	**03-46-24-09-00000.0890** 17014 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 89	22
CARDUCCI PATRICIA A 17018 COLONY LAKES BLVD FORT MYERS FL 33908	**03-46-24-09-00000.0900** 17018 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 90	23
CONTINENTAL HOMES OF FL INC STE 150 1192 E NEWPORT CENTER DR DEERFIELD BEACH FL 33442	**03-46-24-09-00000.0910** 17020 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 91	24
CONTINENTAL HOMES OF FL INC 8000 GOVERNORS SQUARE BLVD 101 MIAMI LAKES FL 33016	**03-46-24-09-00000.0920** 17024 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 92	25
CONTINENTAL HOMES OF FL INC 8000 GOVERNORS SQUARE BLVD 101 MIAMI LAKES FL 33016	**03-46-24-09-00000.0930** 17026 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 93	26
CONTINENTAL HOMES OF FL INC 8000 GOVERNORS SQUARE BLVD 101 MIAMI LAKES FL 33016	**03-46-24-09-00000.0940** 17030 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 94	27
D R HORTON INC 1192 E NEWPORT CNTR DR STE150 DEERFIELD BEACH FL 33442	**03-46-24-09-00000.1710** 8901 CRANES NEST CT FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 171	28

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
CONTINENTAL HOMES OF FLORIDA STE 150 1192 E NEWPORT CENTER DR DEERFIELD BEACH FL 33442	**03-46-24-09-00000.1720** 17019 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 172	29
CONTINENTAL HOMES OF FLORIDA STE 150 1192 E NEWPORT CENTER DR DEERFIELD BEACH FL 33442	**03-46-24-09-00000.1730** 17017 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 173	30
D R HORTON INC 1192 E NEWPORT CNTR DR STE150 DEERFIELD BEACH FL 33442	**03-46-24-09-00000.1740** 17013 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 174	31
D R HORTON INC 1192 E NEWPORT CNTR DR STE150 DEERFIELD BEACH FL 33442	**03-46-24-09-00000.1750** 17011 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 175	32
COLONY LAKES DEVELOPMENT CO LL 301 YAMATO RD STE 3191 BOCA RATON FL 33431	**03-46-24-09-0000A.0000** RIGHT OF WAY FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 TRACT A	33
COLONY LAKES DEVELOPMENT CO LL 301 YAMATO RD STE 3191 BOCA RATON FL 33431	**03-46-24-09-000B3.0000** RESERVED FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 TRACT B-3	34
COLONY LAKES DEVELOPMENT CO LL 301 YAMATO RD STE 3191 BOCA RATON FL 33431	**03-46-24-09-000B4.0000** RESERVED FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 TRACT B-4	35
COLONY LAKES DEVELOPMENT CO LL 301 YAMATO RD STE 3191 BOCA RATON FL 33431	**03-46-24-09-000L2.0000** SUBMERGED FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 TRACT L-2	36
COLONY LAKES DEVELOPMENT CO LL 301 YAMATO RD STE 3191 BOCA RATON FL 33431	**03-46-24-09-000R2.0000** RESERVED FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 TRACT R-2	37
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-13-00FD2.0000** RIGHT OF WAY FL	CROWN COLONY UNIT III PB 73 PGS 18-22 TRACT FD-2	38
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-13-00MF4.0000** RESERVED FL	CROWN COLONY UNIT III PB 73 PGS 18-22 TRACT MF-4	39
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-13-00MF5.0000** RESERVED FL	CROWN COLONY UNIT III PB 73 PGS 18-22 TRACT MF-5	40
CENTEX HOMES 5801 PELICAN BAY BLVD STE 600 NAPLES FL 34108	**03-46-24-13-00RD2.0000** RIGHT-OF-WAY FL	CROWN COLONY UNIT III PB 73 PGS 18-22 TRACT RD-2	41
TOLLEFSON DEVELOPMENT OF FL IN 710 E GRAND ST CLERMONT FL 34711	**10-46-24-01-00062.0000** 17150 WINKLER RD FORT MYERS FL 33908	SEMINOLE GARDENS PB 4 PG 65 LOT 62 + N 1/2 LT 61 + LESS R/W OR260/438	42
REILLY WILLIAM P 8771 KING LEAR CT FORT MYERS FL 33908	**10-46-24-02-00000.0010** 8771 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 1	43
BREUER DENNIS R + LINDA K 8781 KING LEAR CT FORT MYERS FL 33908	**10-46-24-02-00000.0020** 8781 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 2	44
FREESE CHRIS E + P O BOX 112 SULLIVAN IL 61951	**10-46-24-02-00000.0030** 8791 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 3	45
JOHNSON LAURILYN ELLEN 8800 KING LEAR CT FT MYERS FL 33908	**10-46-24-02-00000.0170** 8800 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 17	46

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
HOLLIS THOMAS + BARBARA JEAN 1651 FLOSSMOOR RD FORT MYERS FL 33919	**10-46-24-02-00000.0180** 8790 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 18	47
NOVELLA RALPH + JOSELYN R 8770 KING LEAR CT FORT MYERS FL 33908	**10-46-24-02-00000.0190** 8770 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 19	48
LEIKAM JEFFREY K + GAYLE A 8760 KING LEAR CT FT MYERS FL 33908	**10-46-24-02-00000.0200** 8760 KING LEAR CT FORT MYERS FL 33908	WINKLER ESTATES PB 47 PG 54 LOT 20	49
WINKLER ESTATES LOT OWNERS	**10-46-24-02-0000A.00CE** 0 LAKE FORT MYERS FL 33908	WINKLER ESTATES PB 47 PGS 53 THRU 55 TR A LK RDS PER DEDICATION	50
SALVESEN DONALD M + BARBARA K 9121 SOUTHMONT COVE #103 FORT MYERS FL 33908	**10-46-24-03-00000.0010** 8751 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 1	51
BEILE GEROLD A + DIANE L 17340 CARDEN CT FT MYERS FL 33908	**10-46-24-03-00000.0020** 17340 CARDEN CT FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 2	52
FIRESTONE GARY M 31 BARKLEY CIR FT MYERS FL 33907	**10-46-24-03-00000.0040** 17351 CARDEN CT FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 4	53
FALKLAND FREDERICK J + MARY I 17331 CARDEN CT FORT MYERS FL 33908	**10-46-24-03-00000.0050** 17331 CARDEN CT FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 5	54
RUMMEL JEFFREY + CAROLYN 8731 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0060** 8731 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 6	55
DINIZO ERMINIA 8721 BELLE MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0070** 8721 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 7	56
MCDONALD DANIEL D TR 8711 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0080** 8711 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 8	57
CAMPBELL G MONTGOMERY +BARBARA 8701 BELLE MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0090** 8701 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 9	58
STEWART GARY W + DIANE F 8671 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0100** 8691 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 10	59
STEWART GARY W + DIANE F 8671 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0110** 8671 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 11	60
CAGATA JAY C + CARRIE M 8651 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0120** 8661 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 12	61
CAGATA JAY C + CARRIE M 8651 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0130** 8651 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 13	62
WADDELL BARRY A TR 1/2 + 8641 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0140** 8641 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 14	63
RINCON WILLIAM G + MARGARITA 8631 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0150** 8631 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 15	64
ARCHIABLE JANEANNE TR 8621 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0160** 8621 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 16	65

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
DELSOL MANUEL + MARIA 8611 BELL MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0170** 8611 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 17	66
WEISS MICHAEL J + FELICE R 8601 BELLE MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0180** 8601 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 18	67
REEVES JAMES A + LEA ANN 8591 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0190** 8591 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 19	68
CLARK MICHAEL A + ANGELA G 8526 SOUTH LAKE CR FT MYERS FL 33908	**10-46-24-03-00000.0200** 8581 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 20	69
TOWLER PAMELA 6308 PANTHER LN E-6 FORT MYERS FL 33919	**10-46-24-03-00000.0210** 8750 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 21	70
HODGES STANLEY + CHERYL 8740 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0220** 8740 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LTS 22 + 23	71
PIMPIGNANO ALBERT + ADELAIDE 8720 BELLE MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0240** 8720 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 24	72
KIM MICHAEL K 8700 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0250** 8700 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 25	73
BUONOCORE RALPH J + VIRGINIA E 1351 BUNKER WAY FORT MYERS FL 33919	**10-46-24-03-00000.0260** 8660 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 26	74
JOHNSON LISA M WALKER 8650 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0270** 8650 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 27	75
GATTINONI FLAVIO + PATRICIA H 8620 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0280** 8630 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 28	76
GATTINONI FLAVIO + PATRICIA H 8620 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0290** 8620 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 29	77
DELGADO ALEJANDRO + MINERVA 8610 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0300** 8610 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 30	78
LOWE PETER J + JULIE 16729 WELLINGTON LAKE CIR FORT MYERS FL 33908	**10-46-24-03-00000.0310** 8600 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 31	79
LANDFRIED DENNIS A + MARCI W 5322 NAUTILUS DR CAPE CORAL FL 33904	**10-46-24-03-00000.0320** 8590 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 32	80
ERHARD MICHAEL + ANDREA 8570 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0330** 8570 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 33	81
DEVRIES BART H 8560 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0340** 8560 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 34	82
THESIER ROBERT M + 15420 CATALPA COVE LANE FORT MYERS FL 33908	**10-46-24-03-00000.0350** 8550 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 35	83

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
GRABOWSKI PETER + P O BOX 08087 FORT MYERS FL 33908	**10-46-24-03-00000.0360** 8540 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 36	84
MAXWELL DONALD W + ILEANA C 8700 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0370** 8530 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 37	85
LOBEL CHRISTINE M 8520 BELLE MEADE DR FORT MYERS FL 33908	**10-46-24-03-00000.0380** 8520 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 38	86
FAISAL MOHAMED M + SHAMEEM T 4400 WILDER RD NAPLES FL 34105	**10-46-24-03-00000.0390** 8510 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 39	87
ARCHAMBAULT JEFFREY + 15100 PORTS OF IONA DR #303 FORT MYERS FL 33908	**10-46-24-03-00000.0400** 8500 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 40	88
RUSSELL WILLIAM H + ANITA P 650 KEITHLEY DR GREAT FALLS VA 22066	**10-46-24-03-00000.0470** 8431 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 47	89
IZZO ROBERT + JOANN 36 SHEPARD AV STATEN ISLAND NY 10314	**10-46-24-03-00000.0480** 8441 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 48	90
ALLING ERIC + MARILYN 6 KIWANIS BEACH RD UPTON MA 01568	**10-46-24-03-00000.0490** 8451 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 49	91
ALLING ERIC + MARILYN 6 KIWANIS BEACH RD UPTON MA 01568	**10-46-24-03-00000.0500** 8461 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 50	92
BUTLER BRIAN L + HEATHER E 6588 WELLINGTON LAKES CIRCLE FORT MYERS FL 33908	**10-46-24-03-00000.0510** 8471 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 51	93
DOERRE CARL J + FRANCES 8820 WOODGATE DR FORT MYERS FL 33908	**10-46-24-03-00000.0520** 8531 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 52	94
KRONFELD JOEL + KIM 89 ROCKLAND AV LARCHEMOUNT NY 10538	**10-46-24-03-00000.0530** 8541 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 53	95
SIMON FRANCES M TR 8551 BELLE MEADE DR FT MYERS FL 33908	**10-46-24-03-00000.0540** 8551 BELLE MEADE DR FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 54	96
MORRIS CHERRIE R + MIKE A 17331 BROOK HOLLOW LN FORT MYERS FL 33908	**10-46-24-03-00000.0550** 17331 BROOK HOLLOW LN FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 LT 55	97
BELLE MEADE PROPERTY OWNERS C/O JANE ANNE ARCHIALE-PRES 8621 BELLE BEADE DR FORT MYERS FL 33908	**10-46-24-03-0000A.00CE** COMMON ELEMENT FORT MYERS FL 33908	BELLE MEADE PB 55 PGS 47-50 TR A + R/W	98
VASBINDER BUDDY E + 8761 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0010** 8761 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 1	99
ZUMBO ANTHONY J + DENICE M 8781 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0020** 8781 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 2	100
CORBELLINI MICHAEL A + 8081 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0030** 8801 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 3	101

OWNER NAME AND ADDRESS	STRAP AND LOCATION	LEGAL DESCRIPTION	Map Index
JESSEN KENNETH P + SUSAN H 6993 KIMBERLY TER FORT MYERS FL 33919	**10-46-24-07-00000.0040** 8821 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 4	102
DENUNZIO JOHN A 8820 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0150** 8820 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 15	103
BABAIR MICHAEL D + JULIA M 8800 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0160** 8800 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 16	104
MEDINA HILDA G 8780 TIMBER RUN CT FORT MYERS FL 33908	**10-46-24-07-00000.0170** 8780 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 17	105
WHITE JOHN D + BETTY G P O BOX 238 PROVINCETOWN MA 02657	**10-46-24-07-00000.0180** 8760 TIMBER RUN CT FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 LOT 18	106
LEE COUNTY P O BOX 398 FORT MYERS FL 33902	**10-46-24-07-0000A.0000** RESERVED FORT MYERS FL 33908	TIMBER RUN SUBD DESC IN PB 63 PGS 53-54 TRACT A	107
HENDERSON PAULA M 17002 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0010** 17002 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 1	108
NGUYEN LOC BA 16998 COLONY LAKES BLVD FT MYERS FL 33908	**10-46-24-09-00000.0020** 16998 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 2	109
TSONTON CHRISTOPHER A 2403 HUNTERS CREEK CIR HINCKLEY OH 44233	**10-46-24-09-00000.0030** 16994 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 3	110
CONGERO JANET 16990 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0040** 16990 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 4	111
MICHAUD ROBERT + SUSAN 16986 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0050** 16986 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 5	112
LEAGUE JOANNA + JONATHAN 16982 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0060** 16982 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 6	113
BROSY MICHAEL J + CARLA D 16978 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0070** 16978 COLONY LAKES BLVD FT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 7	114
CAPOBIANCO JOHN + DIANE 16979 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0830** 16979 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 83	115
MCMAHON PETER + MARIA 16983 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0840** 16983 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 84	116
CAMPBELL LEROY G + 16993 COLONY LAKES BLVD FORT MYERS FL 33908	**10-46-24-09-00000.0850** 16993 COLONY LAKES BLVD FORT MYERS FL 33908	COLONY LAKES SUBD DESC IN PB 68 PGS 49-53 LOT 85	117
TIITF STATE OF FLORIDA C/O DIV OF STATE LANDS 3900 COMMONWEALTH BLVD MAIL STATION 115 TALLAHASSEE FL 32399	**11-46-24-00-00001.0000** ACCESS UNDETERMINED FORT MYERS FL 33908	ALL SEC 11 LYING W OF HENDRY CREEK	118

118 RECORDS PRINTED