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ADD 2012-00110

The Peninsula Phase III at Miromar Lakes

Application for Final Plan Approval

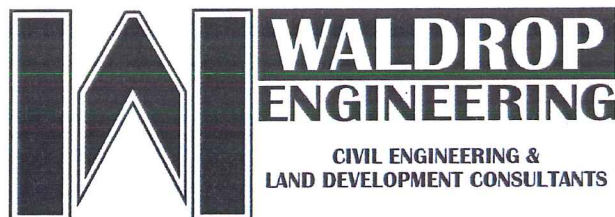
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Submitted To:

Lee County Zoning Division
Community Development Department
1500 Monroe Street
Fort Myers, FL 33901





WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

October 24, 2012

Ms. Pam Houck, Director
Lee County Zoning Division
1500 Monroe Street, 2nd Floor
Fort Myers, FL 33901

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RE: **Miromar Lakes MPD/DRI**
Application for Final Plan Approval

ADD 2012-00110

Dear Ms. Houck:

Enclosed for your review is an Application for Final Plan Approval (FPA) for the 27.74-acre tract known as The Peninsula III at Miromar Lakes. Miromar Lakes, LLC ("Applicant") is requesting approval to develop the subject property with twenty-eight (28) single-family detached units, 14 boat slips, ancillary amenities, and associated infrastructure.

Additionally, the Applicant is seeking approval of two (2) deviations pertaining to lake bank slopes and the location of lake maintenance easements as outlined in Exhibit H-2.B.1. These deviations are requested to provide for continuity and consistency with the design standards and development regulations previously approved and constructed within this master-planned community. These deviations, and those applicable deviations approved per Z-02-072, are outlined in this application and on demonstrated on the final plan.

Per the application checklists, the following items are enclosed for your review:

1. A check (#5204) in the amount of \$1,000.00 for the FPA application fee;
2. Three (3) copies of the Administrative Action application and Supplement H;
3. One (1) original and two (2) copies of the Affidavit of Authorization Form (Exhibit AA-1.C.1);
4. Three (3) copies of Additional Agents (Exhibit AA-1.C.2);
5. One (1) original and two (2) copies of the Disclosure of Interest Form (Exhibit AA-2.B.1);
6. One (1) original and two (2) copies of the legal description, sketch of description, and boundary survey prepared by Rhodes & Rhodes Land Surveying, Inc. (Exhibits AA-3.C.1-AA-3.D.1);
7. Three (3) copies of the 8.5"X11" Area Location Map (Exhibit AA-3.F)
8. Three (3) copies of the deed restrictions and deed restrictions narrative (Exhibit AA-3.J.1-2);
9. Three (3) copies of the list of zoning actions (Exhibit H-1.C);
10. Three (3) copies of the list of development order approvals (Exhibit H-1.D);
11. Three (3) copies of the project narrative (Exhibit H-2.A);
12. Three (3) copies of the requested deviations and justifications (Exhibit H-2.B.1);
13. Three (3) copies of the approved Master Concept Plan (Exhibit H-4.B);

14. Three (3) copies of the 24"X36" proposed Final Plan (Exhibit H-4.C);
15. Three (3) copies of the 11"X17" proposed final plan (Exhibit H-4.D); and
16. *Three (3) copies of Z-12-004 (Exhibit H-4.E).

*Due to the size of the project and number of administrative approvals, the Applicant has provided a listing of all zoning actions, but has not included hard copies of all resolutions. The Applicant will provide copies of requested resolutions upon request.

Thank you in advance for your consideration of this request. Should you require additional information or have any questions, please contact me directly at (239) 405-7777, ext. 207, or alexisc@waldropengineering.com.

Sincerely,

WALDROP ENGINEERING, P.A.



Alexis V. Crespo, AICP, LEED AP
Principal Planner

Enclosures

cc: Michael Elgin, Miromar Lakes, LLC
Neale Montgomery, Pavese Law Firm

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APPLICATION FOR ADMINISTRATIVE ACTION FOR UNINCORPORATED AREAS ONLY

Applicant's Name: Miromar Lakes, LLC
 Project Name: The Peninsula Phase III at Miromar Lakes
 STRAP Number(s): A Portion of STRAP No. 13-46-25-00-00001.0030

- ☐ Administrative Variance (attach Supplement A)
- ☐ Commercial Lot Split (attach Supplement B)
- ☐ Consumption On Premises (attach Supplement C)
- ☐ Minimum Use Determination (attach Supplement D)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (attach Supplement E)
- ☐ Relief for Designated Historic Resources (attach Supplement F)
- ☐ Relief for Easement Encroachment (attach Supplement G)
- ☐ Administrative Amendment to PUD or PD (attach Supplement H)
- ☒ Final Plan Approval for PD per Resolution: # Z-02-072 (attach Supplement H)
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (attach Supplement I)
- ☐ Placement of Model Home/Unit or Model Display Center (attach Supplement J)
- ☐ Dock & Shoreline Structures (attach Supplement K)
- ☐ Determination of TDR Units that may be created from Wetlands per LCLDC Sec. 2-147(a) (attach Supplement L)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (attach Supplement M)
- ☐ Community Gardens (attach Supplement N)
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan (attach Supplement O)
- ☐ Administrative Approval of Compact Community for a Mixed Use Community in Southeast Lee County (DR/GR) (attach Supplement P)
- ☐ Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines {Section 12-121(k)} (attach Supplement Q)
- ☐ Administrative Action for a Planned Development or Live-Work Units in the Page Park Community Plan Area {Section 33-1202(b)} (attach Supplement R)
- ☐ Administrative Extension of a Master Concept Plan per LCLDC Sec. 34-381(c) (attach Supplement S)

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Is this project located in the Boca Grande, Caloosahatchee Shores, Captiva, North Captiva, Estero, Page Park, Palm Beach Boulevard, Buckingham, Pine Island, Lehigh Acres, or North Fort Myers Planning Community/Community Plan areas? ☐ YES ☒ NO

**If YES, please note that the applicant may be required to conduct one public informational session where the agent will provide a general overview of the project for any interested citizens (see PART 3-E, below). See also Explanations below and individual Supplement forms for specific Community requirements.*

STAFF USE ONLY

Case Number: ADD 2012-00110 Commission District: 2
 Current Zoning: MPD Fee Amount: 1000.00
 Land Use Classification: University Community Intake by: ALL
 Planning Community: San Carlos

LEE COUNTY
 COMMUNITY DEVELOPMENT
 PO BOX 398 (1500 MONROE STREET)
 FORT MYERS, FL 33902
 PHONE (239) 533-8585

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ADD 2012-00110

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: Miromar Lakes, LLC
Address: 10801 Corkscrew Road, Suite 305
City, State, Zip: Estero, Florida 33928
Phone Number: (239) 390-5105 Fax Number: _____
E-mail Address: MElgin@miromar.com

B. Relationship of Applicant to owner (check one):

- ☒ Applicant (including an individual or husband & wife) is the sole owner of the property. [34-201(a)(1)a.1.; 34-204(a)(5)]
- ☒ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.1. (See Part 1 Exhibit Form A1 attached hereto for suggested Affidavit Form for an individual.) [34-202(b)(1)c.; 34-204(a)(5)]
- ☐ Applicant has been authorized by the owner(s) to represent them for this action:
- ☐ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.1. (for an individual) or Exhibit AA-1.B.2 (for Corporation, etc.). (Please select the appropriate Affidavit Form {A1 or A2} from the suggested forms in Part 1 Exhibits attached hereto.) See Guide and Explanatory Notes for PART 1 below. [34-202(b)(1)c.; 34-204(a)(5)]
- ☐ Applicant is a contract purchaser/vendee. [34-202(b)(1)d.]
- ☐ Notarized Affidavit of Authorization form is attached as Exhibit AA-1.B.1. (for an individual) or Exhibit AA-1.B.2. (for Corporation, etc.). (Please select the appropriate Affidavit Form {A-1 or A-2} from the suggested forms in Part 1 Exhibits attached hereto.) See Guide and Explanatory Notes for PART 1 below. [34-202(b)(1)c.; 34-204(a)(5)]

C. Authorized Agent: Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.; 34-204(a)(5)]

1. Company Name: Waldrop Engineering, P.A.
Contact Person: Alexis Crespo, AICP
Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL 34135
Phone Number: (239) 405-7777, ext. 207 Fax Number: (239) 405-7899
E-mail address: alexisc@waldropengineering.com
2. Additional Agent(s): The names of other agents that the County may contact concerning this application are attached as Exhibit AA-1.C.2. [34-202(b)(1)c.; 34-204(a)(5)]

PART 2
PROPERTY OWNERSHIP

Is this request specific to a particular tract of land? ☐ NO ☒ YES. If the answer is YES, please complete the following items.

A. Property Ownership: Single owner (individual or husband & wife only) [34-201(a)(1)a.1.; 34-204(a)(5)]

1. Name: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
E-mail address: _____

B. Property Ownership: Multiple owners (Corporation, partnership, trust, association) [34-201(a)(1); 34-204(a)(5)].

1. ☒ Disclosure of (Ownership) Interests Form is attached as **AA-2.B.1. [34-201(b)2; 34-204(a)(5)]**

C. Multiple parcels: N/A

1. ☐ Property owners list is attached as **Exhibit AA-2.C.1. [34-202(a)(5); 34-204(a)(5)]**
 2. ☐ Property owners map is attached as **Exhibit AA-2.C.2. [34-202(a)(5); 34-204(a)(5)]**

D. Date property was acquired by present owner(s): 10/09/2008

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PART 3
PROPERTY INFORMATION

Is this request specific to a particular tract of land? ☐ NO ☒ YES. If the answer is YES, please complete the following items.

A. STRAP Number(s): A portion of 13-46-25-00-00001.0030
[34-204(a)(2)]**B. Street Address of Property:** ACCESS UNDETERMINED, MIROMAR LAKES, FL 33913**C. Legal Description:**

- ☒ Legal description (on 8½" x 11" paper) is attached as **Exhibit AA-3.C.1. [34-204(a)(1)]**
☒ Sealed sketch of the legal description is attached as **Exhibit AA-3.C.2. [34-204(a)(1)]**

D. Boundary Survey:

- ☒ A Boundary survey, tied to the state plane coordinate system, is attached as **Exhibit AA-3.D.1. [34-202(a)(2); 34-204(a)(5)]**
☐ The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. A copy of the applicable plat is attached as **Exhibit AA-3.D.2. [34-202(a)(2); 34-204(a)(5)]**

E. Planning Community/Community Plan Area: San Carlos

If the application is for administrative action within the **Page Park Community Plan Area**, an informational session must be conducted within the Page Park Community and a meeting summary document must be submitted. {See Explanatory Notes below.} Attach meeting summary document labelled as **Exhibit AA-3.E. [33-1203(a)(5); 33-1203(b)]**

If the application is for administrative action within certain other Planning Communities/Community Plan Areas, see the individual Supplements for meeting requirements applicable to the specific application. **[34-204(a)(6); 33-54; 33-1004; 33-1203; 33-1401; 33-1482; & 33-1532]**

F. General Location of Property:

1. ☒ Area location map is attached as **Exhibit AA-3.F. [34-202(a)(4); 34-204(a)(5)]**
 2. **Directions to property: [34-204(a)(5)]** From I-75 take exit 128 and turn left onto Alico Road. Proceed for 1/2 mile and turn right onto Ben Hill Griffin Pkwy. Turn left onto Miromar Lakes Blvd. Turn left onto Miromar Lakes Pkwy. Proceed east. End at Project.

G. Current Zoning of Property: [34-204(a)(5)] Mixed Use Planned Development (MPD)

H. Current use(s) of the property [34-204(a)(4) & (5)]:

1. ☒ Current uses of the property are:
Vacant
2. ☐ If buildings or structures exist on the property, an affidavit is required stating whether the buildings & structures will be removed or retained and specific details regarding any structures proposed to be retained. Attach as **Exhibit AA-3.H.2.** and entitle "**Structure Affidavit**". [34-204(a)(4)]

I. Property Dimensions [34-202(a)(8)]:

1. Width (average if irregular parcel): _____ Feet
2. Depth (average if irregular parcel): _____ Feet
3. Total area: 27.74 Acres or square feet
4. Frontage on road or street: _____ Feet on _____ Street
- 2nd Frontage on road or street: _____ Feet on _____ Street

J. Property Restrictions: Are there deed restrictions or other types of covenants or restrictions currently applicable to this parcel? ☐ **NO** ☒ **YES**. If the answer is **YES**, please address the following items.

1. A copy of the deed restrictions or covenants currently applicable to this parcel is attached as **Exhibit AA-3.J.1. [34-204(a)(3)]**.
2. A statement explaining how the deed restrictions or other types of covenants or restrictions may affect the requested action is attached as **Exhibit AA-3.J.2. [34-204(a)(3)]**

**PART 4
ACTION REQUESTED**

A. Type Of Request (please check one):

- ☐ Administrative Variance (**requires Supplement A**)
- ☐ Commercial Lot Split (**requires Supplement B**)
- ☐ Consumption On Premises (**requires Supplement C**)
- ☐ Minimum Use Determination (**requires Supplement D**)
- ☐ LCLDC, Zoning District Boundaries, or Ordinance Interpretation (**requires Supplement E**)
- ☐ Relief for Designated Historic Resources (**requires Supplement F**)
- ☐ Relief for Easement Encroachment (**requires Supplement G**)
- ☐ Administrative Amendment to PUD or PD (**requires Supplement H**)
- ☒ Final Plan Approval for PD per Resolution: # Z-02-072 (**requires Supplement H**)
- ☐ Administrative Deviation from LCLDC Chapter 10, Section 10-104 (**requires Supplement I**)
- ☐ Placement of Model Home/Unit or Model Display Center (**requires Supplement J**)
- ☐ Dock & Shoreline Structures (**requires Supplement K**)
- ☐ Determination of TDR Units that may be created from Wetlands per LCLDC Sec. 2-147(a) (**requires Supplement L**)
- ☐ Wireless Communication Facility Shared Use Plan Agreement (**requires Supplement M**)
- ☐ Community Gardens (**requires Supplement N**)
- ☐ Modification of Existing 86-36 MH/RV Park Site Plan (**requires Supplement O**)
- ☐ Administrative Approval of Compact Community for a Mixed Use Community in Southeast Lee County (DR/GR) (**requires Supplement P**)
- ☐ Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines {Section 12-121(k)} (**requires Supplement Q**)
- ☐ Administrative Action for a Planned Development or Live-Work Units in the Page Park Planning Community {Section 33-1202(b)} (**requires Supplement R**)
- ☐ Administrative Extension of a Master Concept Plan per LCLDC Sec. 34-381(c) (**attach Supplement S**)

B. Nature Of Request:

Request for Final Plan Approval to develop 28 single family dwelling units.

PART 5 – SUBMITTAL REQUIREMENTS

THE NUMBER OF COPIES REQUIRED FOR EACH EXHIBIT IS BASED ON THE ACTION REQUESTED AS INDICATED BELOW. PLEASE NOTE THAT THE THREE (3) SETS OF REQUIRED SUBMITTAL AND SUPPLEMENTAL FORMS MUST BE SUBMITTED IN SETS OF THREE. ADDITIONAL SUBMITTAL ITEMS (LISTED BELOW) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	SUP/Exhibit Number	SUBMITTAL ITEMS
3		Completed application for Administrative Action [34-204(a)]
1		Filing Fee - [34-204(a)(8)]
SUPPLEMENTAL FORMS (select applicable request/form)		
3	SUP A	Administrative Variance request
3	SUP B	Commercial Lot Split request
3	SUP C	Consumption On Premises request
3	SUP D	Minimum Use Determination request
3	SUP E	Ordinance Interpretation request
3	SUP F	Relief for Designated Historic Resources request
3	SUP G	Easement Encroachment request
3	SUP H	Administrative Amendment to a PUD or Planned Development request
3	SUP H	Final Plan Approval for a Planned Development request
3	SUP I	Administrative Deviation from Chapter 10 of the LDC request
3	SUP J	Placement of Model Home/Unit or Model Display Center request
3	SUP K	Dock & Shoreline Structure request
3	SUP L	Determination of TDR Units that may be created from Wetlands
3	SUP M	Wireless Communication Facility Shared Use Plan Agreement request
3	SUP N	Community Gardens request
3	SUP O	Modification of Existing MH/RV Park site plan
7	SUP P	Administrative Approval of Compact Community for a Mixed-Use Community in Southeast Lee County (DR/GR)
3	SUP Q	Administrative Action for Elimination or Modification of Duration Limitations on Certain Existing Mines
15	SUP R	Administrative Action for a Planned Development or Live-Work Units in the Page Park Community Plan Area
3	SUP S	Administrative Extension of a Master Concept Plan
ADDITIONAL SUBMITTAL ITEMS		
3	AA-1.B.2	Notarized Affidavit of Authorization Form [34-204(a)(5); 34-202(b)(1)c]
3	AA-1.C.2	Additional Agents [34-204(a)(5); 34-202(b)(1)c.]
3	AA-2.B.1	Disclosure of Interest Form [34-204(a)(5); 34-201(b)(2)a]
3	AA-2.C.1	Subject property owners list (if applicable) [34-204(a)(5); 34-202(a)(5)]
3	AA-2.C.2	Subject Property Owners map (if applicable) [34-204(a)(5); 34-202(a)(5)]
3	AA-3.A.1	List of STRAP Numbers (if additional sheet is required) [34-204(a)(2)]
3	AA-3.C.1	Legal Description (2 originals required) [34-204(a)(1)]
3	AA-3.C.2	Sealed Sketch of the Legal Description (2 originals required) [34-204(a)(1)]
3	AA-3.D.1	Boundary Survey (tied to State Plane Coordinate System) [34-204(a)(5); 34-202(a)(2)] {NOTE: This is a required submittal for all Planned Development Applications and for all properties of 10 acres or more (2 originals required) [34-204(a)(5); 34-373(a)(4)a.]}
3	AA-3.D.2	Copy of Plat (if applicable) [34-204(a)(1)]
3	AA-3.E	Page Park Community Meeting Summary Document (if application is located in the Page Park Community Plan Area) [34-204(a)(6); 33-1203(b)]
3	AA-3.F	Area Location Map on 8-1/2" by 11" paper pursuant to LCLDC Section [34-204(a)(5); 34-202(a)(4)]
3	AA-3.H.2	Structure Affidavit (if buildings or structures exist on the property) [34-204(a)(4)]
3	AA-3.J.1	Copy of deed restrictions or covenants or other restrictions applicable to the parcel (required if answered YES to Part 3.J). [34-204(a)(3)]
3	AA-3.J.2	Explanation as to how the restrictions may affect the requested action (required if answered YES to Part 3.J). [34-204(a)(3)]

* At least one copy must be an original.



ADMINISTRATIVE ACTION REQUEST
SUPPLEMENT H
FOR UNINCORPORATED AREAS ONLY

ADMINISTRATIVE AMENDMENT TO A PUD OR PLANNED
DEVELOPMENT PER LCLDC SECTION 34-380(b) or
FINAL PLAN APPROVAL FOR A PLANNED DEVELOPMENT

Case Number: _____
Project Name: The Peninsula Phase III at Miromar Lakes
Applicant's Name: Miromar Lakes, LLC
STRAP Number(s): A Portion of STRAP No. 13-46-25-00-00001.0030

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Indicate whether REQUEST is for:

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☐ ADMINISTRATIVE AMENDMENT (please complete PART 1, PART 2., & PART 3.)

☒ FINAL PLAN APPROVAL (please complete PART 1, PART 2, & PART 4.)

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*Planning Community/Community Plan Area: San Carlos

**If located within the Estero, Caloosahatchee Shores, Page Park, Palm Beach Boulevard, Buckingham, Greater Pine Island, Lehigh Acres, or North Fort Myers Planning Community or Community Plan area and the request includes administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution, please conduct an informational meeting in the applicable community and provide a meeting summary document (see PART 2.C.). See LCLDC Section 33 and The Lee Plan.*

If the request is for an administrative amendment to a PUD or to a Planned Development or Final Plan Approval please submit the "Application for Administrative Action" form for unincorporated areas and Supplement H including the following:

PART 1
APPLICATION INFORMATION

A. ORIGINAL PROJECT NAME (if different than Project Name currently used):
Miromar Lakes

B. ORIGINAL REZONING RESOLUTION NUMBER: Z-02-072

C. SUBSEQUENT ZONING ACTION RESOLUTION/CASE NUMBERS (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning including Resolution Numbers and Case Numbers (provide added sheets, if necessary; label as Exhibit H-1.C).
See Exhibit H-1.C

D. DEVELOPMENT ORDER NUMBERS FOR PROJECT (if any): Please list all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary; label as Exhibit H-1.D).
See Exhibit H-1.D

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PART 2
REQUESTED ACTION

A. **WRITTEN NARRATIVE:** Please provide a written narrative statement explaining exactly what is proposed. Label as **Exhibit H-2.A.**

B. **RELIEF/DEVIATIONS:** Is any relief requested from the provisions of the Lee County Land Development Code?

☐ NO

☒ YES – If YES, provide a **written narrative statement** explaining the specific relief requested (a schedule of deviations). Include specific references to any section (number{s} and name{s}) of the Lee County Land Development Code (LCLDC) from which relief is sought including why the requested relief is necessary and how it will affect the project. Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Label narrative statement as **Exhibit H-2.B.1.**

Also provide three (3) sets of drawings detailing any proposed deviations or changes to the MASTER CONCEPT PLAN (MCP) in 11" X 17" size (two originals required) and one (1) 24" x 36" size. All deviation requests must be specifically keyed to the location on the MCP. Label deviation drawing(s) as **Exhibit H-2.B.2.**

C. Is the property located within the Estero, Caloosahatchee Shores, Page Park, Palm Beach Boulevard, Buckingham, Greater Pine Island, Lehigh Acres, or North Fort Myers Planning Community/Community Plan Area and does the request include administrative deviations amending the Master Concept Plan or other provisions of the applicable zoning resolution? **[33-2]**

☒ NO

☐ YES – If YES, submit a copy of the Community Meeting Summary Document (see Explanations, PART 2. Below). Label **Exhibit H-2.C.**

PART 3

ADDITIONAL SUBMITTAL REQUIREMENTS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS

Please submit the following for all Administrative Amendment Applications:

A. **AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-3.A. [34-204(a)(5); 34-373(a)(4)b.]**

B. **APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24" X 36". Label as **Exhibit H-3.B. [34-204(a)(5); 34-373(a)(6)]**

C. **REDUCED SIZE MASTER CONCEPT PLAN:** Provide three (3) copies of the MASTER CONCEPT PLAN REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-3.C. [34-204(a)(5)]**

D. **ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-3.D. [34-204(a)(5)]**

PART 4
ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS

Please submit the following for all Final Plan Approval Applications:

- A. AREA LOCATION MAP:** An Area Location Map (on 8.5" by 11" paper) must be provided. The map must be marked to show the location of the property to be developed in relation to arterial and collector streets as well as the location of existing easements and rights-of-way on or abutting the property. Label as **Exhibit H-4.A.** [34-204(a)(5); 34-373(a)(4)b.]
- B. APPROVED MASTER CONCEPT PLAN:** Provide one (1) APPROVED MASTER CONCEPT PLAN (MCP) and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED. Label as **Exhibit H-4.B.** [34-204(a)(5); 34-373(a)(6)]
- C. PROPOSED FINAL PLAN:** Please submit three (3) copies of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution. This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. Label as **Exhibit H-4.C.** [34-204(a)(5)]
- D. REDUCED SIZE COPY OF THE PROPOSED FINAL PLAN:** Please submit three (3) copies of the proposed Final Plan REDUCED to a maximum size of 11" x 17" (two originals required). Label as **Exhibit H-4.D.** [34-204(a)(5)]
- E. ZONING RESOLUTIONS/ZONING DOCUMENTS:** Please attach three (3) copies of any zoning resolutions or documents that are still valid. Include the original rezoning resolution, final plan approval letters, Administrative Approval letters, and any other documentation granting relevant approvals. Label as **Exhibit H-4.E.** [34-204(a)(5)]

**PART 5
SUBMITTAL REQUIREMENTS**

THE NUMBER OF COPIES REQUIRED FOR EACH SUBMITTAL ITEM/EXHIBIT IS INDICATED BELOW. PLEASE NOTE THAT THIS SUPPLEMENT NEEDS TO BE ACCOMPANIED BY THE APPLICATION FOR ADMINISTRATIVE ACTION. COPIES OF BOTH OF THESE APPLICATIONS SHOULD BE SUBMITTED TOGETHER IN SETS OF THREE ALONG WITH ALL OTHER REQUIRED DOCUMENTATION. ADDITIONAL SUBMITTAL ITEMS (listed below) SHOULD BE SUBMITTED AS A GROUP WITH THE APPROPRIATE NUMBER OF COPIES PROVIDED AS NOTED BELOW.

Copies Required*	Exhibit Number	SUBMITTAL ITEMS
		FOR ADMINISTRATIVE AMENDMENT APPLICATIONS and FOR FINAL PLAN APPROVAL APPLICATIONS
3		Completed Application for Administrative Action Form [34-204(a)]
1		Filing Fee - [34-204(a)(8)]
3	SUP H	Administrative Amendment to a PUD or Planned Development request Supplement Form [34-204(a)(5)]
3	H-1.C	Subsequent Zoning Action Resolution/Case Numbers (if any and if added sheet is necessary) [34-204(a)(5)]
3	H-1.D	Development Order Numbers for the Project (if any and if added sheets are necessary) [34-204(a)(5)]
3	H-2.A	Written Narrative explaining what, exactly, is proposed [34-204(a)(5)]
3	H-2.B.1	Schedule of Deviations and Justification Statement for each requested deviation (if YES was answered to Item # 2.B.) [34-204(a)(5)]
1	H-2.B.2	Site plan (24" X 36" size) detailing each requested deviation (if YES was answered to Item # 2.B.) [34-204(a)(5)]
3	H-2.B.2	Reduced site plans (11" X 17" size) detailing each requested deviation (if YES was answered to Item # 2.B.) - two originals required [34-204(a)(5)]
1	H-2.C	Community Meeting Summary Document (if answered YES to Item 2.C.) [34-204(a)(5); 33-3]
		ADDITIONAL SUBMITTAL ITEMS FOR ADMINISTRATIVE AMENDMENT APPLICATIONS
3	H-3.A	Area Location Map (8 ½' X 11" size) [34-204(a)(5)]
1	H-3.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size) [34-204(a)(5)]
3	H-3.C	Master Concept Plan (11" X 17" maximum size) including detailed drawings of any proposed deviations - two originals required [34-204(a)(5)]
3	H-3.D	Zoning Resolutions/Zoning Documents [34-204(a)(5)]
		ADDITIONAL SUBMITTAL REQUIREMENTS FOR FINAL PLAN APPROVAL APPLICATIONS
3	H-4.A	Area Location Map (8 ½' X 11" size) [34-204(a)(5)]
3	H-4.B	Approved Master Concept Plan and detailed drawings of any proposed deviations (24" X 36" size) [34-204(a)(5)]
1	H-4.C	Proposed Final Plan including Deviations keyed to the plan (24" X 36" size) [34-204(a)(5)]
3	H-4.D	Proposed Final Plan (11" X 17" maximum size) - two originals required [34-204(a)(5)]
3	H-4.E	Zoning Resolutions/Zoning Documents [34-204(a)(5)]

* At least one copy must be an original

Spatial District Query Report

STRAP Number: 13-46-25-00-00001.0030

COMMUNITY DEVELOPMENT

ADD 2012-00110

District Name	District Value		Pct of Parcel in District (if fractional)	Notes
Airport Noise Zone			NOT FOUND	
Airspace Notification			NOT FOUND	
Census Tract	Tract ID	401.05	99.98%	
Coastal Building Zone			NOT FOUND	
Coastal High Hazard Area			NOT FOUND	
Fire District	Fire District Taxing Authority	San Carlos Park 077		
Evacuation Zone	Zone	C		
Active Evacuation Status			NOT FOUND	
Flood Insurance Zone	Flood Zone Assigned Number	X 100		1
Flood Insurance Zone - Old	Flood Zone	B		
FIRM Floodway	Floodway	OUTSIDE		
FIRM Floodway - Old			NOT FOUND	
Flood Insurance Panel	Community Panel Map Number Effective Date	125124 0582 12071C0582F 8/28/2008 12:00:00 AM		
Flood Insurance Panel - Old	Community Panel Version Date	125124 0475 B NotPrinted		
Flowway - 2005			NOT FOUND	
(DNR Flood Zones) Zone A BFE			NOT FOUND	
DNR Flood Zones - Old			NOT FOUND	
Coastal Barrier Resources System (COBRA)			NOT FOUND	
Coastal Barrier Resources System (COBRA) - Old			NOT FOUND	
Lighting District/MSTBU			NOT FOUND	
Preliminary MSTBU Districts			NOT FOUND	
Taxing Authorities	Authority Name	Lee County General Revenue		
	Authority Name	Lee County Hyacinth Control		
	Authority Name	Lee County Capital Improvement		
	Authority Name	Lee County Unincorporated MSTU		
	Authority Name	San Carlos Park Fire District		
	Authority Name	Lee County Library Fund		
	Authority Name	Lee County		

		Mosquito Control		
	Authority Name	SFL Water Mgmt Everglades Const		
	Authority Name	SFL Water MGMT Okeechobee Levy		
	Authority Name	SFL Water Mgmt District Levy		
	Authority Name	Solid Waste Area 3		
	Authority Name	Preservation Lands MSTU		
	Authority Name	School District By State Law		
	Authority Name	School District By Local Board		
	Authority Name	Lee County All Hazards Uninc		
	Authority Name	West Coast Inland Waterway		
	Authority Name	Miromar Lakes CDD	99.94%	
Planning Community	ID	13		
	Plan Community	San Carlos		
Community Planning Area	Planning Area	University Community		
	Goal			
Planning Land Use 2010	Landuse	University Community		
Sanibel/County Agreement			NOT FOUND	
School Board District	District	2		
	School Board Member	Jeanne S. Dozier		
School Choice Zone	Choice Zones	South Zone 2		
	Choice Zones	South Zone		
Solid Waste District	District Area	Area 3		
Storm Surge	Category	C	78.93%	
	Category	D	15.22%	
	Category	E	1.57%	2
Subdivisions			NOT FOUND	
Traffic Analysis Zone				
Archaeological Sensitivity	Sensitivity Level	Surveyed		
	Sensitivity Level	2	24.4%	
Sea Turtle Lighting Zone			NOT FOUND	
Watersheds	Shed ID	Estero River		
FLUCCS1999				
Vegetation Permit Required			NOT FOUND	
Soil	Map Symbol	69	96.14%	
	Soil Name	MATLACHA GRAVELLY FINE SAND		
	Map Symbol	99	3.86%	2
	Soil Name	WATER		
Panther Habitat	Habitat	1	0.85%	2
Eagle Nesting Site Buffer			NOT FOUND	
Commissioner District	District	2		
	Commissioner	Brian Bigelow		
Unincorporated Lee County Zoning	Zoning	MPD		<u>Zoning</u>

Designation		Notes
Minimum Use Determination		NOT FOUND
Development Orders	Development Order Status Wet Season Water Table	DOS2000-00026
	Development Order Status Wet Season Water Table	DOS2000-00089
	Development Order Status Wet Season Water Table	DOS2005-00305 98.56%
	Development Order Status Wet Season Water Table	DOS2006-00005 98.56%
Road Impact Fee Districts	District Tidemark ID Name	5 55 SOUTHEAST
Water Franchise	Franchise Name	Lee County Utilities
Water Treatment Plant Service Area	Treatment Plant	Pinewoods WTP
Wastewater Franchise	Franchise Name	Lee County Utilities
Wastewater Treatment Plant Service Area	Treatment Plant	Three Oaks WWTP
Res. Garbage Collection Day	Hauling Day	Wednesday
Res. Recycling Collection Day	Hauling Day	Tuesday
Res. Horticulture Collection Day	Hauling Day	Tuesday
Microwave Radio Relay Path		NOT FOUND
DEP Impaired Waters and TMDLs	TMDL Status	No TMDL
	IWR_Status	Impaired (Category 5)
	IWR Parameters	DO (5) Fecal Coliform (5)
Wind Speed Building Risk Category I	Design Wind Speed	150 mph
	FL Building Code Figure	1609C
Wind Speed Building Risk Category II	Design Wind Speed	160 mph
	FL Building Code Figure	1609A

[Modify Report Settings]

Note	Details
1	The Flood Zone with the highest corresponding assigned number is the recognized flood zone designation for this property. Residents of unincorporated Lee County may call Zoning Review at (239) 533-8597 (option #4) with additional questions. Residents of incorporated areas should call the city in which they reside to verify flood zone status.
2	Small percentages can result from slight variations in the way lines are drawn or imported into our system. Such values may not accurately reflect an overlap with the subject parcel.

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ADMINISTRATIVE ACTION EXHIBITS

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PART 1 - AFFIDAVIT A2
(EXHIBIT AA-1.B.2)

ADD 2012-00110

COMMUNITY DEVELOPMENT

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

I, Robert B. Roop (name), as Vice President of Miromar Development Corporation (title) of Miromar Lakes, LLC (company), 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.

Miromar Lakes, LLC, by Miromar Development Corporation, its Managing Member

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

[Signature]
Signature

Robert B. Roop

(Typed or printed name)

Vice President

(title of signatory)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/12/12 (date) by Robert B. Roop (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

Christine A. Hobot

Signature of person taking oath or affirmation

Notary Public #EE 187311

Title or rank



*Notes:

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

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EXHIBIT AA-1.C.2
ADDITIONAL AGENTS

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COMMUNITY DEVELOPMENT

Company Name: Waldrop Engineering, P.A.
Contact Person: Ronald Waldrop, P.E.
Address: 28100 Bonita Grande Drive, Suite 305
City, State, Zip: Bonita Springs, FL 34135
Phone Number: (239) 405-7777 Fax Number: (239) 405-7899
Email: ronw@waldropengineering.com

Company Name: Pavese Law Firm
Contact Person: Neale Montgomery, Esq.
Address: 1833 Hendry Street
City, State, Zip: Fort Myers, FL 33901
Phone Number: (239) 336-6235 Fax Number: (239) 332-2243
Email: nealemontgomery@paveselaw.com

Company Name: Rhodes & Rhodes Land Surveying, Inc.
Contact Person: J. Scott Rhodes, PSM
Address: 28100 Bonita Grande Drive, Suite 105
City, State, Zip: Bonita Springs, FL 34135
Phone Number: (239) 405-8166 Fax Number: _____
Email: JSRHODES@RHODESANDRHODES.NET

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

Company Name: _____
Contact Person: _____
Address: _____
City, State, Zip: _____
Phone Number: _____ Fax Number: _____
Email: _____

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**EXHIBIT AA-2.B.1
DISCLOSURE OF INTEREST FORM FOR:**

COMMUNITY DEVELOPMENT

STRAP NO. A Portion of 13-46-25-00-00001.0030

CASE NO. ADD 2012-00110

1. Please identify the owners of the property subject to the application. The list must include all individuals, corporations, companies, trusts, or partnerships who have an interest in the property (fee simple, tenancy by the entirety, tenancy in common, or joint tenancy). Also, indicate the percentage of ownership that each owner or entity has in the property. This Disclosure must fully identify the individual persons who have an interest in the property or the legal entities that have an ownership in the property. For additional space, you may attach a separate breakdown of the structures of all legal entities that have an ownership interest in the property owner. See Example given at the bottom of this Disclosure form.

Name and Address	Percentage of Ownership
<u>Miromar Lakes, LLC</u>	<u>100%</u>
<u>10801 Corkscrew Road, Suite 305</u>	
<u>Estero, FL 33928</u>	

2. For each property owner listed under paragraph 1 above that is a CORPORATION of LIMITED LIABILITY COMPANY, list the officers, managers, managing members and stockholders for each corporation or company and the percentage of stock or membership interest owned by each shareholder or member. If that corporation is owned by another corporation, then you must list the officers and stockholders for each corporation that has an ownership interest in the corporation and the percentage of stock owned by each shareholder of that corporation. Listing the officers, directors, or managers is not sufficient. Providing a list of individuals and legal entities holding an ownership interest in a publicly traded company is not required.

Name and Address	Percentage of Stock
<u>Miromar Lakes, LLC is wholly owned by Miromar Development Corporation</u>	<u>100%</u>
<u>Margaret J. Antonier, President; Robert B. Roop, Vice-President/Secretary/Treasurer</u>	
<u>Mark W. Geschwendt, Vice President, 10801 Corkscrew Road, #305, Estero, FL 33928</u>	
<u>Miromar Development Corporation is wholly owned by Miromar Development, Inc., Canadian Corp.</u>	<u>100%</u>
<u>Shareholders: Margaret J. Antonier and Robmilco, a Canadian Trust</u>	<u>50%/50%</u>
<u>Robmilco is a Canadian Trust wholly owned by: Robert Miller</u>	<u>100%</u>

3. For each property owner listed under paragraph 1 above that is a TRUSTEE, list the trustee and primary beneficiaries of the trust with percentage of interest. If a beneficiary of the trust is another trust, the individual trustee, and beneficiaries and percentage of interest for that trust must also be provided. A list of contingent beneficiaries is not required.

Name and Address	Percentage of Interest

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4. For each property owner listed under paragraph 1 above that is a GENERAL PARTNERSHIP OR LIMITED PARTNERSHIP, list the names of the general and limited partners. If the general or limited partners are not individuals, but are corporations, companies, trusts, partnerships, or limited partnerships, you must further identify the ownership of those entities as provided in each section of this Disclosure.

Name and Address	Percentage of Ownership

5. If there is a CONTRACT FOR PURCHASE for the subject property, whether contingent on this application or not, list the names of the contract purchasers below, including all individuals and legal entities that are the contract purchasers, including all officers, managers, members, stockholders, beneficiaries, or partners as required in each section above.

Name and Address	Percentage of Stock

Date of Contract: _____

6. If any contingency clause or contract terms involve additional parties, list all individuals and legal entities subject to that contingency clause or contract, including all officers, managers, members, stockholders, beneficiaries, as required in each section above.

Name and Address	Percentage of Stock

Example:

The property is owned by John Doe and ABC Corporation. Each have a 50% interest. The officers, directors and ownership interests of ABC Corporation must also be identified. If ABC Corporation was owned by Betty Smith, Barney Doe, and the John Doe, Trust. In addition to Betty and Barney, the Disclosure must also include the individual trustee and primary beneficiaries of the John Doe trust. This identification must continue to occur until the complete ownership structure of all legal entities has been broken down into all individual persons having an ownership interest in each legal entity.

For any changes of ownership or changes in contracts for purchase subsequent to the date of the application, but prior to the date of public hearing, a supplemental disclosure of interest form must 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

Robert B. Roop

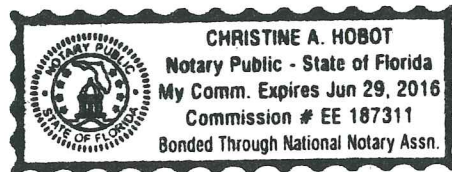
(Typed or printed name)

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 10/12/12 (date) by Robert B. Roop (name of person providing oath or affirmation), who is personally known to me or who has produced personally known (type of identification) as identification.

Christine A. Hobot
Signature of Notary Public

Christine A. Hobot
Printed Name of Notary Public



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RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DR. STE 107 BONITA SPRINGS, FLORIDA 34135
PHONE (239) 405-8166 FAX (239) 405-8163

LEGAL DESCRIPTION

ADD 2012-00110

BEING A PORTION OF TRACTS "R", "B-3" AND "O-3", MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 200600048619 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF TRACT "O-3", MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 200600048619 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE CERTAIN LANDS DESCRIBED AND RECORDED AS INSTRUMENT NUMBER 2008000036958 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTH 15°43'44" EAST, ALONG THE BOUNDARY OF LAST SAID LANDS, A DISTANCE OF 524.50 FEET; THENCE SOUTH 84°13'30" WEST, A DISTANCE OF 339.48 FEET; THENCE SOUTH 08°32'29" EAST, A DISTANCE OF 52.14 FEET; THENCE DEPARTING FROM THE BOUNDARY OF LAST SAID LANDS, SOUTH 81°26'59" WEST, A DISTANCE OF 60.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHWESTERLY, 36.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.50 FEET, THROUGH A CENTRAL ANGLE OF 86°13'34" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 51°42'29" WEST, 33.49 FEET; THENCE SOUTH 85°10'44" WEST, A DISTANCE OF 109.19 FEET; THENCE SOUTH 04°49'16" EAST, A DISTANCE OF 50.51 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 76.43 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 570.00 FEET, THROUGH A CENTRAL ANGLE OF 07°40'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 00°58'48" EAST, 76.37 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 40.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 110.00 FEET, THROUGH A CENTRAL ANGLE OF 20°53'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°34'56" EAST, 39.88 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 281.57 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 795.00 FEET, THROUGH A CENTRAL ANGLE OF 20°17'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°52'45" EAST, 280.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 35.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 11°13'53" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 03°20'55" EAST, 35.23 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 221.53 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 271.68 FEET, THROUGH A CENTRAL ANGLE OF 46°43'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 11°50'10" WEST, 215.45 FEET; THENCE SOUTH 88°44'00" WEST, A DISTANCE OF 651.68 FEET; THENCE NORTH 01°16'00" WEST, A DISTANCE OF 90.21 FEET; THENCE NORTH 37°51'55" EAST, A DISTANCE OF 25.46 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 12.26 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 70°13'45" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°45'02" EAST, 11.50 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 181.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 69°08'16" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°12'18" EAST, 170.22 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 120.02 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF

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Page 1 of 3

SUPERSEDED BY SUBMITTAL DATED 10-30-12
COMMUNITY DEVELOPMENT



RHODES & RHODES LAND SURVEYING, INC.

28100 BONITA GRANDE DR. STE 107 BONITA SPRINGS, FLORIDA 34135

PHONE (239) 405-8166 FAX (239) 405-8163

180.00 FEET, THROUGH A CENTRAL ANGLE OF 38°12'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 17°40'21" EAST, 117.81 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY, 17.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 102°28'07" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 52°39'46" WEST, 15.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY, 539.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 275.00 FEET, THROUGH A CENTRAL ANGLE OF 112°22'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 47°42'21" WEST, 457.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 109.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 470.00 FEET, THROUGH A CENTRAL ANGLE OF 13°18'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 01°49'57" EAST, 108.91 FEET; THENCE NORTH 04°49'14" WEST, A DISTANCE OF 199.28 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 158.90 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 110.00 FEET, THROUGH A CENTRAL ANGLE OF 82°45'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 36°33'46" EAST, 145.44 FEET; THENCE NORTH 77°56'45" EAST, A DISTANCE OF 127.36 FEET; THENCE NORTH 85°08'35" EAST, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF TRACT "B-3", SAID PLAT OF MIROMAR LAKES UNIT XI - PENINSULA; THENCE SOUTH 04°49'14" EAST, ALONG SAID EASTERLY BOUNDARY AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 27.19 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE DEPARTING FROM SAID SOUTHERLY PROLONGATION, SOUTHEASTERLY, 45.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 63.50 FEET, THROUGH A CENTRAL ANGLE OF 40°41'34" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 26°03'14" EAST, 44.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF AFORESAID TRACT "O-3"; THENCE NORTH 80°00'00" EAST, ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 1,037.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,208,338 SQUARE FEET OR 27.740 ACRES, MORE OR LESS.

RHODES & RHODES LAND SURVEYING, INC.
FLORIDA BUSINESS AUTHORIZATION NO. LB 6897


John Scott Rhodes

Professional Surveyor and Mapper
State of Florida, License Number 5739
NOT VALID WITHOUT THE SIGNATURE AND
THE ORIGINAL RAISED SEAL OF A FLORIDA
LICENSED SURVEYOR AND MAPPER

R&R FILE NO. 2012-1052SKETCH
DATE: 10/23/2012

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CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	24.50'	86°13'34"	36.87'	33.49'	N 51°42'29" W
C2	570.00'	7°40'58"	76.43'	76.37'	S 00°58'48" E
C3	110.00'	20°53'13"	40.10'	39.88'	S 07°34'56" E
C4	795.00'	20°17'33"	281.57'	280.10'	S 07°52'45" E
C5	180.00'	11°13'53"	35.28'	35.23'	S 03°20'55" E
C6	271.68'	46°43'14"	221.53'	215.45'	S 11°50'10" W
C7	10.00'	70°13'45"	12.26'	11.50'	N 02°45'02" E
C8	150.00'	69°08'16"	181.00'	170.22'	N 02°12'18" E
C9	180.00'	38°12'09"	120.02'	117.81'	N 17°40'21" E
C10	10.00'	102°28'07"	17.88'	15.59'	N 52°39'46" W
C11	275.00'	11°22'58"	539.40'	457.00'	N 17°42'21" W
C12	470.00'	13°18'22"	109.15'	108.91'	N 01°49'57" E
C13	110.00'	82°45'59"	158.90'	145.44'	N 36°33'46" E
C14	63.50'	40°41'34"	45.10'	44.16'	S 26°03'14" E

1. BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY OF TRACT "O-3",
MIROMAR LAKES UNIT XI - PENINSULA, INSTRUMENT NUMBER
2006000486819, AS BEING N 80°00'00" E.
BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM
ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST
ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.

3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

SKETCH OF DESCRIPTION

 RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

bk:	pg: .	date:
		OCT. 23, 2012
		scale:
		1" = 200'
		cogo #:

design:
drawn: RWC
checked: JSR
acad #: 2012-1052
view: PLOT
project#: 2012-1052
sheet #: 3 of 3
file #: 2012-1052 SKETCH

ABBREVIATIONS
BOB = BASIS OF BEARING
POB = POINT OF BEGINNING
PSM = PROFESSIONAL SURVEYOR
AND MAPPER
O.R. = OFFICIAL RECORDS

SUPERSEDED BY SUBMITTAL DATED 10/30/12

NOT A SURVEY

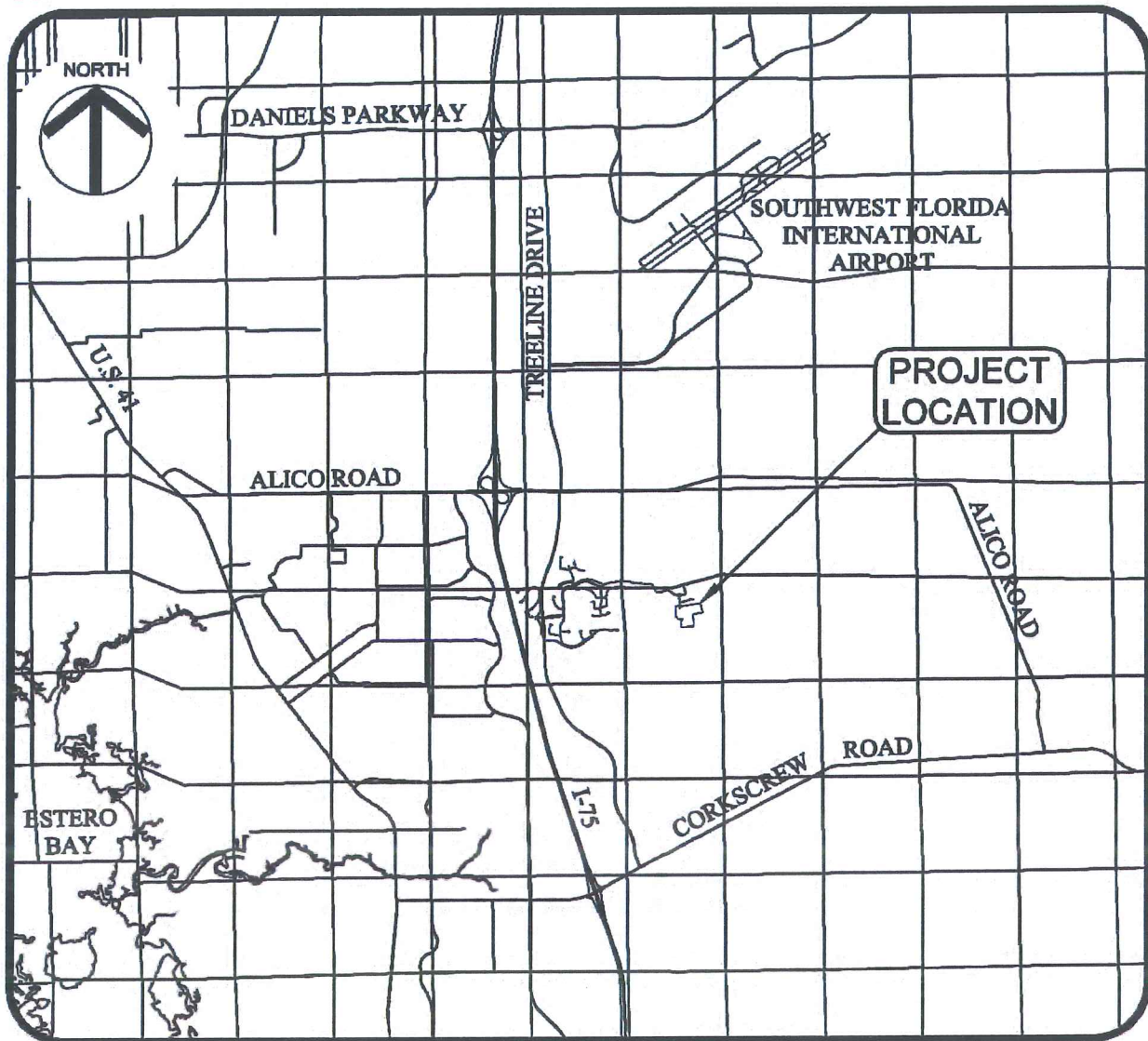
28100 BONITA GRANDR DRIVE, #107
BONITA SPRINGS, FLORIDA 34135
(239) 405-8166 (239) 405-8163 FAX

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EXHIBIT AA-3.F

ADD 2012-00110

COMMUNITY DEVELOPMENT



PROJECT LOCATION MAP

NO SCALE

SUPPLEMENT H EXHIBITS

ADD 2012-00110

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**EXHIBIT H-1.C
ZONING ACTIONS**

LEE COUNTY RESOLUTION NO.	PROJECT NAME	DATE
Z-99-029	MIROMAR LAKES	9/29/1999
ADD2000-00110	PHASE ONE	7/27/2000
ADD2000-00111	PHASE ONE	7/27/2000
ADD2000-00117	PHASE TWO	7/31/2000
ADD2000-00161	GOLF MAINT.	12/19/2000
ADD2000-00191	TEMP. CLUBHOUSE	1/8/2001
ADD2001-00018	VALENCIA	5/24/2001
ADD2001-00085	TRACT M & N	9/17/2001
ADD2001-00113A	BEACH CLUB	4/1/2002
ADD2001-00125	TIVOLI	10/16/2001
ADD2001-00142	SALES CENTER	12/20/2001
ADD2002-00045	BELLAVISTA	6/28/2002
ADD2002-00077	MED. VILLAGE – PH I	8/5/2002
ADD2002-00168	CAPRINI GREENS	12/17/2002
ADD2003-00028	VIVALDI	4/4/2003
ADD2003-00047	PERM. GOLF CLUBHOUSE	5/14/2003
Z-02-072	MIROMAR LAKES	12/15/2003
ADD2003-00151	CAPRINI GREENS MOD.	12/18/2003
ADD2004-00033	SAN MARINO	7/21/2004
ADD2004-00042	MIRASOL ACCESS	4/2/2004
ADD2004-00045	C1/C2 ACCESS	4/2/2004
ADD2004-00054	PORTO ROMANO	5/11/2004
ADD2004-00074	CAPRINI GREENS MOD.	4/21/2004
ADD2004-00070	MIRASOL RESIDENTIAL	7/27/2004
ADD2004-00176	MIRASOL ACCESS MOD.	11/17/2004
ADD2004-00177A	CASTELLI & ANACAPRI	12/3/2004
ADD2004-00223	MONTEBELLO	1/10/2005
ADD2004-00253	VOLTERRA & BELLINI	4/25/2005
ADD2005-00104	ST. JOHN NEUMANN CENTER	7/12/2005
ADD2005-00134	MIRASOL PH II	8/2/2005
ADD2005-00190	RAVENNA	3/31/2006
ADD2006-00002	MIROMAR LAKES PKWY EXT.	3/13/2006
ADD2006-00004	BEACH CLUB PH II	3/13/2006
ADD2006-00009	EAST 100 ACRES	4/10/2006
Z-06-064	MIROMAR LAKES	10/16/2006
ADD2008-00130	TRACT F-F (BEACH COTTAGES)	12/5/2008
ADD2008-00144	SORRENTO LME MOD.	4/1/2009
ADD2009-00026	COSTA AMALFI	4/16/2009
ADD2010-00021	COSTA AMALFI MOD.	3/8/2010
Z-10-019	MIROMAR LAKES	9/20/2010
Z-12-004	MIROMAR LAKES	4/16/2012

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COMMUNITY DEVELOPMENT

The Peninsula Phase III at Miromar Lakes
Exhibit H-1.C
Page 1 of 1

**EXHIBIT H-1.D
DEVELOPMENT ORDER APPROVALS**

LEE COUNTY CASE NO.	PROJECT NAME
97-02-023.00D	THE FALLS AT MIROMAR LAKES
DOS2000-00026	MIROMAR LAKES GOLF COURSE
DOS2000-00110	MIROMAR LAKES PHASE ONE
DOS2000-00146	MIROMAR LAKES PHASE TWO
DOS2000-00215	GOLF MAINTENANCE FACILITY
DOS2000-00254	GOLF CLUBHOUSE
DOS2000-00268	SALES CENTER
DOS2001-00035	VALENCIA
DOS2001-00102	TRACT M
DOS2001-00116	TIVOLI
DOS2001-00132	MIROMAR LAKES BEACH CLUB
DOS2002-00075	BELLAVISTA
DOS2003-00060	VIVALDI
DOS2003-00072	GOLF CLUBHOUSE
DOS2004-00039	MIRASOL ACCESS
DOS2004-00043	C1/C2 ENTRANCE
DOS2004-00074	MIRASOL
DOS2004-00293	MONTEBELLO
DOS2004-00336	BELLINI & VOLTERRA
DOS2005-00046	WACHOVIA AT MIROMAR LAKES
DOS2005-00296	RAVENNA
DOS2005-00305	MIROMAR LAKES PKWY EXT.
DOS2005-00315	BEACH CLUB PHASE TWO
DOS2006-00005	EAST 100 ACRES
DOS2008-00112	TRACT F-F

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WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

EXHIBIT H-2.A Project Narrative

The Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a 1,800+/- acre mixed-use project located east of I-75, south of Alico Road and north of Corkscrew Road in unincorporated Lee County, Florida.

The project is approved for 250,000 square feet of retail uses, 340,000 square feet of professional office space, 40,000 square feet of research and development (industrial) uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities, and preserve areas.

Per Condition 1.c. of Resolution Z-12-004, the Applicant is requesting Final Plan Approval (FPA) for the 27.74-acre tract known as The Peninsula Phase III at Miromar Lakes. The proposed development will consist of 28 single-family lots, 14 boat slips, ancillary amenities, and associated infrastructure.

The proposed FPA is consistent with the allowable uses and density approved per Z-12-004 and the Development of Regional Impact (DRI) Development Order, as amended. The enclosed final plan provides a tabulation of approved density/intensity, open space, and the boat slip permitting history to demonstrate the project's compliance with the aforementioned approvals.

As outlined in the Schedule of Deviations and Justifications, attached as Exhibit H-2.B.1, the Applicant is seeking two (2) new deviations to allow for 4:1 lake bank slopes, and to locate lake maintenance easements within platted single-family lots. These deviations are requested to maintain consistency with the constructed portions of the community.

The overall Peninsula tract has a defined development footprint constrained by the existing recreational lakes. Therefore, continuation of the 4:1 lake bank slope and LME placement is integral to upholding the design established for this tract. Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the final plan, turf reinforcement mat are proposed in certain areas to mitigate lake bank erosion. Therefore, the requested deviations will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC.

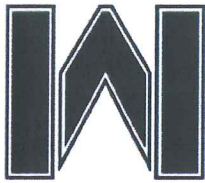
Per Resolution Z-12-004, the Applicant is also requesting previously approved deviations #1, #5, #6, #7, #13, #14, and #16. Based upon this application's compliance with Z-12-044, DRI #11-9798-142, the Lee Plan and applicable LDC regulations, the Applicant respectfully requests staff approval of the proposed FPA.

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COMMUNITY DEVELOPMENT

The Peninsula Phase III at Miromar Lakes
Exhibit H-2.A
Page 1 of 1



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CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
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F: 239-405-7899

EXHIBIT H-2.B.1
Schedule of Deviations & Justifications

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Deviations Approved per Z-02-072 & Z-12-004

Deviation #1 from LDC Sec. 10-34-1954(d)(1), which restricts model homes to a time limitation of three (3) years, to allow model homes through the build out of the project.

Deviation #5 from LDC Sec. 10-291(3)(b) (Access to Street), which requires two (2) or more means of ingress and egress to residential development of at least five (5) acres in size; to allow one (1) means of ingress and egress for those development parcels that are surrounded by golf course, water body, conservation areas, or any combination thereof.

Deviation #6 from LDC Sec. 10-296(b), Table 3, which requires a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of curb for local private roads.

Deviation #7 from LDC Sec. 10-296(d) Table 4(7), which requires that wearing surfaces for local and access roads for Class A development must be 1.5-inch asphaltic concrete of FDOT Type S-1; to allow for cement concrete or decorative pavers within private local rights-of-way.

Deviation #13 from LDC Sec. 10-355, which requires the developer to provide a 10-foot public utility easement on both sides of a roadway; to allow the public utility easement on one side.

Deviation #14 from LDC Sec. 10-415(a), which requires that open space be calculated as a percentage of development area; to allow open space based on the areas of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing minimum lakes located east of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site. This deviation is APPROVED for the entire project. This deviation is APPROVED for the entire project.

Deviation #16 from LDC Sec. 10-415(b), which requires 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous

preservation requirement be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is approved for the 534-acre addition to the project subject to the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

Requested Deviations

Deviation from LDC Section 10-328(a), which prohibits lake maintenance easements from being located within the limits of a platted single-family residential lot; to allow for lake maintenance easements within the limits of the platted single-family lots within the subject tract.

JUSTIFICATION: The Applicant is proposing to locate the required lake maintenance easements (LMEs) within the single family lots as shown the attached final plan. This design standard has been previously permitted in other residential tracts within Miromar Lakes, and is requested to ensure the consistency and continuity of development with the overall community.

The Peninsula tract is surrounded by existing lakes and has a defined development footprint. This developable area was designed and constructed prior to the LDC amendment that prohibited the placement of LMEs within single family lots. Therefore, the Applicant is encumbered with spatial constraints based upon a development footprint constructed in good faith based upon the existing regulations at the time. These existing conditions warrant the requested deviation.

From a safety and maintenance standpoint, there are extensive deed restrictions in place (attached as Exhibit AA-3.J.1) to ensure the LMEs are available for maintenance as intended by the LDC. All principal and accessory structures are regulated by a 20' water body setback that further ensures access to the easements. Moreover, all development within the project is regulated by the Lake Management Plan and approved per Z-99-029, Exhibit J, to ensure proper lake function, maintenance of littoral vegetation, prevention of lake bank erosion, and removal of exotic and nuisance plants.

For these reasons, the requested deviation will not negatively impact public health, safety or welfare and will uphold the intent of the LDC.

Deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1.

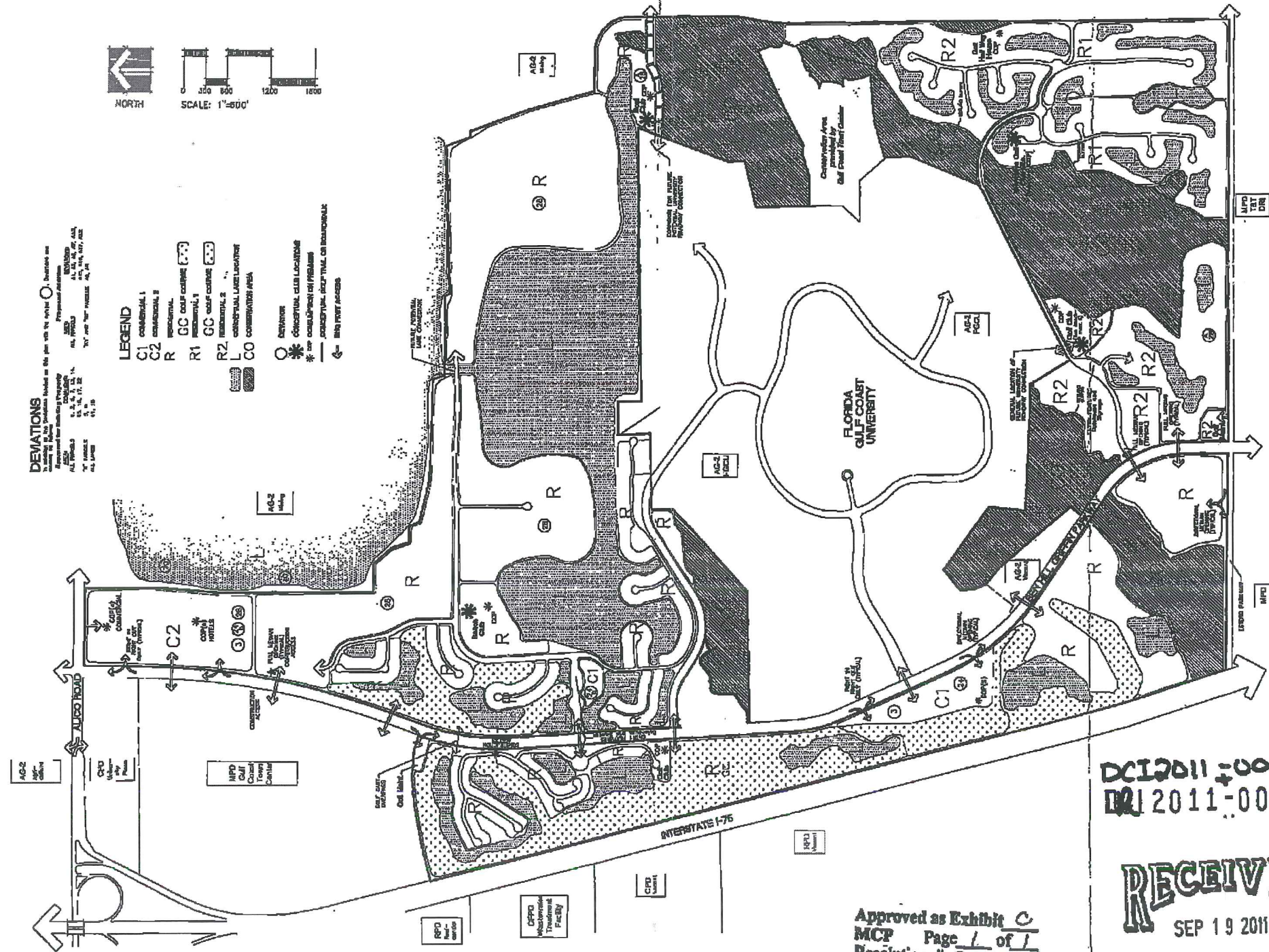
JUSTIFICATION: As noted above, the subject tract is located within a large-scale master-planned community that is partially built-out. The proposed 4:1 lake bank slope will comply with previous approvals, and has been proven to function as intended by the LDC through appropriate construction standards and lake maintenance measures.

As noted above, the overall Peninsula tract has a defined development footprint constrained by the existing recreational lakes, which were constructed with a 4:1 lake bank slope prior to the LDC amendment to 6:1 slopes. Therefore, continuation of the 4:1 lake bank slope through the entirety of the subject property is integral to upholding the design established prior to the LDC amendment.

Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the enclosed final plan, turf reinforcement mats are proposed in certain areas to mitigate lake bank erosion.

Therefore, the requested deviations will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC and the overall Miromar Lakes master plan.

EXHIBIT H-4.B



Approved as Exhibit C
MCP Page 1 of 1
Resolution # 2-12-004

DC12011-00016
02/2011-00003

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COMMUNITY DEVELOPMENT

MIROMAR
BEACH & GOLF CLUB
MIROMAR LAKES

MASTER CONCEPT PLAN (MCP)
MIROMAR LAKES
MIROMAR LAKES, FLORIDA

SCALE: 1"=600'

PROJECT NO.
11-01-00003

PROJECT NAME
MIROMAR LAKES

PROJECT LOCATION
MIROMAR LAKES, FLORIDA

PROJECT DATE
02/2011

PROJECT STATUS
MCP

EXHIBIT C

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ADD 2012-00110

EXHIBIT H-4.D. FINAL PLAN APPROVAL

THE PENINSULA PHASE III

AT MIROMAR LAKES

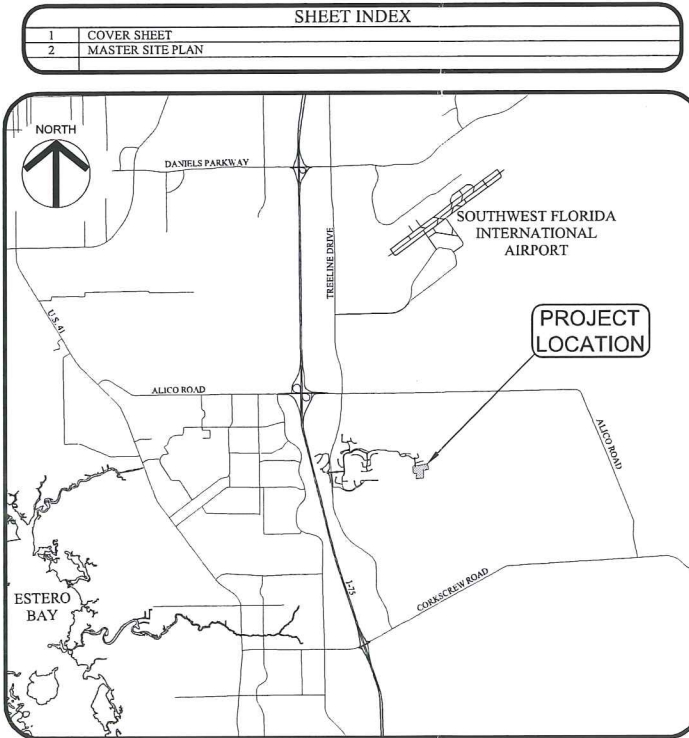
A PORTION OF STRAP # 13-46-25-00-00001.0030
LEE COUNTY, FLORIDA

FPA APPROVAL HISTORY				
LEE COUNTY RESOLUTION NO.	TRACT NAME	DATE	TYPE	QUANTITY
ADD2000-00110	PHASE ONE	7/27/2000	SINGLE FAMILY	11 UNITS
ADD2000-00111	PHASE ONE	7/27/2000	SINGLE FAMILY	30 UNITS
ADD2000-00117	PHASE TWO	7/31/2000	SINGLE FAMILY	51 UNITS
ADD2000-00181	GOLF MAINT.	12/19/2000	COMMERCIAL	7,500 S.F.
ADD2000-00191	TEMP. CLUBHOUSE	1/8/2001	COMMERCIAL	6,528 S.F.
ADD2001-00018	VALENCIA	5/24/2001	MULTI-FAMILY	60 UNITS
ADD2001-00085	TRACT M & N	5/24/2001	SINGLE FAMILY	27 UNITS
ADD2001-00113A	BEACH CLUB	4/1/2002	RECREATION	4.77 ACRES
ADD2001-00125	TIVOLI	10/18/2001	SINGLE FAMILY	113 UNITS
ADD2001-00142	SALES CENTER	12/20/2001	COMMERCIAL	4,147 S.F.
ADD2002-00045	BELLAVISTA	8/28/2001	MULTI-FAMILY	60 UNITS
ADD2002-00077	MED. VILLAGE - PH I	8/5/2002	SINGLE FAMILY	33 UNITS
ADD2002-00188	CAPRINI GREENS	12/17/2002	SINGLE FAMILY	27 UNITS
ADD2003-00028	VIVALDI	4/4/2003	MULTI-FAMILY	60 UNITS
ADD2003-00047	PERMI. GOLF CLUBHOUSE	5/14/2003	RECREATION	5.45 ACRES
ADD2003-00151	CAPRINI GREENS MOD.	12/18/2003	AMENDMENT TO ADD2002-00188	
ADD2004-00033	SAN MARINO	7/21/2004	MULTI-FAMILY	160 UNITS
ADD2004-00042	MIRASOL ACCESS	4/2/2004	ACCESS	5.07 ACRES
ADD2004-00045	C1/C2 ACCESS	4/2/2004	ACCESS	1.05 ACRES
ADD2004-00054	PORTO ROMANO	5/11/2004	SINGLE FAMILY	55 UNITS
ADD2004-00074	CAPRINI GREENS MOD.	4/21/2004	AMENDMENT TO ADD2002-00188	
ADD2004-00079	MIRASOL RESIDENTIAL	7/27/2004	MULTI-FAMILY	120 UNITS
ADD2004-00176	MIRASOL ACCESS MOD.	11/17/2004	AMENDMENT TO ADD2004-00042	
ADD2004-00177A	CASTELLI & ANACAPRI	12/3/2004	SINGLE FAMILY	18 UNITS
ADD2004-00223	MONTEBELLO	11/10/2005	MULTI-FAMILY	40 UNITS
ADD2004-00253	VOLTERRA & BELLINI	4/25/2005	SINGLE FAMILY & MULTI-FAMILY	72 UNITS
ADD2005-00104	ST. JOHN NEUMANN CENTER	7/12/2005	PLACE OF WORSHIP	14,736 S.F.
ADD2005-00134	MIRASOL PH II	8/2/2005	MULTI-FAMILY	120 UNITS
ADD2005-00190	RAVENNA	3/31/2006	MULTI-FAMILY	60 UNITS
ADD2006-00002	MIROMAR LAKES PKWY EXT.	3/13/2006	ACCESS	133.08 ACRES
ADD2006-00004	BEACH CLUB PH II	3/13/2006	RECREATION	7.87 ACRES
ADD2006-00009	EAST 100 ACRES	4/10/2006	SINGLE FAMILY	51 UNITS
ADD2006-00130	TRACT F-F (BEACH COTTAGES)	12/5/2006	SINGLE FAMILY	16 UNITS
ADD2006-00144	SORRENTO LIME MOD.	4/1/2009	MODIFICATION TO ADD2006-00009	
ADD2006-00026	COSTA AMALFI	4/16/2009	MODIFICATION TO ADD2006-00130	
ADD2010-00021	COSTA AMALFI MOD.	3/8/2010	MODIFICATION TO ADD2006-00026	
PENDING	PENINSULA PHASE III	PENDING	SINGLE FAMILY	28 UNITS

BOAT DOCK HISTORY		
SINGLE FAMILY SUBDIVISION ⁽¹⁾	APPROVED SLIPS	PROPOSED SLIPS
VERONA LAGO	55	0
CAPRINI GREENS	16	0
ISOLA BELLA	13	0
CASTELLI & ANACAPRI	16	0
VOLTERRA	12	0
BEACH COTTAGES/COSTA AMALFI	9	0
SUBTOTAL	125	0
SF SUBDIVISION TOTAL	125	
ANCILLARY ⁽²⁾	APPROVED SLIPS	PROPOSED SLIPS
BEACH CLUB PH I	13	0
VIVALDI	16	0
MIRASOL BEACH PH I & 2	16	0
MONTEBELLO	16	0
BELLINI	16	0
RAVENNA	60	0
EAST 100 ACRES	51	0
THE PENINSULA PHASE III	0	14
SUB TOTAL	196	14
ANCILLARY TOTAL	210	

(1) EACH SINGLE-FAMILY LAKEFRONT LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LAKEFRONT LOTS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR WET BOAT STORAGE ON A ONE-FOR-ONE (1:1) BASIS.

(2) A MAXIMUM OF 250 ANCILLARY DOCKS ARE PERMITTED.



PROJECT LOCATION MAP
NO SCALE



DEVELOPED BY:

MIROMAR LAKES, L.L.C.

10801 CORKSCREW ROAD - SUITE #305
ESTERO, FL 33928
PHONE: (239) 390-5100

OPEN SPACE SUMMARY	
OPEN SPACE	AREA (AC)
GOLF COURSE	218.96
PHASE 1	61.72
PHASE 2	13.10
GOLF MAINTENANCE	0.82
VALENCIA	8.08
TRACT M & N	4.77
BEACH CLUB	2.34
TIVOLI	0
BELLAVISTA	3.55
MEDITERRANEAN VILLAGE	6.71
CAPRINI GREENS	1.19
VIVALDI	0
GOLF CLUBHOUSE	2.51
SAN MARINO	13.40
MIRASOL ACCESS DRIVE	1.31
TRACT C1/C2 ENTRANCE	0.39
POROTO ROMANO	2.90
MIRASOL RESIDENTIAL	0
CASTELLI & ANACAPRI	0.82
VOLTERRA & BELLINI	5.89
RAVENNA	3.17
BEACH CLUB PH 2	2.73
MIRASOL PKWY. EXTENSION	0
EAST 100 ACRES	0
BEACH COTTAGES / COSTA AMALFI	3.31
PENINSULA PHASE 3	6.16
TOTAL	364.03



CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7599 EMAIL: info@waldropengineering.com

THE PENINSULA PHASE III
AT MIROMAR LAKES
CLIENT: MIROMAR LAKES, L.L.C.

COVER SHEET

PLAN REVISIONS

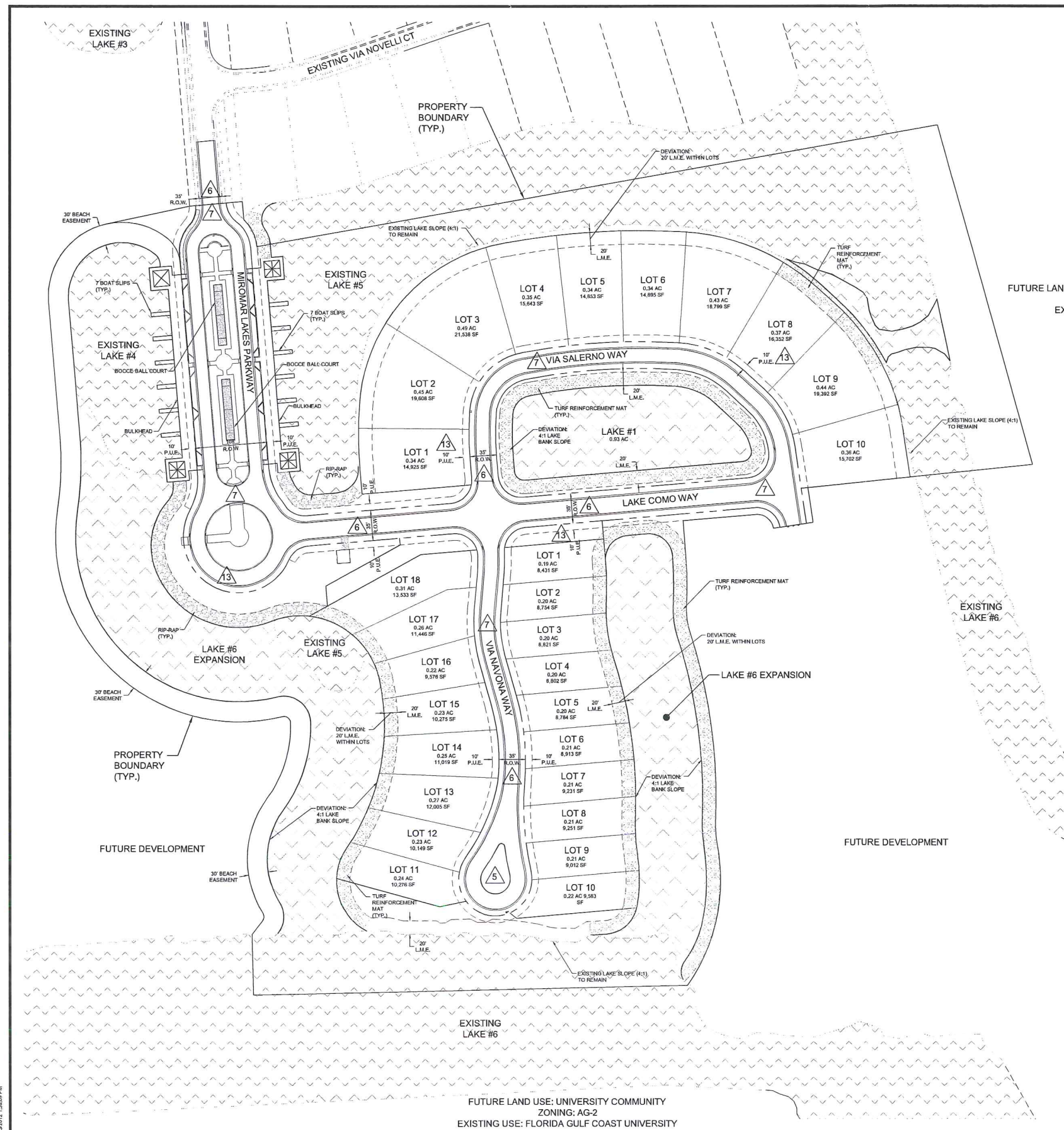
FLORIDA CERTIFICATE OF AUTHORIZATION #656

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ADD 2012-00110
COMMUNITY DEVELOPMENT

RONALD D. WALDROP, P.E.
LICENSE NO. 12764
SET NUMBER: 256-04-02

SHEET: 01



N
SCALE: 1" = 80'

FUTURE LAND USE: UNIVERSITY COMMUNITY
ZONING: AG-2
EXISTING USE: VACANT

FUTURE LAND USE: UNIVERSITY COMMUNITY
ZONING: AG-2
EXISTING USE: FLORIDA GULF COAST UNIVERSITY

LEGEND

	LAKE
	RIP-RAP
	TURF REINFORCEMENT MAT
	DEVIATION LOCATIONS
L.M.E.	LAKE MAINTENANCE EASEMENT
P.U.E.	PUBLIC UTILITY EASEMENT

LAND USE SUMMARY			
CATEGORY	SQUARE FOOTAGE	ACREAGE	PERCENTAGE OF TOTAL ACREAGE
IMPERVIOUS	331,972	7.62	27.47%
SINGLE FAMILY LOT	209,774	4.82	17.26%
ROADWAY	95,583	2.19	7.97%
SIDEWALK	8,129	0.19	0.68%
AMENITY	18,468	0.42	1.53%
PARKING	403,945	9.37	33.78%
SINGLE FAMILY LOT	139,617	3.21	11.57%
OPEN SPACE	263,966	6.16	22.22%
SUBTOTAL	1,208,338	16.99	61.25%
LAKE	472,321	10.75	38.75%
TOTAL PROJECT AREA	1,680,659	27.74	100.00%

MIOMAR LAKES PROPERTY DEVELOPMENT REGULATIONS PER RES. Z-12-004	
PROPOSED LAND USE:	SINGLE FAMILY
NON-GARAGED FRONT SETBACK:	12' F
FRONT SETBACK:	20' F
SIDE SETBACK:	5' F
WATER BODY:	20' F
MINIMUM BUILDING SEPARATION:	10' F
MAXIMUM LOT COVERAGE:	55
MINIMUM LOT AREA:	5,500 S.F.
MINIMUM LOT WIDTH:	50' F
MINIMUM LOT DEPTH:	70' F
MAXIMUM BUILDING HEIGHT:	3 STORIES / 45' F

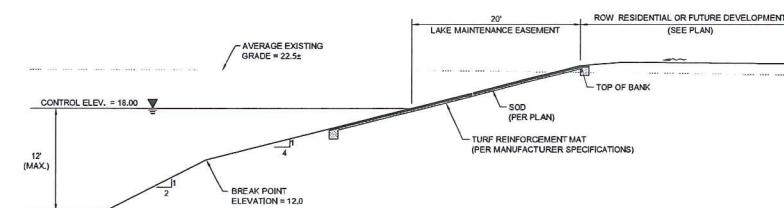
DEVIATIONS APPROVED PER RESOLUTION Z-12-004

DEVIATION (1) FLOWED INTERSECTIONS TO 12:00
DEVIATION (1) PERMIT MODEL HUES THROUGH PROJECT BUILDOUT
DEVIATION (5) FULL SIZE CUL-DE-SAC AT EACH DEAD END
DEVIATION (6) MINIMUM 35 FOOT RIGHT-OF-WAY WIDTH
DEVIATION (7) BRICK PAVES TO REPLACE 1 1/2 INCH ASPHALTIC CONCRETE OF PDOT TYPE
S-1 ON PRIVATE ROADWAYS
DEVIATION (13) 10-FOOT PUBLIC UTILITY EASEMENT ON ONE SIDE OF RIGHTS-OF-WAY
DEVIATION (14) TO ALLOW OPEN SPACE CALCULATION BASED UPON DEVELOPMENT AREA
EXCLUDING EXISTING MINING LAKES
DEVIATION (16) REQUIRED INDIGENOUS VEGETATION TO BE PROVIDED IN CONSERVATION
AREA, EXCEPT ON 20.00 AC

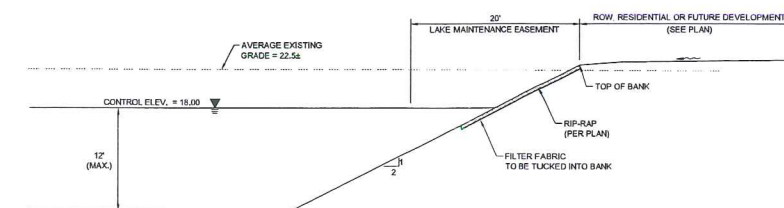
REQUESTED DEVIATIONS

DEVIATION FROM LDC SEC. 10-328(A) TO ALLOW LAKE MAINTENANCE EASEMENTS WITHIN THE LIMITS OF THE PLATTED SINGLE-FAMILY LOTS WITHIN THE SUBJECT TRACT.

DEVIATION FROM LDC SEC. 10-329(D)(4) TO ALLOW LAKE BANKS TO BE SLOPED AT A 4:1 RATIO



LAKE CROSS SECTION WITH TURF REINFORCEMENT MAT



LAKE CROSS SECTION WITH RIP-RAP

WITH RIP-RAP
AT:
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OCT 24 2012
COMMUNITY DEVELOPMENT
FLORIDA OFFICIAL
RONALD D. WALL
FELICIA 604.574
SET NUMBER

WALDROP
ENGINEERING

CIVIL ENGINEERING •
LAND DEVELOPMENT CONSULTANTS

25100 RUNTA GRANDE DRIVE • SUITE 300 • RUNTA SPRINGS, FL 34135

**THE PENINSULA PHASE III
AT MIOMAR LAKES
CLIENT: MIOMAR LAKES, L.L.C.**

MASTER SITE PLAN

[illegible]

FLORIDA CERTIFICATE OF AUTHORIZATION #8623

RONALD D. WALDROP, P.E.
F.L.CENS. NO. 12794

SET NUMBER: 256-04

SHEET -

ADD 20 12-00110

BEGINNING AT THE SOUTHERLY CORNER OF TRACT "0-3", MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2006000456819 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE CERTAIN LANDS DESCRIBED AND RECORDED AS INSTRUMENT NUMBER 2008000038958 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTHWESTERLY, 52.50 FEET, ALONG THE BOUNDARY OF EAST SAID LANDS, A DISTANCE OF 52.50 FEET; THENCE SOUTHWESTERLY, 841°33"00" EAST, 109.19 FEET, TO A POINT ON A NON-TANGENTIAL CURVE, THENCE DEPARTING FROM THE BOUNDARY OF EAST SAID LANDS, SOUTH 81°26'59" WEST, A DISTANCE OF 60.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHWESTERLY, 38.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.50 FEET, THROUGH A CENTRAL ANGLE OF 861°33"44" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTHWESTERLY, 55.94 FEET; THENCE SOUTHWESTERLY, 55.94 FEET, TO A POINT ON A NON-TANGENTIAL CURVE, THENCE DEPARTING FROM THE BOUNDARY OF EAST SAID LANDS, SOUTH 85°04'44" WEST, A DISTANCE OF 109.19 FEET; THENCE SOUTHWESTERLY, 55.94 FEET, TO A POINT ON A NON-TANGENTIAL CURVE, THENCE DEPARTING FROM THE BOUNDARY OF EAST SAID LANDS, SOUTH 04°49'16" EAST, A DISTANCE OF 50.71 FEET, TO A POINT ON A NON-TANGENTIAL CURVE, THENCE SOUTHWESTERLY, 76.43 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 570.00 FEET, THROUGH A CENTRAL ANGLE OF 07°40'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 00°58'48" EAST, 76.37 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 40.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 110.00 FEET, THROUGH A CENTRAL ANGLE OF 07°31'45" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°34'56" EAST, 39.88 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 50.51 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 795.00 FEET, THROUGH A CENTRAL ANGLE OF 207°17'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°52'45" EAST, 28.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 35.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 11°17'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°52'45" EAST, 35.23 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 221.55 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 271.68 FEET, THROUGH A CENTRAL ANGLE OF 46°43'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 11°50'10" WEST, 215.45 FEET; THENCE SOUTH 88°44'00" WEST, A DISTANCE OF 651.68 FEET; THENCE NORTH 01°16'00" WEST, A DISTANCE OF 80.21 FEET; THENCE NORTH 37°51'55" EAST, A DISTANCE OF 28.46 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 12.26 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 70°13'45" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 01°16'00" WEST, 11.50 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 181.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 69°08'16" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°21'18" EAST, 170.22 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 120.02 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 36°12'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 17°21'12" EAST, 117.21 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY, 17.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 102°28'07" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 52°39'46" WEST, 15.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY, 539.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 275.00 FEET, THROUGH A CENTRAL ANGLE OF 122°28'07" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 47°42'21" WEST, 457.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHEASTERLY, 15.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 47.00 FEET, THROUGH A CENTRAL ANGLE OF 131°28'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 01°49'57" WEST, 108.91 FEET; THENCE NORTH 04°49'14" WEST, A DISTANCE OF 199.28 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 158.90 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 100.00 FEET, THROUGH A CENTRAL ANGLE OF 82°45'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 36°33'34" EAST, 145.44 FEET; THENCE NORTH 77°21'12" WEST, A DISTANCE OF 27.36 FEET; THENCE NORTH 85°08'35" EAST, A DISTANCE OF 80.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF TRACT "B-3", SAID PLAT OF MIROMAR LAKES UNIT XI - PENINSULA, SOUTH 04°49'14" EAST, ALONG SAID EASTERLY BOUNDARY AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 27.19 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THENCE DEPARTING FROM SAID SOUTHERLY PROLONGATION, SOUTHERLY, 43.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 63.50 FEET, THROUGH A CENTRAL ANGLE OF 40°14'31" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 26°03'14" EAST, 44.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF AFORSAID TRACT "0-3"; THENCE NORTH 80°00'00" EAST, ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 1,037.06 FEET TO THE POINT OF BEGINNING.

1. BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY OF TRACT "0-3", MIROMAR LAKES UNIT XI - PENINSULA, INSTRUMENT NUMBER 2008-00008893, AS BEING IN BOOK 10 P. 6. BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
2. ELEVATIONS ARE BASED ON N.G.V.D., 1929 UNLESS NOTED.
3. FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
4. BASED SOLELY UPON MY EXAMINATION OF THE TITLE COMMITMENT AS PROVIDED BY CLIENT AND INFORMATION KNOWN BY, OR SUPPLIED TO THE UNDERSIGNED, THERE ARE NO EASEMENTS OF RECORD EXISTING OTHER THAN THOSE SHOWN ON THIS SURVEY.
5. THIS SURVEY PERFORMED WITH BENEFIT OF THE TITLE COMMITMENT BY _____ HAVING TITLE NUMBER _____, WITH AN EFFECTIVE DATE OF _____.
6. SURVEYOR'S CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
7. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
8. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RLY ON THIS SURVEY.
9. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

Applicant's Survey Checked
by MAT 11.2.12

CERTIFICATION:
I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS
THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL
LAND SURVEYORS IN CHAPTER 5J-17.050-052, FLORIDA ADMINISTRATIVE CODE, PURSUANT
CHAPTER 472.027, FLORIDA STATUTES.

BOUNDARY AND TOPOGRAPHIC SURVEY

checked:	RWC
MMM	

 RHODES & RHODES	bk:	pg:	date:	2012-10-32
			OCT. 18, 2012	view:
			scale:	PLOT

28100 BONITA GRANDE DRIVE SUITE 107

(239) 405-8166 (239) 405-8163 FAX 2012 1002
PLATBNDY

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	BEARING
C1	24.50'	86°13'34"	36.87'	33.49'	N 51°42'29" W
C2	570.00'	74°00'58"	76.43'	76.37'	S 00°58'46" E
C3	110.00'	20°53'13"	40.10'	39.88'	S 07°34'56" E
C4	795.00'	20°17'33"	281.57'	280.10'	S 07°52'45" E
C5	180.00'	11°13'53"	35.28'	35.23'	S 03°20'55" E
C6	271.68'	46°43'14"	221.53'	215.45'	S 11°50'10" W
C7	10.00'	70°13'45"	12.26'	11.50'	N 02°45'02" E
C8	150.00'	69°08'16"	181.00'	170.22'	N 02°12'18" E
C9	180.00'	38°12'09"	120.02'	117.81'	N 17°40'21" E
C10	10.00'	102°28'07"	17.88'	15.59'	N 52°39'46" W
C11	275.00'	112°22'58"	539.40'	457.00'	N 47°42'21" E
C12	470.00'	13°18'22"	109.15'	108.91'	N 01°49'57" E
C13	110.00'	82°45'59"	158.90'	145.44'	N 36°33'46" E
C14	63.50'	40°41'34"	45.10'	44.16'	S 26°03'14" E

BOB = BASIS OF DRAINING	POB = POINT OF BEGINNING
CONC = CONCRETE	PRM = PERMANENT REFERENCE
CRS = CURB	PSM = PROFESSIONAL SURVEYOR
CSO = SANITARY CLEAN OUT	WMP = WATER MAIN
CTV = CABLE TELEVISION BOX	P.B. = PLAT BOOK
EDG = EDGE OF PAVEMENT	P.R. = PLAT RECORD
BOC = BACK OF CURB	P.O. = OFFICIAL RECORDS BOOK
FOU = FOUND CONCRETE FOUNDATION	PT = PLYTHONE
FPL = FLUORIDE POWER AND LIGHT	W = WATER VALVE
GE = GEOTECHNICAL GEODETIC	HP = HOT PLYTHONE
VE = VERTICAL DRAIN	BPW = BACK FLOW PREVENTER
SM = SANITARY MANHOLE	W = WATER SERVICE
STB = STORM DRAIN MANHOLE	POLY = POLYETHYLENE OXIDE
CB = CATCH BASIN	D.E. = DRAINAGE EASEMENT
ELC = ELECTRIC BOX	A.E. = ACCESS EASEMENT
ICV = IRRIGATION CONTROL VALVE	C.U.E. = COUNTY UTILITY EASEMENT
EHH = ELECTRIC HAND HOLD	P.U.E. = PUBLIC UTILITY EASEMENT
SMH = SANITARY MANHOLE	ROV = REUSE GATE VALVE
SLP = STREET LIGHT PLANT	SW = SEWER VALVE
SLN = SLURRY BOX	WMP = WATER MAIN
INV = INVERT	MLP = METAL LIGHT POLE
RCF = REINFORCED CONCRETE	CTV = CABLE TELEVISION
IRRV = IRRIGATION VALVE	XXX = EXISTING ELEVATION
CP = CABBAGE PALM	SC = SET 5/8" IRON ROD AND CAP #LB6597
P = PALM	

* CP = CABBA
* P = PALM

10/29/12 - ADDED STATE PLANE COORDINATES AND REVISED
INSTRUMENT NUMBER IN LEGAL.

X:\CONSTMIOMAR LAKES\Tract k\2012-1052\platandy.dwg, Layout1, 10/29/2012 10:39:28 AM, 1:1

LEGAL DESCRIPTION

BEING A PORTION OF TRACTS "R", "B-3" AND "O-3", MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 200600048619 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, TOGETHER WITH A PORTION OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF TRACT "O-3", MIROMAR LAKES UNIT XI - PENINSULA, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 200600048619 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THE SAME BEING A POINT ON THE BOUNDARY OF THOSE CERTAIN LANDS DESCRIBED AND RECORDED AS INSTRUMENT NUMBER 2008000036958 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE SOUTH 15°43'44" EAST, ALONG THE BOUNDARY OF LAST SAID LANDS, A DISTANCE OF 524.50 FEET; THENCE SOUTH 84°13'30" WEST, A DISTANCE OF 339.48 FEET; THENCE SOUTH 08°32'29" EAST, A DISTANCE OF 52.14 FEET; THENCE DEPARTING FROM THE BOUNDARY OF LAST SAID LANDS, SOUTH 87°28'59" WEST, A DISTANCE OF 60.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHWESTERLY, 36.87 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 24.50 FEET, THROUGH A CENTRAL ANGLE OF 86°13'34" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 51°42'29" WEST, 33.49 FEET; THENCE SOUTH 85°10'44" WEST, A DISTANCE OF 109.19 FEET; THENCE SOUTH 04°49'16" EAST, A DISTANCE OF 50.51 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 76.43 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 570.00 FEET, THROUGH A CENTRAL ANGLE OF 07°40'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 00°08'48" EAST, 76.37 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 40.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 110.00 FEET, THROUGH A CENTRAL ANGLE OF 20°53'13" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°34'56" EAST, 39.88 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 281.57 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 795.00 FEET, THROUGH A CENTRAL ANGLE OF 20°17'33" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 07°52'45" EAST, 280.10 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 35.28 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 111°3'53" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 03°20'55" EAST, 35.23 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY, 221.53 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 271.68 FEET, THROUGH A CENTRAL ANGLE OF 46°43'14" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 11°50'10" WEST, 215.45 FEET; THENCE SOUTH 88°44'00" WEST, A DISTANCE OF 651.68 FEET; THENCE NORTH 01°16'00" WEST, A DISTANCE OF 90.21 FEET; THENCE NORTH 37°51'55" EAST, A DISTANCE OF 25.46 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 12.26 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 170°13'45" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°45'02" EAST, 11.50 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 181.00 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 150.00 FEET, THROUGH A CENTRAL ANGLE OF 69°08'16" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 02°12'18" EAST, 170.22 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 120.02 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 180.00 FEET, THROUGH A CENTRAL ANGLE OF 38°12'09" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 17°40'21" EAST, 117.81 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY, 17.88 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 10.00 FEET, THROUGH A CENTRAL ANGLE OF 102°28'07" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 52°39'46" WEST, 15.59 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY, 539.40 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 275.00 FEET, THROUGH A CENTRAL ANGLE OF 112°22'58" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 47°42'21" WEST, 457.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHERLY, 108.91 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 470.00 FEET, THROUGH A CENTRAL ANGLE OF 13°18'22" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 01°49'57" EAST, 108.91 FEET; THENCE NORTH 04°49'14" WEST, A DISTANCE OF 199.28 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 158.90 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 110.00 FEET, THROUGH A CENTRAL ANGLE OF 82°45'59" AND BEING SUBTENDED BY A CHORD WHICH BEARS NORTH 36°33'46" EAST, 145.44 FEET; THENCE NORTH 77°56'45" EAST, A DISTANCE OF 127.36 FEET; THENCE NORTH 85°08'35" EAST, A DISTANCE OF 80.00 FEET TO A POINT ON THE EASTERLY BOUNDARY OF TRACT "B-3", SAID PLAT OF MIROMAR LAKES UNIT XI - PENINSULA; THENCE SOUTH 04°49'14" EAST, ALONG SAID EASTERLY BOUNDARY AND ITS SOUTHERLY PROLONGATION THEREOF, A DISTANCE OF 27.19 FEET TO A POINT ON A NON-TANGENTIAL CURVE, THENCE DEPARTING FROM SAID SOUTHERLY PROLONGATION SOUTHEASTERLY, 45.10 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 63.50 FEET, THROUGH A CENTRAL ANGLE OF 40°41'34" AND BEING SUBTENDED BY A CHORD WHICH BEARS SOUTH 26°03'14" EAST, 44.16 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF AFORESAID TRACT "O-3"; THENCE NORTH 80°00'00" EAST, ALONG SAID SOUTHERLY BOUNDARY, A DISTANCE OF 1,037.06 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,208,338 SQUARE FEET OR 27.740 ACRES, MORE OR LESS.

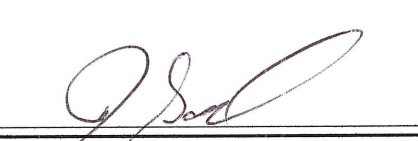
NOTES

- BEARINGS ARE BASED ON THE SOUTHERLY BOUNDARY OF TRACT "O-3", MIROMAR LAKES UNIT XI - PENINSULA, INSTRUMENT NUMBER 200600048619, AS BEING N 80°00'00" L 48619. THE BEARINGS ARE BASED ON THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA EAST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
- ELEVATIONS ARE BASED ON N.G.V.D., 1929 UNLESS NOTED.
- FIELD MEASUREMENTS ARE IN SUBSTANTIAL AGREEMENT WITH PLAT AND/OR DEED CALLS UNLESS NOTED.
- BASED SOLELY UPON MY EXAMINATION OF THE TITLE COMMITMENT AS PROVIDED BY CLIENT AND INFORMATION KNOWN BY, OR SUPPLIED TO THE UNDERSIGNED, THERE ARE NO EASEMENTS OF RECORD EXISTING OTHER THAN THOSE SHOWN ON THIS SURVEY.
- THIS SURVEY PERFORMED WITH BENEFIT OF TITLE COMMITMENT BY _____ HAVING TITLE NUMBER _____ WITH AN EFFECTIVE DATE OF _____
- SURVEYORS CERTIFICATION DOES NOT APPLY TO MATTERS OF TITLE, ZONING, OR FREEDOM OF ENCUMBRANCES, AND IS NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
- NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
- ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

FLOOD ZONE: ZONE X
PANEL NO.: 12071C 0582F
MAP REVISION DATE: AUGUST 28, 2008

CERTIFICATION:

I CERTIFY THAT THIS SURVEY WAS MADE UNDER MY DIRECTION AND THAT IT MEETS THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE BOARD OF PROFESSIONAL LAND SURVEYORS IN CHAPTER SJ-17.050-052, FLORIDA ADMINISTRATIVE CODE, PURSUANT CHAPTER 472.027, FLORIDA STATUTES.

BY:  JOHN SCOTT RHODES PSM #5739

BOUNDARY AND TOPOGRAPHIC SURVEY

CERTIFIED TO:
MIROMAR LAKES, LLC

 RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

bk: pg: date: OCT. 18, 2012
scale: 1" = 60'
cogo #: 11-695

design:

drawn: RWC

checked: MMM

date: 2012-1052

view: PLOT

project #: 2011-695

sheet #: 1 of 1

file #: 2012-1052

PLATBNDR

LINE TABLE		
LINE	LENGTH	BEARING
L1	52.14'	S 08°32'29" E
L2	60.00'	S 81°26'59" W
L3	109.19'	S 85°10'44" W
L4	50.51'	S 04°49'16" E
L5	90.21'	N 01°16'00" W
L6	25.46'	N 37°51'55" E
L7	80.00'	N 85°08'35" E
L8	27.19'	S 04°49'14" E

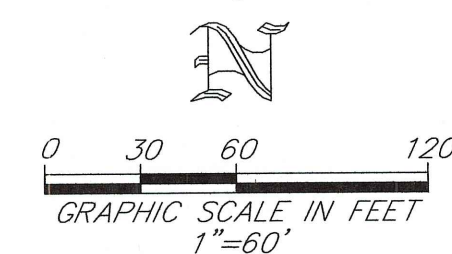
CURVE TABLE				
CURVE	RADIUS	DELTA	LENGTH	CHORD
C1	24.50'	86°13'34"	36.87'	33.49'
C2	570.00'	7°40'58"	76.43'	76.37'
C3	110.00'	20°53'13"	40.10'	39.88'
C4	795.00'	20°17'33"	281.57'	280.10'
C5	180.00'	11°3'53"	35.28'	35.23'
C6	271.68'	46°43'14"	221.53'	215.45'
C7	10.00'	70°13'45"	12.26'	11.50'
C8	150.00'	69°08'16"	181.00'	170.22'
C9	180.00'	38°12'09"	120.02'	117.81'
C10	10.00'	102°28'07"	17.88'	15.59'
C11	275.00'	112°22'58"	539.40'	457.00'
C12	470.00'	13°18'22"	109.15'	108.91'
C13	110.00'	82°45'59"	158.90'	145.44'
C14	63.50'	40°41'34"	45.10'	44.16'

ABBREVIATIONS

BOB = BASIS OF BEARING
CONC. = CONCRETE
TRANS. = TRANSFORMER
CO = SANITARY CLEAN OUT
CTV = CABLE TELEVISION BOX
EOP = EDGE OF PAVEMENT
BOC = BACK OF CURB
FCM = FOUND CONCRETE MONUMENT
FPL = FLORIDA POWER AND LIGHT
NOVO = NATIONAL GEODETIC VERTICAL DATUM
SM = SANITARY MANHOLE
SD = STORM DRAIN MANHOLE
CB = CATCH BASIN
EB = ELECTRIC BOX
ICV = IRRIGATION CONTROL VALVE
EHC = ELECTRIC HAND HOLD
SMH = SANITARY MANHOLE
SLP = STREET LIGHT PANEL
JB = JUNCTION BOX
INV = INVERT
LS = LIFT STATION
RCP = REINFORCED CONCRETE PIPE
IRV = IRRIGATION VALVE
CP = CABBAGE PALM

PGB = POINT OF BEGINNING
PRM = PERMANENT REFERENCE MONUMENT
PSM = PROFESSIONAL SURVEYOR AND MAPPER
P.B. = PLAT BOOK
PG. = PAGE
FOU = FIELD OFFICIAL RECORDS BOOK
TEL. = TELEPHONE BOX
WV = WATER VALVE
FIRE = FIRE HYDRANT
BFP = BACK FLOW PREVENTER
WC = WATER COLUMN
W.S. = WATER SERVICE
PVC = POLYVINYL CHLORIDE
D.E. = DRAINAGE EASEMENT
A.E. = ACCESS EASEMENT
C.U.E. = COUNTY UTILITY EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
RGV = REUSE GATE VALVE
SV = SEWER VALVE
WV = WATER VALVE
MLP = METAL LIGHT POLE
CTV = CABLE TELEVISION BOX
XICXX = EXISTING ELEVATION
XICXX = SET 5/8" FROM ROD AND CAP #LB6897

VACANT
(27.740 ACRES±)



SUPERSEDED BY PLAN SUBMITTED 10-30-12



RESOLUTION NUMBER Z-12-004

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

WHEREAS, an application was filed by the property owner, Jerry Schmoyer, Vice President, Miromar Development Corporation, Managing Member, Miromar Lakes, LLC, to amend the Miromar Lakes Development of Regional Impact (DRI) Development Order; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on February 29, 2012; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2011-00003 & DCI2011-00016 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on April 16, 2012 before the Lee County Board of Commissioners; and,

WHEREAS, the Lee County Board of Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request for a Notice of Proposed Change (NOPC) to the Miromar Lakes DRI and amendment of the existing Mixed Use Planned Development (MPD) zoning to remove 12± acres from the development

The property is located in the University Community, Wetlands and Conservation Wetlands and Uplands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and previously approved 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. a. Development of this project must be consistent with the:
 - i. one-page Master Concept Plan (MCP) entitled "Master Concept Plan (MCP) for Miromar Lakes, Miromar Lakes, Florida," prepared by Miromar Development Corporation, date stamped "Received SEP 19 2011 Community Development" and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all

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

ii. The current Miromar Lakes DRI Development Order, as may be amended.

b. Development of the subject property is limited to the following parameters:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single Family Residential Multi Family Residential	700 du 1,900 du	2,600	1042
Retail Commercial	250,000 sq ft (GFA)		102
Office	340,000 sq ft (GFA)		
Research & Development	40,000 sq ft (GFA)		
Hotel	450 rooms		
Lakes/Recreation/ Buffers	N/A		312
Conservation Areas	N/A		338

Notes:

1) The beach club, tennis club and golf clubhouse uses may each include up to 10,000 square feet of retail uses, which are ancillary to the residential uses and do not count against the project's approved total commercial square footage.

2) Commercial uses within an Assisted Living Facility are limited to a total floor area not to exceed 10 percent of the total residential area contained therein, exclusive of vehicular parking and service areas.

c. The developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when further deviations are requested. If FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices.

d. The Application for Administrative Action for Final Plan Approval must include the following additional information:

1) Type and amount of uses, i.e., the number of residential dwelling units, total square feet of commercial uses, or other measures of intensity;

- 2) an ongoing tabulation of the total number of residential dwellings units, commercial square footage, and other measures of intensity that have received local development order approval;
 - 3) location and dimensions of access points; internal roadways; buildings/structures and parking spaces/areas;
 - 4) setbacks and building heights;
 - 5) certified sketch of and description of perimeter boundary of development tract;
 - 6) adjacent zoning and land uses;
 - 7) buffers and landscape strips required or proposed;
 - 8) open space, including an ongoing tabulation of required open space; and
 - 9) detail drawings showing the location and application of deviations
2. The Schedule of Uses and Property Development Regulations are set forth in Exhibit D.
 3. Hurricane Mitigation
 - a. The developer must initiate the establishment of a property owner's or resident's association(s). The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The developer must formulate an emergency hurricane notification and evacuation plan for the development, which will be SUBJECT TO review and approval by the Lee County Office of Emergency Management prior to issuance of a local development order.
 - c. The developer's proportionate share payment of \$10.9 million for the development's impacts on significantly and adversely impacted roadway network, including Alico Road, will adequately mitigate the development's hurricane evacuation impacts.
 4. If access to this development or into portions of this development is through a security gate or similar device, which is not manned twenty-four hours a day, the gate must be equipped with an override strip installed in a glass-covered box to be used by drivers of emergency vehicles to gain entry consistent with LDC §34-1798.

5. If required by federal, state or local regulations:

- a. The purchaser/end user of parcels that will be used to store, manufacture, or use hazardous materials, must contact the Lee County Office of Emergency Management Hazardous Material Representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials that will be located on the premises.
- b. The purchaser/end user must prepare or have available Material Safety Data Sheets (MSDS) and submit either copies of MSDS or a list of chemicals to the appropriate local fire district and to the Lee County Division of Public Safety.
- c. The applicant must establish an emergency notification system to be used in the event of a hazardous material release.

6. Agricultural Uses

Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning. EXCEPT as follows:

- a. Existing bona fide agricultural uses as shown on attached Exhibit E may continue and Plant Nurseries may be instituted until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order. The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

- 7. Future land uses within Miromar Lakes must be consistent with the recommendations of the Federal Aviation Regulations Part 150 Noise Study for the Southwest Florida International Airport as adopted by the Board of County Commissioners on February 1, 1995. Upon the adoption by the Board of County Commissioners of regulations based on the 1995 Study, the developer will be SUBJECT TO the adopted regulations, and not the adopted Study. The Study specifically provides that no residential living units, churches, libraries, schools, daycare centers, hospitals, correctional institutions or nursing homes may be permitted within the area proposed for inclusion in Airport Noise Zone 3.
- 8. Commercial buildings, especially hotel and motel facilities located in the area proposed for inclusion in Airport Noise Zone 3, must consider the use of sound insulating materials.

9. As a condition of approval of a subdivision plat or issuance of a building permit for any property located in the area proposed for inclusion in Airport Noise Zone 3, the Applicant/ Owner must sign and record a noise and aviation easement to the County. The easement must authorize any and all aircraft noise on and overflights of the property that might occur during the operation of the Southwest Florida International Airport at present and future operation levels.
10. The development must comply with LDC §34-1008 for any tall structures including permanent buildings, antenna supporting structures, wireless communications facilities and temporary construction cranes.
11. The development of helistop(s) within the Miromar Lakes MPD is SUBJECT TO review and approval by the Florida Department of Transportation (FDOT) and the Lee County Port Authority.
12. Prior to local development order approval for property that includes Big Cypress Fox Squirrel habitat, the developer must amend the draft "Big Cypress Fox Squirrel Management Program" counter-stamped July 6, 1998, as amended on January 2002, (Exhibit F) to meet the requirements of the Department of Economic Opportunity and the Southwest Regional Planning Council. The developer must provide evidence of the management plan approval and the finalized management plan must be adopted as part of the local development order. Prior to issuance of a Vegetation Removal Permit, the developer must resurvey the property south of Stewart Cypress Slough specifically for Big Cypress Fox Squirrel nests. The developer must barricade and maintain a 75-foot radius undisturbed buffer around all active nests until after all young fox squirrels leave the nest or the squirrels and nest are relocated. The developer must first coordinate with and must receive approval for any relocation activities from the Florida Fish and Wildlife Conservation Commission.
13. Prior to issuance of a local development order, the developer must:
 - a. Resurvey the gopher tortoise habitat west of the preserve depicted within the area south of Stewart Cypress Slough and east of Ben Hill Griffin Parkway specifically for gopher tortoises and burrows; and
 - b. Delineate on the Development Order plans between Bell Hill Griffin Parkway and the wetland and hammock areas of the large wetland/upland preserve shown on the MCP, a permanent gopher tortoise preserve no less than 3 acres in size that includes appropriate gopher tortoise habitat; and
 - c. Submit a final gopher tortoise management plan for the Division of Environmental Sciences (DES) Staff review and approval.
14. The developer must provide educational materials describing the eastern indigo snake and regulations related to its protection/listed status to field survey and construction crews prior to commencement of construction activities. A qualified biologist must be present during the construction clearing phases of the project for the first week, with at least two spot checks per week thereafter, to survey ahead of clearing activities and to

5. If required by federal, state or local regulations:

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verify that appropriate steps are being followed to protect these snakes. If an indigo snake is located, the clearing operations must cease until the developer secures the snake, relocates it to an appropriate preserve, and notifies the DES Staff that an indigo snake was found and relocated.

15. At the time of local development order submittal, the "Miromar Lakes Snail Kite Management Plan" dated January 11, 1999 (Exhibit G) must be revised and provided for DES's review and approval. The plan must include a narrative of how the cattails will be managed to allow more open waters within the borrow lakes to provide snail kite foraging areas. Commitments must be made to conduct the recommended management activities.
16. All residents must be provided with an informal pamphlet regarding the protection of alligators and how to live with alligators. Prior to local development order approval, the developer must submit a copy of this pamphlet to the DES staff for review and approval.

Two signs must be placed within the golf course south of Stewart Cypress Slough, one near the clubhouse and one halfway through the course, that informs golfers of the presence of alligators and that it is illegal to feed or harass alligators. Prior to local development order approval, the Development Order plans must provide detail of the signs including wording and size, and the location of the signs must be delineated on the landscape plans.

17. Prior to issuance of a local development order for property containing least terns or its habitat, suitable habitat for least terns must be re-surveyed during the least tern nesting season (April - August). If least tern nesting is documented on the property, the developer must submit a management plan per LDC §10-474.
18. Prior to local development order approval, the plans must include open space calculations and delineate how the required open space will be provided in compliance with the "Miromar Lakes Open Space and Indigenous Preservation" requirements attached as Exhibit H.
19. The developer must make reasonable efforts to preserve existing native vegetation within common open space areas including the golf course and lakes in the final design. This requirement will not be interpreted in a manner to impair good golf course design, or to reduce the overall number of residential dwelling units approved for the project. The developer must hold an onsite preconstruction meeting with DES Staff, prior to the issuance of a vegetation removal permit for any phase of development, to confirm preservation and barricading requirements prior to the initiation of site clearing.
20. The paving, grading and landscape plans must delineate for preservation the area dominated by cypress canopy and identified as FLUCCS code 621E1 on the Environmental Resource Permit (ERP) FLUCCS map and generally identified on attached as Exhibit I, prior to local development order approval.
21. Prior to approval of local development order, the plans must indicate the following:
 - a. The roadway abutting the conservation area ("CO") south and southeast of the

Florida Gulf Coast University (FGCU) campus must provide a wildlife underpass or bridge which will accommodate both Florida black bear and Florida panther. The wildlife underpass must, at a minimum, provide an area equivalent to two 4-foot by 10-foot culverts placed side by side with a maximum 45-foot length (crossing under the road width); and

- b. A single row native shrub hedge along both sides of the road (planted at a minimum 24-inch height; maintained at a minimum 6-foot height); and
 - c. Roadway signage including "Wildlife Crossing" signs and a maximum 20 mph speed limit signs along the portion of the road abutting the conservation area for all traffic. The design of the signs and location must be shown on the Development Order plans.
22. The use of the borrow pit lakes at the northwest boundary of the property for water quality and wet retention associated with mining operations must cease prior to development order approval for the hydrologic connection indicated on the MCP as "FUTURE POTENTIAL LAKE CONNECTION" in substantial compliance with the MCP.
23. Prior to the issuance of a Certificate of Compliance for any local development order that requires a dumpster, the dumpsters must be wildlife-proofed to discourage bear foraging. The developer must provide information to employees and residents regarding Florida black bears including details of proper disposal of garbage to prevent bear foraging in dumpsters and garbage cans. Prior to local development order approval, a copy of the Florida black bear brochure must be submitted to the DES Staff for review and approval.
24. Outdoor seating, in conjunction with consumption on premises, is prohibited within 500 feet of a religious facility, school (noncommercial), daycare center (child), park or dwelling unit under separate ownership except as approved by Deviation 3 or as an amendment to the MPD.
25. Additional conditions pertaining to vehicular or pedestrian traffic impacts may be required to obtain a local development order.
26. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table I (b).
27. Future access to County Road 951 will be SUBJECT TO the recommendations set forth in the PD&E for that roadway.
28. The developer must use every reasonable effort to address the housing needs of students, faculty, administration, other university personnel and employees of the university's associated support development. Student housing and market rate rental housing will be provided on three parcels indicated by large, asterisk-shaped symbols on the MCP.

A portion of the southernmost R parcel (13 acres), located west of Ben Hill Griffin

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A portion of the southernmost R parcel (13 acres), located west of Ben Hill Griffin

Parkway, should be developed with student housing and/or market rate rental housing, and such housing must be within the affordable range of the student population. The residential portions of the University Village, the C-1 parcel located west of Ben Hill Griffin Parkway at the entrance to the university, should contain a mixture of market rate rental housing and "for sale" residential demonstrated to be affordable to university faculty and personnel, and to the employees of the university's associated support development.

29. The Golf Maintenance Facility use proposed in conjunction with the additional 18-hole golf course in the 534-acre addition must be landscape and buffered from all proximate roadways in accordance with the three-page diagram package counter stamped April 7, 2003, attached as Exhibit J.

30. Each single-family lakefront lot is allowed to have one dock. Single-family lakefront lot docks may be converted to multiple-family slips for wet boat storage on a one for one (1:1) basis. An additional 250 (maximum) ancillary slips for wet boat storage are allowed on the lake. A maximum 400 slips for dry boat storage are allowed in conjunction with the Boat Club. All structures utilized for dry boat storage must comply with the design standards for commercial buildings provided in LDC §10-20. In the alternative, and SUBJECT TO review by the director in conjunction with final plan approval, the developer may construct the following buffers along any portion of the structure that does not comply with the commercial design standards:

a. Buffer on the west property line:

Minimum width	50 feet
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Berm and Palms	Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms)
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Hedges	Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at height of no less than 60 inches.
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b. Buffer on the south property line:

Minimum width	25 feet
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Berms and Palms	Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees
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of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms).

Hedges

Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at a height of no less than 60 inches.

- c. The developer must provide a Type "D" buffer on the east property line.
- d. No buffer is required along the water's edge (the north property line).

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species.

- 31. Any hotel located in the area identified as C-2 must be a luxury hotel. Guest, tenant and owner stays may not exceed 30 days in a calendar year. Hotel rooms and suites will not include kitchen facilities. All occupancies must be in conformity with the Noise Zone regulations set forth in the Lee Plan and LDC.
- 32. Timeshare units may be developed within the C-2 parcel if the legal description of the Airport Noise Zone 3 is amended so as to exclude the area occupied by the proposed luxury hotel, SUBJECT TO the following conditions:
 - a. The units must be in conjunction with a bona fide hotel use located in the southernmost portion of the C-2 parcel; and
 - b. The units must not exceed 25 percent of the total number of rooms being constructed in the hotel use.
- 33. 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:

Deviations 1 through 29 were originally approved in Resolution Z-10-019 and are carried forward by this zoning action, as follows:

- 1. Deviation (1) seeks relief from the LDC §34-1954(d)(1) requirement to restrict model homes to a time limitation of 3 years; to allow model homes within the Miromar Lakes development to be permitted until the build out of the project. This deviation is APPROVED for the entire project.
- 2. Deviation (2) seeks relief from the LDC §34-1954(d)(2) requirement to restrict model units within a townhouse or multiple family building not to extend beyond the initial sale period

for that phase; to allow the model units until project build out. This deviation is APPROVED for the entire project.

3. Deviation (3) seeks relief from the LDC §34-1263(e) requirement to prohibit a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises from within 500 feet of any school (noncommercial) or dwelling unit; to allow a bar or cocktail lounge, package store and dwelling units on Tract C-1, which was approved by Resolution Z-99-029, but limited to Tract C-1 located on the west side of Ben Hill Griffin Parkway.

This deviation is APPROVED, SUBJECT TO the condition that any establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises must be located a minimum of 500 feet from any residential unit located outside of Tract C-1.

4. Deviation (4) was WITHDRAWN.
5. Deviation (5) seeks relief from the LDC §10-291(3)(b) (Access to Street) requirement to provide, where practical, two (2) or more means of ingress and egress to residential developments of at least 5 acres in size; to allow only one means of ingress and egress for those development parcels that are surrounded by golf course, water body, or conservation areas or any combination of thereof.

This deviation is APPROVED, SUBJECT TO the condition that the developer must install a full-sized cul-de-sac at the dead end, and the Emergency Service District approves, in writing, the ingress and egress of each development parcel in conjunction with the application for final plan approval.

6. Deviation (6) seeks relief from the LDC §10-296(b), Table 3, requirement to provide a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of the curb for local private roads. This deviation is APPROVED for the entire project, SUBJECT TO the condition that required drainage and utility easements are located outside of the right-of-way and the developer makes adequate provisions for road drainage and utilities.
7. Deviation (7) seeks relief from the LDC §10-296(d), Table 4(7)c, requirement to provide that wearing surfaces for local and access roads for Class A development must be 1.5-inch asphaltic concrete of FDOT Type S-1; to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes. This deviation is APPROVED for local private roads within the entire project, SUBJECT TO the condition that the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section.
8. Deviation (8) was WITHDRAWN.
9. Deviation (9) seeks relief from the LDC §10-296(m)(4)(a) requirement that allows privately maintained access ways that meet criteria as outlined in item 4(a) to be exempt from minimum right-of-way widths as specified in LDC §10-296(b); to permit access ways providing access up to 100 residential units to be exempt from the minimum roadway

widths as specified in LDC §10-296(b). This deviation is APPROVED for the entire project, SUBJECT TO the following conditions:

- a. the design and posted speed will be 20 mph or less;
 - b. this deviation will apply to private access ways only; and
 - c. where determined to be practical by the design engineer, the developer will provide traffic calming devices identified in the ITE Residential Street Design and Traffic Control book.
10. Deviation (10) seeks relief from the LDC §10-329(e)(1)(a)(3) requirement there be a minimum 50-foot setback from a water retention or detention excavation to private property lines under separate ownership; to allow a zero-foot setback limited to the property line contiguous to Miromar Lakes and Alico, Inc. in the north mining lake. This deviation is APPROVED.
 11. Deviation (11) seeks relief from the LDC §10-329(e)(1)a.2. requirement to provide a minimum 50-foot setback from a water retention or detention excavation to existing or proposed rights-of-way or easements for an arterial or collector streets; to permit a 25-foot setback, SUBJECT TO the developer providing elements for the protection of wayward vehicles in accordance with LDC §10-329(e)(1)a.2., as well as a Type "F" curb at the locations. This deviation is APPROVED for the entire project.
 12. Deviation 12 was WITHDRAWN.
 13. Deviation (13) seeks relief from the LDC §10-355 requirement to provide a 10-foot public utility easement on both sides of a roadway; to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing. This deviation is APPROVED for the entire project.
 14. Deviation (14) seeks relief from the LDC §10-415(a) requirement that open space be calculated as a percentage of development area; to require open space based on the area of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing mining lakes located on the east side of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site.

This deviation is APPROVED for the entire project.
 15. Deviation (15) seeks relief from the LDC §§10-41 6(d)(1) and 10-421(a)(5) requirements that no portion of a buffer area consisting of trees and shrubs be located in an easement; to allow planted buffers in easements, as approved by Resolution Z-99-029, provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the property owner's association or Uniform Community Development District (UCDD) must replace the plantings with like size and species at no expense to Lee County. The requirement must be clearly stated in each property owner's documents.

This deviation is APPROVED, IN PART, SUBJECT TO it being limited to those portions of the project that received final plan approval and local development orders prior to November 13, 2001. This deviation is DENIED for the 534-acre addition to the property.

16. Deviation (16) seeks relief from the LDC §10-415(b) requirement that 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous preservation requirements be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is APPROVED for the 534-acre addition to the project, SUBJECT TO the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

17. Deviation (17) seeks relief from the LDC §§10-416(d)(l) and 10-421(a)(5) requirements to prohibit the planting of trees and shrubs within any right-of-way; to allow these plantings within the right-of-way. This deviation is APPROVED, IN PART, SUBJECT TO it being limited to only for those portions of the Miromar Lakes project that received final plan approval and local development orders prior to November 13, 2001, but is limited to private local roads, provided the plantings are in compliance with the LDC §34-3131 (visibility), and are properly maintained by the developer or property owner's association. This deviation is DENIED for the 534-acre addition to the project.
18. Deviation (18) seeks relief from the LDC §10-418(a)(2)b. requirement for a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan attached as Exhibit K, approved by Zoning Resolution No. Z-99-029, provided that herbaceous plant requirements per LDC §10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of 1 tree or 2 shrubs for 10 herbaceous plants. This deviation is APPROVED.
19. Deviation (19) was WITHDRAWN.
20. Deviation (20) seeks relief from the LDC § 34-2194(c)(1)(a) requirement that the Board of County Commissioners may grant less stringent setbacks from bodies of water when the development surrounding the entire body of water is under unified control; so as to allow the development of buildings and accessory structures within zero feet of the mining lake adjacent to Tract C-2 when the development surrounding the entire body of water will not be under the unified control of Miromar. This deviation is APPROVED, SUBJECT TO the condition that it is limited to the 1,500 linear feet of lake frontage adjacent to this tract.

21. Deviation (21) was WITHDRAWN.
22. Deviation (22) seeks relief from the LDC §10-285 requirement to provide a minimum of 125-foot separation between driveway access points to a local road; to allow two connections for each short cul-de-sac (eyebrows) at a spacing less than 125 feet. This deviation is APPROVED for the entire project, SUBJECT TO the following conditions:
- a. each "eyebrow" must be provided with signage indicating one-way traffic in a counterclockwise direction; and
 - b. the minimum separation will be 60 feet; and
 - c. it applies only to private local roads; and
 - d. it is approved only for those typical situations, including, but not limited to, those designated in the graphic submitted for this deviation.
23. Deviation (23) was WITHDRAWN.
24. Deviation (24) seeks relief from the LDC §10-416(d)(3) requirement that commercial developments adjoining existing residential development provide a buffer including a fence or wall between the uses; to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is APPROVED, SUBJECT TO the following conditions:
- a. The southern boundary of Tract C-2 and the internal areas of Tract C-1 (University Village) intended to contain a mixture of residential and commercial uses in a "town center" design.
 - b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes residential tracts.
 - c. Between the Miromar Lakes C1 west of Ben Hill Griffin Parkway and the abutting Miromar Lakes residential tracts.
 - d. Between the Miromar Lakes C2 tract and the abutting Miromar Lakes residential tract.
- 24A. Deviation (24A) seeks relief from the LDC §10-416(d)(3) requirement that multiple-family and commercial developments adjoining a right-of-way must provide a Type D buffer; to require no buffer for a small commercial parcel and a small residential parcel abutting FGCU's northerly access road. This deviation is APPROVED.
- 24B. Deviation (24B) seeks relief from the LDC §10-416(d)(3) requirement that multiple-family uses adjoining existing single family uses must provide a buffer including a fence or wall between the uses; to allow alternative means of separating internal residential uses including no buffers, fencing or walls. This deviation is APPROVED.

25. Deviation (25) was WITHDRAWN.
26. Deviation (26) was WITHDRAWN.
27. Deviation (27) was WITHDRAWN.
28. Deviation (28) seeks relief from the LDC §34-935(f)(3)(e) requirement that limits building heights in the University Community future land use category to 45 feet above minimum flood elevation with no more than 3 habitable stories. This Deviation was approved for the following three areas depicted on the 1999 MCP; specifically:
 - 1) The "R" residential area in the northerly portion of the project lying westerly of Ben Hill Griffin Parkway (BHGP),
 - 2) The "R" residential areas associated with the "Beach Club", and
 - 3) The "C2" area in the northerly portion of the project lying easterly of BHGP and south of Alico Road.

This deviation is APPROVED for the entire project, SUBJECT TO the following conditions:

- a. The MCP must be revised to eliminate the deviation from the first "R" area described above because it is currently developed with single family homes; and
- b. The deviation is revised and extended to allow heights not to exceed 65 feet, as set forth in the revised property development regulations in the remaining "R" areas lying to the east of BHGP and north of the FGCU, and the areas specifically oriented toward student and moderate income housing, as indicated with large open asterisk shaped symbols on the MCP, to allow the applicant additional flexibility to accomplish Condition 30; and
- c. Heights exceeding 45 feet may be allowed in areas set back a minimum of 800 feet from FGCU and 800 feet from DR/GR areas, which may only be relaxed in conjunction with the following:

At the time of final plan approval (FPA), the mandatory 800-foot setback for buildings and structures exceeding 45 feet in height may be relaxed if the proposed final development plan demonstrates that it satisfies at least one of the following conditions:

- 1) The DR/GR designated area adjacent to the area for which final plan approval is requested is an existing lake, the width of which measured at right angles from the DR/GR boundary is a minimum of 800 feet wide along the entire boundary with the DR/GR.
- 2) The development area proposed for final plan approval must provide a minimum 100-foot-wide linear park, measured perpendicularly, along the DR/GR boundary with the proposed development area. To satisfy this requirement, the linear park must:

- (a) include a six-foot-wide boardwalk, sidewalk or similarly ADA accessible pedestrian way to provide recreational opportunities;
 - (b) include benches, native species and ecosystem interpretation facilities; and
- 3) They must be planted in random fashion with the following native vegetation for every 5,000 square feet of upland area:
 - (a) a minimum of 10 trees (minimum 10-foot canopy trees with four-inch caliper; palms may be substituted for 50 percent of the trees on a three palms per one tree (3:1) ratio;
 - (b) a minimum of thirty 48 inch shrubs; and
 - (c) a minimum of seventy 24 inch, three-gallon container size shrubs. The above must contain a minimum of 3 tree species and 3 shrub species.
- 4) A waterway interconnection may be included within the linear park, but a minimum 50-foot-wide continuous or ADA-accessible, interconnected upland area must be planted as prescribed in (3) above. The shoreline must be planted with one 7-gallon container native wetland tree no less than 6 feet in height at a minimum quantity of one tree for every 10 linear feet of shoreline.

29. Deviation (29) was WITHDRAWN.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Schedule of Uses and Property Development Regulations
- Exhibit E: Existing Bona Fide Agricultural Uses
- Exhibit F: Big Cypress Fox Squirrel Management Program
- Exhibit G: Miromar Lakes Snail Kite Management Plan dated January 11, 1999
- Exhibit H: Miromar Lakes Open Space and Indigenous Preservation
- Exhibit I: Environmental Resource Permit FLUCCS Map
- Exhibit J: Golf Maintenance Facility
- Exhibit K: Lake Management Plan and Lake Shoreline Planting Plan
- Exhibit L: Miromar Lakes DRI DO Seventh Amendment

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

10-46-25-00-00001.0020	11-46-25-00-00001.0040	12-46-25-00-00001.0010
13-46-25-00-00001.0020	13-46-25-00-00001.0030	13-46-25-00-00001.0040
14-46-25-00-00001.0000	14-46-25-00-00001.0020	15-46-25-00-00005.0000
23-46-25-00-00001.0050		

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The requests, as conditioned, do not create a new or additional un-reviewed regional impacts, and do not constitute a substantial Deviation, as that term is defined in §380.06(19) of the Florida Statutes.

7. The requested removal of the 12 acres, as conditioned, complies fully with the abandonment criteria set out in §380.06(26) of the Florida Statutes.

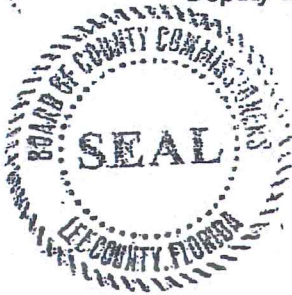
Commissioner Judah made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

John Manning	<u>Aye</u>
Brian Bigelow	<u>Aye</u>
Ray Judah	<u>Aye</u>
Tammara Hall	<u>Aye</u>
Frank Mann	<u>Aye</u>

DULY PASSED AND ADOPTED this 16th day of April, 2012.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John Manning
John Manning, Chair

Approved as to form by:

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

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COMMUNITY DEVELOPMENT

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COMMUNITY DEVELOPMENT

ADD 2012-00110

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SEP 19 2011

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COMMUNITY DEVELOPMENT

HM PROJECT #2000106X

7/25/2011

REF. DWG. #A-1583-1

PAGE 2 OF 2

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LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREE LINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN D.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.18 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

EXHIBIT A

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7/25/2011

REF. DWG. #A-1583-1

PAGE 2 OF 2

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF $54^{\circ}31'33''$, SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF $S.28^{\circ}05'29''E.$, FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN $S.00^{\circ}49'43''E.$ ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING N.89°44'39"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC:
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY

THOMAS M. MURPHY

P.S.M. #5628

STATE OF FLORIDA:

APPROVED
LEGAL

LEGAL 9/27/11



ORI 2011-00003

DCI 2011-00016

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7/25/2011
REF. DWG. #A-1582-1
Page 1 of 3

LEGAL DESCRIPTION:

COMMUNITY DEVELOPMENT

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.89 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'47"E. FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W. FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W. FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W. FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W. FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E. FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E. FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W. FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E. FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E. FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E. FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E. FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E. FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W. FOR A DISTANCE OF 389.05 FEET; THENCE RUN N.73°40'08"E. FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E. FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W. FOR A DISTANCE OF 755.37 FEET; THENCE RUN N.04°47'10"W. FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E. FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W. FOR A DISTANCE OF 408.51 FEET; THENCE RUN N.35°22'24"E. FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E. FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E. FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W. FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E. FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E. FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E. FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W. FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E. FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E. FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W. FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W. FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W. FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E. FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E. FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E. FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E. FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E. FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E. FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E. FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E. FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E. FOR A DISTANCE OF

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HM PROJECT #2000106X

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CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.08°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,408.994 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

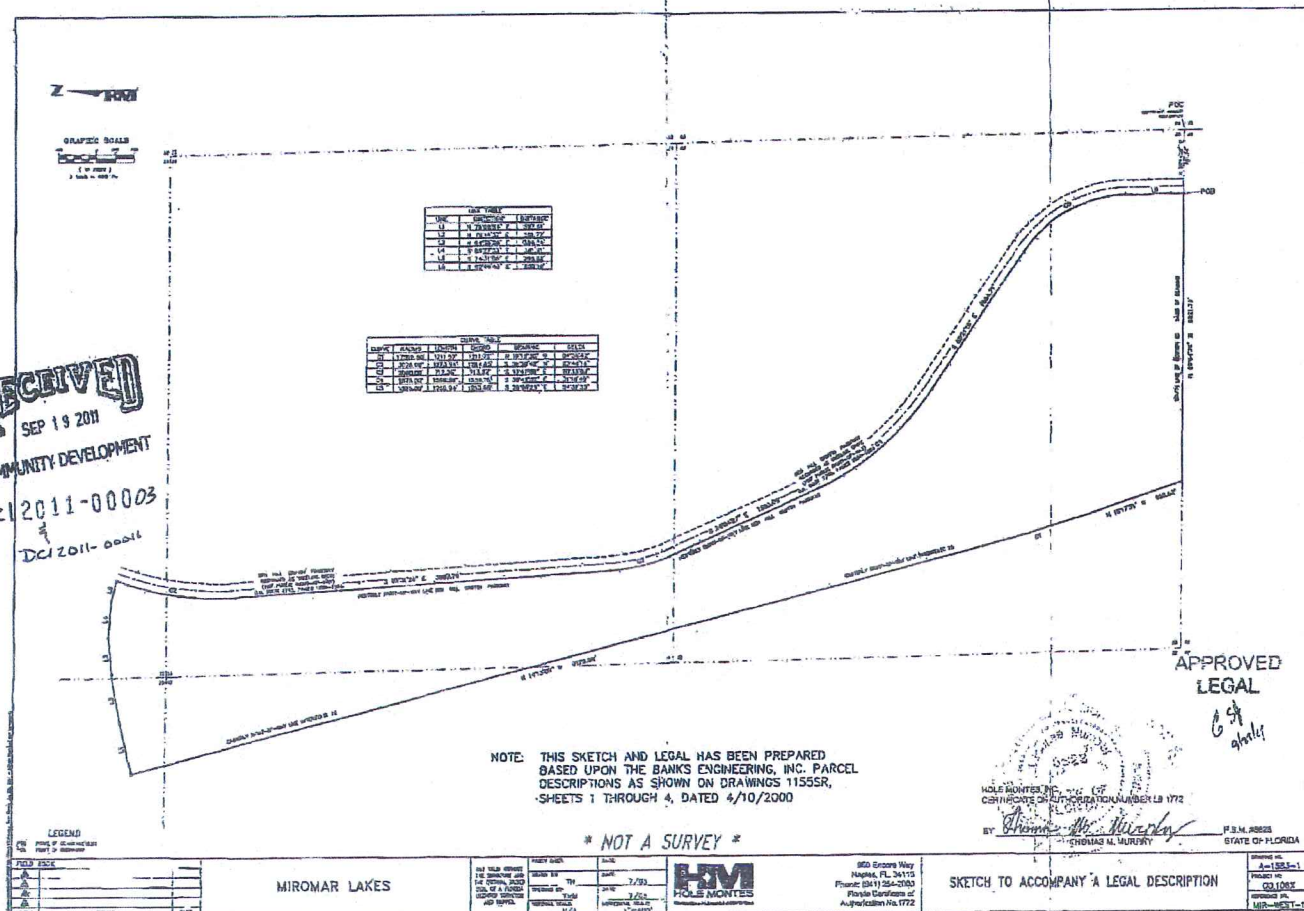
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STATE OF FLORIDA

APPROVED
LEGAL

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Zoning Map

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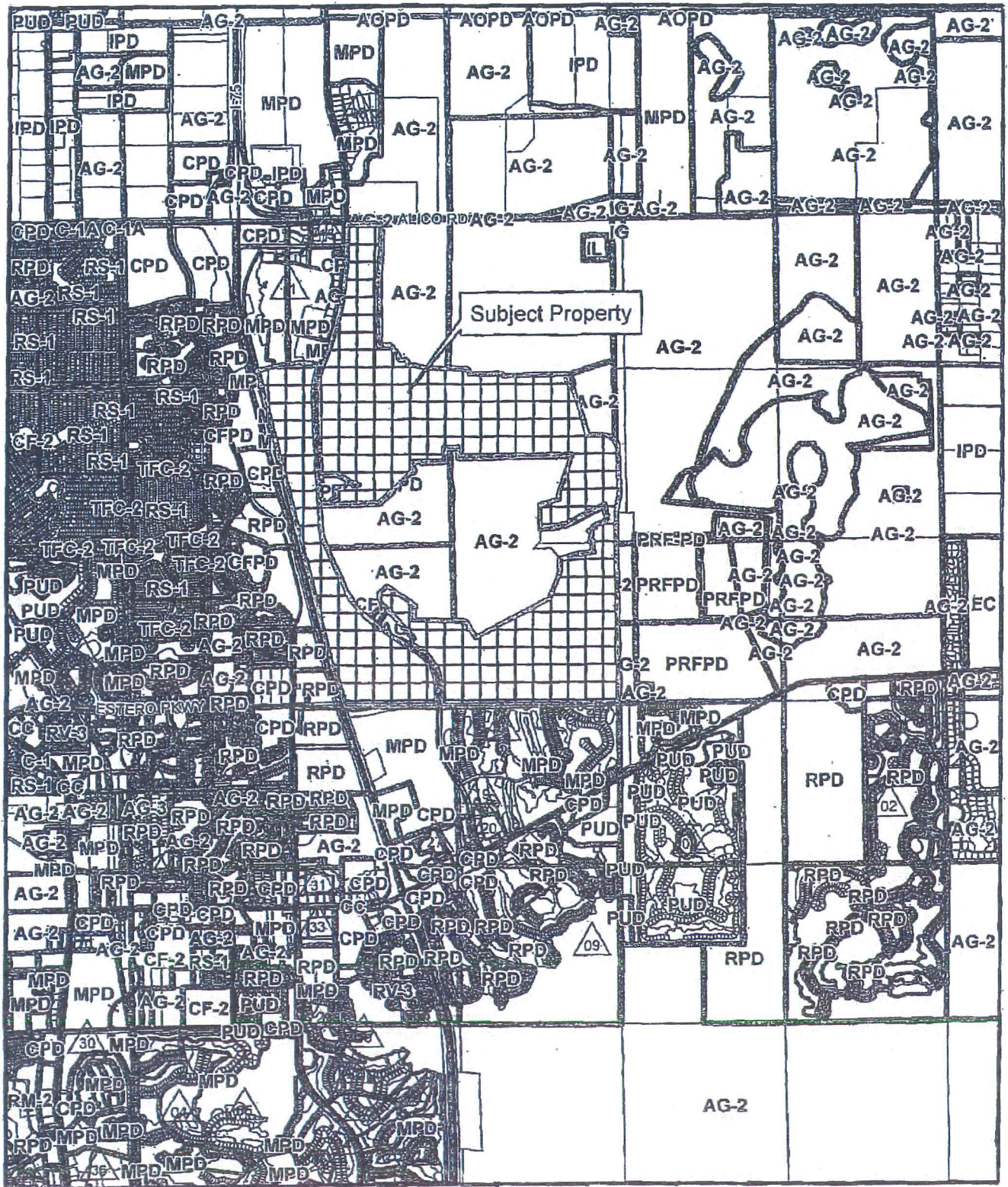


EXHIBIT B

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Schedule of Uses and Property Development Regulations

SCHEDULE OF USES

RESIDENTIAL "R"

PERMITTED USES AND STRUCTURES

Accessory Uses and Structures

Administrative Offices

Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition # 6)

Assisted Living Facility - Density in accordance with § 34-1494

Churches, Synagogues, and other Places of Worship

Club: Beach, private and public

Accessory uses including but not limited to:

Bait Shop

Boat Dock

Boat Ramp

Consumption on premises including outdoor seating (subject to Z-99-029, Condition # 46)

Day Care Center

Fishing Pier

Food and Beverage Service

Locker Rooms

Personal Services, limited to ATM, barber or beauty shop, health club, steam bath and massage establishment

Rental or leasing establishment, Group I, (limited to beach chairs, umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doos and other similar personal water craft)

School, commercial, limited to boating and water skiing

Specialty Retail Shop

Club: Country, private and public

Accessory uses including but not limited to:

Consumption on premises including outdoor seating (subject to Z-99-029, Condition # 46)

Personal Services, limited to ATM, barber or beauty shop, health club, steam bath and massage establishment)

Pro Shop

Tennis Courts

Consumption on Premises, limited to within the clubhouse(s)

Continuing Care Facility

Cultural Facilities

Customary accessory uses and structures, including but not limited to

Private garages

Swimming pools

Dwelling Units:

Single Family, detached

Duplex

Multiple Family Building

Townhouse

Two-Family attached

Zero lot line

Dormitory

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Schedule of Uses and Property Development Regulations

Day Care Centers adult and child (when compatible with adjacent uses)
Entrance Gates and Gatehouse (subject to Z-99-029, Condition # 31)
Essential Services
Essential Service Facilities, Group I
Excavation - Water Retention
Fraternity House/Sorority House
Golf Courses, Golf Course Accessory uses, including but not limited to:
 Consumption on premises, including outdoor seating on the golf course and
 in the Snack Bar at the ninth hole or other appropriate location
 Cart barn
 Clubhouse, including Restaurant, Group III, with outdoor seating
 Food and beverage service limited
 Locker Rooms
 Maintenance Facility
 Personal Services, (limited to beauty shop, photo agent, health club, massage
 establishment accessory to the clubhouse)
 Pro Shop
 Snack Bar at the ninth hole or other appropriate location
 Specialty Retail Shop, accessory to clubhouse only
Helistop (subject to Z-99-029, Condition # 38)
Home Occupations (in accordance with LDC § 34-1772)
Model Homes, Model Units and Model Display Center and Speculative Homes
 (limited to residential uses within Miromar Lakes)
Parking lot, accessory only to Model Homes, Model Units and Model Display Center
Plant Nurseries (subject to Condition 6 (previously Condition 33, Z-99-029))
Public and private parks, playgrounds, play fields and commonly owned
 open space
Real Estate Sales and Rental office for Miromar Lakes project only
Recreational Facilities, personal and private including but not limited to:
 Fishing Piers
 Boardwalks
 Swimming Pools
 Tennis Courts
 Horseshoe Pits
 Shuffleboard Courts
 Vita Course
 Picnic Areas
 Bike Paths
 Nature Trails
 Boat Docks
 Boat Ramps
 Parks
 Playground
 Bocce Courts
 Jogging Paths
Recreational Hall, private
Residential Accessory Uses, including but not limited to:
 Docks
 Private garages, carports and parking areas
 Private swimming pools and enclosures
 Private tennis courts
Signs, in compliance with LDC Chapter 30
Temporary Sales and/or Construction Office
Water Taxi Stand

Any activity comparable in nature with the foregoing uses and which the Director of
the Lee County Department of Community Development determines to be
compatible in "R" District.

RESIDENTIAL "R 1"
PERMITTED USES AND STRUCTURES

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Schedule of Uses and Property Development Regulations

Accessory Uses and Structures
Administrative Offices
Agricultural Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition #6)
Assisted Living Facility- Density in accordance with § 34-1494
Churches, Synagogues and other Places of Worship
Civic and Cultural Facilities
Club, Country, private and public including tennis club.
Accessory uses including but not limited to:
Consumption on premises including outdoor seating (subject to Condition #24)
Day Care Center
Food and beverage service
Restaurant(s) Standard includes outdoor seating (subject to Condition #24)
Locker Rooms Pro Shops Personal services, limited to ATM's, barbershops or beauty clubs, steam baths, massage and the like.
Snack Bar at an appropriate location
Specialty Retail Shops
Tennis Courts
Cultural Facilities
Dwelling Units.
Single Family, detached
Duplex
Townhouse
Two family attached
Zero lot line
Entrance Gates and Gatehouses (subject to Condition # 4)
Essential Services
Essential Services Facilities, Group I
Excavation - Water Retention
Golf Courses, Golf Clubhouse, Golf Course Accessory and Associated Uses, including but not limited to:
Consumption on premises in the Clubhouse including outdoor seating on the Golf Course and in the Snack Bar at the ninth hole or other appropriate location
Cart barns
Food and Beverage
Service Locker rooms
Maintenance facility (subject to Condition 31 and in accordance with the landscape buffering diagrams, Exhibit B hereto)
Restrooms and other uses which are normal and accessory to the golf course
Snack Bar at the ninth hole or other appropriate location
Pro-Shop
Specialty retail shops, accessory to clubhouse only
Restaurant(s) including outdoor seating
Personal service, limited to ATM's, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
Home Occupations (subject to standards in LDC § 34-1772)
Models: Model Display Center, Model Homes and Model Units, (limited to residential uses within Miromar Lakes)
Parking Lot accessory
Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]
Real Estate Sales and Rental Office for Miromar Lakes project only

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COMMUNITY DEVELOPMENT

Schedule of Uses and Property Development Regulations

Recreation facilities, personal and private to include the following or other comparable uses:

Fishing Piers	Bike paths
Boardwalks	Nature Trails
Swimming pools	Tennis Courts
Horseshoe pits	Parks
Shuffleboard courts	Playgrounds
Vita Course	Bocce courts
Picnic areas	Jogging paths

Recreational Hall, private

Residential accessory uses, including but not limited to:

Private garages, carports and parking areas, Private swimming pools and enclosures, Private tennis courts

Signs in compliance with LDC Chapter 30.

Temporary Sales and/or Construction Office

Any activity comparable in nature with the foregoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miramar Lakes "R1" District.

RESIDENTIAL "R 2"

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures listed for the R-1 Residential District (subject to conditions)

Assisted Living Facility- Density in accordance with § 34-1494

Club, Boat and accessory uses including but not limited to:

Bait and tackle shop
Boat docks
Boat ramps
Boat dry storage
Consumption on premises including outdoor seating subject to Condition #24)
Fishing piers
Locker rooms
Food and beverage service
Specialty retail shops
School, commercial, limited to boating and water skiing,
Rental or leasing establishment, Group I (limited to beach chairs, umbrellas, boats and other beach related items etc., excluding jet skis, wave runners, sea doos and other personal watercraft)

Continuing Care Facility

Cultural Facilities

Dwelling Units - Multi-family Building

Dormitory

Day Care Centers child, adult (where compatible with adjacent uses)

Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]

Recreation facilities, personal and private to include the following or other comparable uses:

Fishing Piers	Bike paths
Boat docks	Boat ramps

Residential accessory uses, including but not limited to Boat Docks

Water Taxi/Stand

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Schedule of Uses and Property Development Regulations

Any activity comparable in nature with the forgoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes "R2" District.

COMMERCIAL "C-1"

PERMITTED USES AND STRUCTURES

- Accessory Uses and Structures customarily associated with the uses permitted in this district.
- Administrative Offices
- Agriculture Uses and Agricultural Accessory Uses (limited to existing only and subject to Condition 33)
- Animals: Clinic
- Antenna-Supporting Structures (in accordance with LDC § 34-1441 et seq.)
- Assisted Living Facility
- ATM (Automatic Teller Machine)
- Automobile Service Station
- Banks and Financial Establishments, Groups I and II
- Bar and Cocktail Lounge (Limited to one and subject to conditions of Deviation #5)
- Bed and Breakfast
- Broadcast Studio, Commercial Radio and Television
- Business Services, Group I (excluding: bail bonding and blood donor, stations) and Group II
- Car Wash
- Caretaker's Residence
- Civic and Governmental Services
- Cleaning and Maintenance Services
- Clothing Stores
- Clubs, Country, Commercial, Fraternal and Private. Accessory uses include but are not limited to the following:
 - Consumption on premises
 - Day Care Center
 - Food and beverage service
 - Restaurant(s). Standard includes outdoor seating (subject to Z-99-029, Condition # 46)
 - Locker Rooms
 - Pro Shops
 - Personal services, limited to ATM's, barbershops or beauty clubs, steam baths, massage and the like.
 - Restrooms and other uses which are normal and accessory to the golf course
 - Snack Bar at an appropriate location
 - Specialty Retail Shops
- Computer and Data Processing
- Consumption on Premises
- Continuing Care Facility
- Convenience Food and Beverage Stores (limited to a total of three, one on each commercial tract)
- Cultural Facilities
- Day Care Center, Adult, Child
- Department Store
- Dormitories
- Drive-Through Facility for any Permitted Use
- Drug Store, Pharmacy

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COMMUNITY DEVELOPMENT

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Schedule of Uses and Property Development Regulations

Dwelling Units including:

- Zero lot line
- Duplex
- Two family attached
- Townhouse
- Multi-family

- Emergency Medical Service (ambulance station)
- Entrance Gates and Gatehouses (subject to Z-99-029, Condition # 4)
- Essential Services
- Essential Service Facilities, Group I
- Excavation: Water Retention
- Fences, Walls
- Food Stores, Group I and II
- Fraternity/Sorority House
- Gasoline Dispensing System, Special
- Gift and Souvenir Shop
- Hardware Store
- Health Care Facility, Group I, II, III and IV
- Helistop (subject to Z-99-029, Condition 38)
- Hobby, Toy, Game Shops
- Home occupation
- Hospice

Hotel, Motel and accessory uses including but are not limited to the following:

- Consumption on premises
- Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to Z-99-029, Condition # 46)
- Specialty retail shops
- Day care center
- Personal services, limited to ATM's, barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.
- Household and Office Furnishings, Groups I and II
- Insurance Companies
- Laundry or Dry Cleaning, Group I (excluding Plant)
- Lawn and Garden Supply Store
- Library
- Medical Office
- Model Homes, Model Units and Model Display Center (limited to residential uses within the Miromar Lakes project only)
- Non-Store Retailers, All Groups
- Outdoor Display of Merchandise
- Package Store (limited to one, subject to conditions of Z-99-029, Deviation # 5)
- Paint, Glass and Wallpaper
- Parcel and Express Service
- Parks, Public, Groups I and II
- Parking Lot

- Accessory
- Commercial
- Garage, Public
- Temporary (Subject to LDC § 34-2022)

Personal Services:

- Group I
- Group II (Excluding Massage Establishments, Massage Parlors, Steam or Turkish Baths)

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Schedule of Uses and Property Development Regulations

Group III, Group IV (Excluding Escort Services, Palm Readers, Fortune Teller
or Card Reader and Tattoo Parlors)

Pet Services
Pet Shop
Pharmacy
Photo Finishing Laboratory
Place of Worship
Plant Nurseries [subject to Condition 6 (previously Condition 33, Z99-029)]
Post Office
Printing and Publishing
Recreation - Personal
Recreation - Private, On-site, Off-site
Recreation Commercial: Groups I, II, III and IV
Recreation Hall
Religious Facilities
Rental and Leasing Establishments, Group I, II and III
Repair Shops, Groups I and II
Restaurant(s) Fast Food (includes outdoor seating, subject to Z-99-029, Condition #
46)
Restaurant(s), Standard Groups I, II, III and IV (Includes outdoor seating, subject to
Z-99-029, Condition # 46)
Schools, Commercial
Schools, Non-Commercial
Self Service Fuel Pumps
Signs
Social Services: Groups I, II and III
Specialty Retail Shops, Groups I, II, III and IV
Storage, indoor only
Studios
Taxi stand
Temporary Uses (LDC § 34-3041)
Theater, indoor
Time Share Unit
Used Merchandise Store: Groups I and II
Variety Store
Wireless Communications Facilities (in accordance with LDC § 34-1441 *et seq.*)
Wholesale Establishment, Group III

Any commercial use or professional service which is comparable in nature with the
forgoing uses and which the Director of the Lee County Department of
Community Development determines to be compatible in the Miramar Lakes
"C-1" district.

COMMERCIAL "C-2"

PERMITTED USES AND STRUCTURES

All of the permitted uses and structures, as conditioned, listed for the C-1
Commercial Area, including Time Share Units, which are restricted to the hotel
in the southernmost portion of the C-2 parcel, subject to Condition 33.

In addition, the parcel area designated as commercial C-2 may not include the
following uses:

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COMMUNITY DEVELOPMENT

Schedule of Uses and Property Development Regulations

Assisted Living Facility
Bed and Breakfast
Continuing Care Facility
Caretakers Residence
Day Care Center, Adult, Child
Dormitories
Dwelling Units
Fraternity/Sorority House
Health Care Facility, Group II, III and IV
Home occupation
Hospice
Library
Place of Worship
Religious Facilities
Schools, Commercial
Schools, Non-Commercial
Social Services: Group III

The following additional uses are also permitted in the parcel designated as Commercial C-2:

Accessory Uses and Structures including Boat docking and fueling facility, Boat rental and sale of fuel.

Auto Part Store

Boat Ramp

Boat Rental, Sale of Bait, Fuel and Related Supplies

Boating Schools and Clubs

Hotel, Motel and accessory uses including but are not limited to the following:

Consumption on premises

Restaurant(s), Standard Groups I, II, III and IV (includes outdoor seating, subject to Z-99-029, Condition # 46)

Specialty retail shops

Fishing piers

Boat docking and Fueling Facility

Boat ramps

Boating clubs/lessons

Water skiing clubs/lessons

Boat and Vehicle Storage

Rentals/leasing of inflatables, boats, cabanas, beach equipment, fishing rods, bicycles and the like.

Personal services, limited to ATM's barbershops or beauty shops, photo agents, health clubs, steam baths, massage and the like.

Mini-Warehouse

Motion Picture Production Studio

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

Vehicle and Equipment Dealers, Group II only.

Water Skiing Schools and Clubs

Water Taxi/Stand

Any commercial use or professional service that is comparable in nature with the foregoing uses and that the Director of the Lee County Department of Community Development determines to be compatible in the Miramar Lakes Commercial "C-2" district.

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CONSERVATION AREA "CO"

PERMITTED USES AND STRUCTURES

Interpretive centers, rain shelters, gazebos

Nature and foot trails including boardwalks and jogging paths

Paths, boardwalks and bridges to provide access from the uplands to the wetlands
and to allow fishing piers, observation towers and golf cart crossings.

Recreational shelters, restroom facilities, passive parks, and picnic areas.

Signs

Water Management Facilities

Wildlife Management

Mitigation Activities

Accessory uses and structures customarily associated with the uses permitted in this
district.

Other activities which are comparable in nature with the foregoing uses and which the
Director of the Lee County Department of Community Development
determines to be compatible with the Miromar Lakes "CO" district.

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Schedule of Uses and Property Development Regulations

Attachment 2a

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS.

These regulations apply to all of the areas marked "R", "R1" and "R2" on the Master Concept Plan

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)						Max. # of Habitable Floors/Max Building Height ¹		Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width	Side Incl. Corner	Rear about Lots	Rear about CO/Golf	Front ²	Water Body ^{3,4,5}	Between I-75 and BHG Pkwy	East of BHG Pkwy			
SINGLE FAMILY RESIDENTIAL USES													
Single Family Detached	6,500	70	50	5	20	10	12' or 20'	0 ^{3,4,5} or 20'	3/45	3/45	10	55%	
Patio/Cluster Homes	3,500	70	35	5	10	10	12' or 20'	0 ^{3,4,5} or 20'	3/45	3/45	10	55%	
Zero Lot Line, Single Family Attached or Townhouse	2,800	70	25	0 or 5	10	10	12' or 20'	0 ^{3,4,5} or 20'	3/45	3/45	10	55%	
Overwater Residential Uses ⁷	3,500	70	35	0 ⁶ or 5	0 ⁶ or 10	n/a	12' or 20'	0 ^{3,4,5} or 20'	3/45	3/45	0 or 10	55%	
MULTI FAMILY RESIDENTIAL USES													
Multi-Family and Student Housing	8,000	100	n/a	10	20	10	20	0 ^{3,4,5} or 20'	3/45 or 5/65 ³	3/45 or 5/65 ³	10	55%	
Overwater Residential Uses ⁷	8,000	100	n/a	0 ⁶ or 10	0 ⁶ or 20	n/a	20	0 ^{3,4,5} or 20'	3/45	3/45 or 5/65 ³	20	55%	
Assisted Living Facility	10,000	100	100	12 1/2	20	10	20	20	3/45	3/45 or 5/65 ³	25	55%	
OTHER USES													
Clubhouse and Dry Boat Storage	n/a	n/a	n/a	5	20	10	n/a	0 ^{3,4,5} or 20'	45	45	10	n/a	
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{3,4,5} or 20'	45	45	n/a	n/a	

Notes (apply to both Residential and Commercial Tables):

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Five stories over one story of parking, with a maximum building height of 65 feet, where allowed by Deviation 28. See Deviation 28 and Master Concept Plan for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a 0' entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Miramar Lakes so long as they do not extend past the platted property lines.

⁷ Conversion of uses restricted as set out in Section II.D.2.d.7 of the DRI Development Order.

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Page 11 of 11
Schedule of Uses and Property Development Regulations

Attachment 2b

COMMERCIAL PROPERTY DEVELOPMENT REGULATIONS

These regulations apply to all of the areas marked "C1 and C2" on the Master Concept Plan

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)						Max. Bldg Height ¹		Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width ² (ft)	Side Incl. Corner	Rear about Lots	Rear about CO/Golf	Front ³	Water Body ^{4,5,6}	C-1	C-2			
CONVENTIONAL DEVELOPMENT TRACTS													
Commercial Use	10,000	100	100	0 or 15	20	10	15	0 ^{7,8} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%	
Hotel and Office Use	10,000	100	100	0 or 15	20	10	15	0 ^{7,8} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%	
Overwater Uses ⁹	10,000	100	100	0 ⁸ or 15	0 ⁸ or 20	n/a	15	0 ^{7,8} or 20	3/45	6/75 ⁷	0 or 1/2 bldg. Height	55%	
LOTS WITHIN DEVELOPMENT TRACTS													
All Uses	1,300	65	20	0 or 5	0 or 20	10	15	0 ^{7,8}	3/45	6/75 ⁷	0 or 1/2 bldg. Height	100%	
OTHER USES													
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{7,8}	n/a	n/a	n/a	n/a	

Notes (apply to both Residential and Commercial Tables):

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Deviation 28 and Master Concept Plan for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Mironar Lakes so long as they do not extend past the platted property lines.

⁷ Six stories over one story of parking, with a maximum building height of 75 feet.

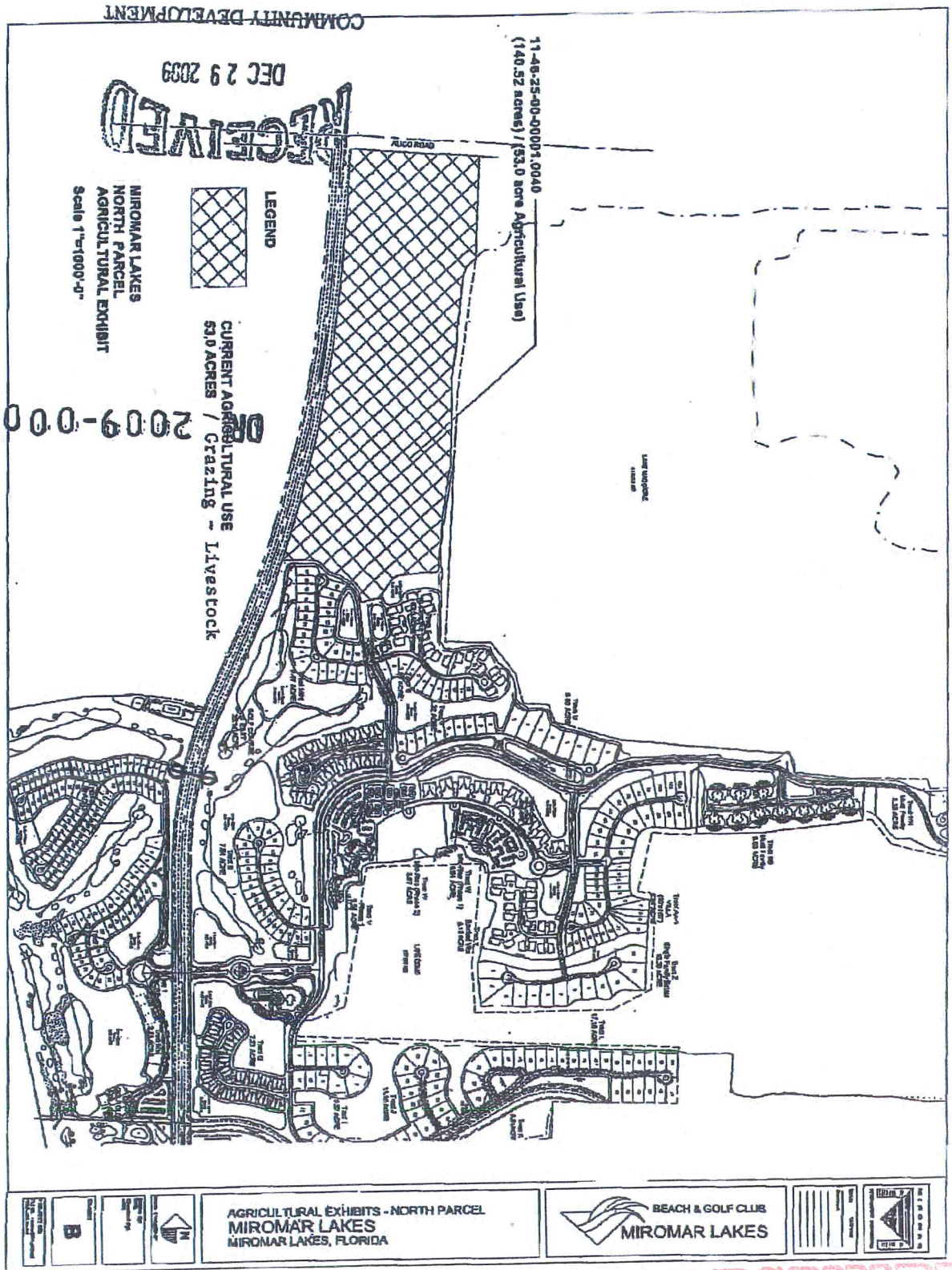
⁸ Conversion of uses restricted as set out in Section 11.D.2.d.7 of the DRI Development Order.

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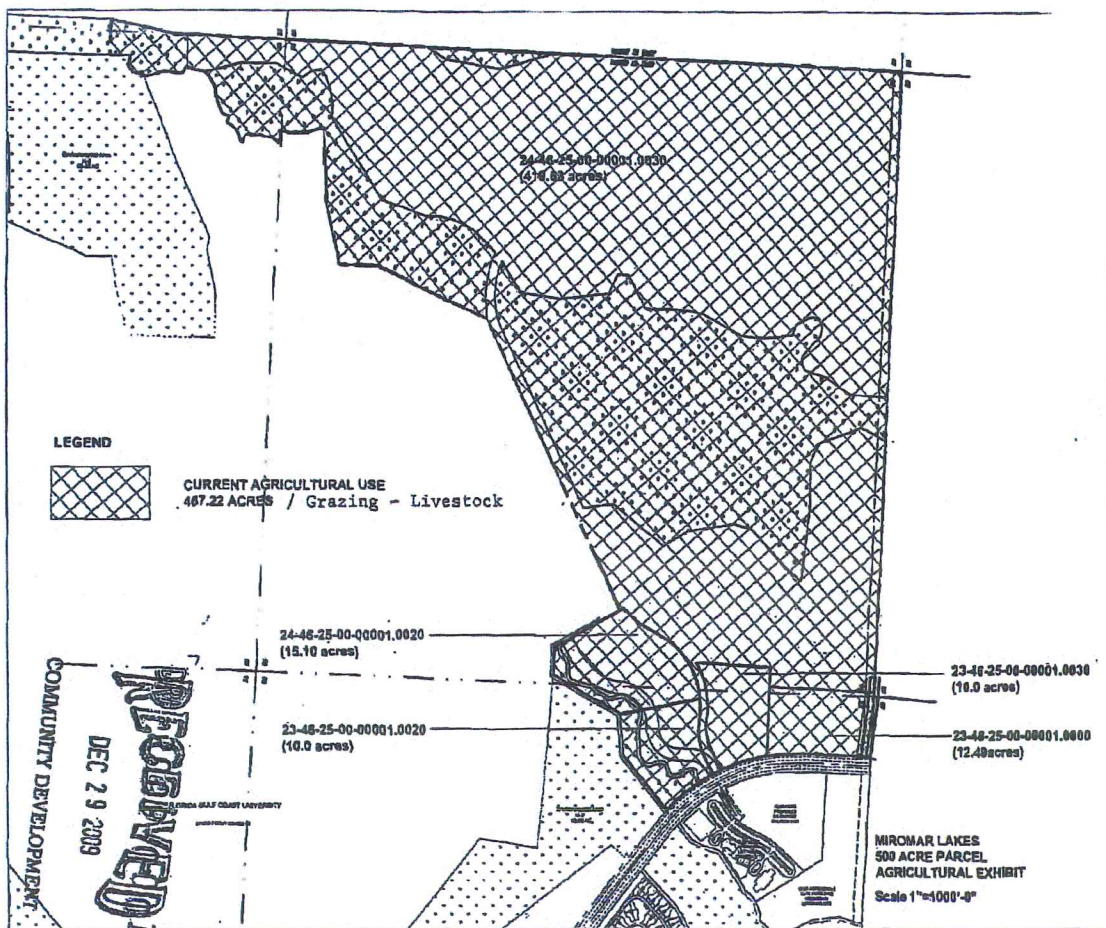
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 BEACH & GOLF CLUB MIROMAR LAKES
AGRICULTURAL EXHIBIT - 500 ACRE PARCEL MIROMAR LAKES MIROMAR LAKES, FLORIDA
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COMMUNITY DEVELOPMENT

AMENDED BIG CYPRESS FOX SQUIRREL

WILDLIFE MANAGEMENT PLAN

For The

MIROMAR LAKES DRILL, L.C.

March 2000

Originally Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901**

March 2000

Amended by:

**Wilson Miller, Inc.
4571 Colonial Boulevard
Fort Myers, FL 33912**

January XX, 2002

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INTRODUCTION

A Big Cypress fox squirrel management plan for the Miromar Lakes DRI was prepared by W. Dexter Bender & Associates, Inc. in March 2000. Since that time, Miromar Lakes L.L.C. acquired an additional 500 acres of land (hereafter referred to as the Addition Parcel) adjacent to the existing development in Sections 13, 23, and 24, Township 46 South, Range 25 East, and Section 18, Township 46 South, Range 26 East, Lee County, Florida. At the time of this writing, the Addition Parcel was being added to the Miromar Lakes DRI via the Notice of Proposed Change process.

Big Cypress fox squirrels (*Sciurus niger avicennia*) have been documented on the Miromar Lakes property and the Addition Parcel during recent listed species surveys. This species is classified under State law and regulations as a threatened species. Development plans for this site—the original Miromar Lakes DRI project included preservation of four areas designated as Miromar Lakes Conservation Areas. These Conservation Areas contain both wetlands and uplands, which may provide suitable fox squirrel habitat. Development plans for the Addition Parcel include preservation of four additional preservation areas containing suitable wetland and upland fox squirrel habitats that will be enhanced and/or restored as part of the proposed project.

This amended management program plan was prepared to address the protection of Big Cypress fox squirrels (fox squirrel) on both the original Miromar Lakes DRI property and the Addition Parcel during and after construction and the maintenance, management, and potential enhancement of habitats contained in the Conservation Areas.

IDENTIFICATION

The fox squirrel is much larger than any other squirrel species in Florida. All fox squirrels have a white muzzle and forehead, and most have white patches on the backsides of the ears. The underside can be white, creamy yellow, rusty orange or black. The tail is long and bushy.

SQUIRREL HABITAT

Fox squirrels prefer open pine flatwoods and open pine-oak systems but can be found in pine-cypress stands and cypress strands. They forage extensively on the ground and do not do well where there is heavy ground cover. Periodic fires that kill hardwoods and promote grassy ground cover are necessary for populations to survive.

Original Miromar Lakes DRI Property

In Miromar Lakes' existing and potential fox squirrel habitat has been identified (see Figures 1 and 2) by Wilson-Miller staff as part of the original DRI process that began back in 1995. The existing habitat has been impacted from the invasion of melaleuca over the past four decades. Much of this existing habitat west of Ben Hill Griffin Parkway will become golf course. Golf courses with pine trees are suitable areas for fox squirrels. Landscaping along the roughs will include leaving pines, where appropriate, and planting pines to replace some that will be lost.

Areas in the mitigation sites will contain fox squirrel habitat. Mitigation areas in M1, and M2 will retain more existing native vegetation than M3 and M4. Each of these areas will have some pine flatwoods and mixed pine and cypress systems. At present, all but M2 are heavily impacted with melaleuca. There are ±138.86 acres of pine FLUCCS (411 and 416) identified in Figure 1 as existing potential habitat. Melaleuca has invaded these pine areas. As of the 1993 survey done by Wilson Miller ±129.4 acres were 34-66% melaleuca and ±9.46 acres were 10-33% melaleuca. Over the past seven years melaleuca has increased its density, but no surveys have been done. Much of the contiguous potential habitat area (±106.14 acres) west of Ben Hill Griffin Parkway will become a golf course. Some of the golf course will provide habitat for fox squirrels.

(roughs and pine trees lining some of the tees, fairways and holes). The typical golf course management will be attractive for fox squirrel use.

Habitat that will be managed for fox squirrels and other wildlife will occur in the four conservation areas (M1, M2, M3 and M4). These areas will have ± 80.86 acres of pine FLUCCS (411, 416, and 641/621/411) and ± 59.65 acres of cypress (621). All of the exotics will be removed from these areas. Planting of trees will occur in M3 and M4 as the result of extensive rework in some or most of these conservation/mitigation areas.

The developer will turn over the maintenance of the fox squirrel habitat to the existing Miromar Community Development District (CDD) for perpetual management.

Addition Parcel

In the Addition Parcel, existing and potential habitat has been identified (see Figures 31 and 42) by Wilson/Miller staff. As in the original DRI property, the existing habitat has been impacted from the invasion of melaleuca over the past four decades. Much of the existing pine flatwoods with palmetto understory (FLUCCS 411) habitat will become golf course and residential areas. Golf courses with pine trees are suitable areas for fox squirrels. Landscaping along the roughs will include leaving pines, where appropriate.

Habitat that will be managed for fox squirrels and other wildlife will occur in the five conservation areas (Conservation Areas #1 through #5). The majority of the forested wetlands and some of the forested upland areas will be preserved, enhanced, and/or restored in the conservation areas. Enhancement and restoration activities will include the removal of exotics (eg., melaleuca) and planting of trees to improve fox squirrel habitat. Following enhancement/restoration, the forested portions of the conservation areas will include cypress swamps (2-58.54 acres), hydric pine flatwoods (2-18.44 acres), and mixed cypress-pine-cabbage palm forest (2-30.66 acres), upland pine flatwoods (2-11.65 acres), and live oak hammock (3.87 acres). These forested wetland areas will provide nesting and foraging habitat for fox squirrels.

The conservation areas will be maintained as fox squirrel habitat and will be placed under a conservation easement granted to the South Florida Water Management District. The developer will turn over the maintenance of the fox squirrel habitat to the existing Miromar Community Development District (CDD) for perpetual management.

MANAGEMENT DURING CONSTRUCTION

Efforts will be made during the various phases of construction to help ensure the safety of fox squirrels. Actions taken will include, but may not be limited to, the following:

- *Educational pamphlets* will be provided to contractors with contractual obligations to distribute this information to construction workers. These pamphlets will provide information regarding the special status of fox squirrels, the appearance of fox squirrels and their nests/day-beds, and measures to be taken during construction to help protect these squirrels. Workers performing clearing work will be informed to exercise caution in the immediate area where a fox squirrel is observed.
- *Inspection of areas to be cleared.* Prior to clearing within approximately 100 feet of forested areas, which constitute potential fox squirrel habitat, a qualified biologist will inspect the area to be cleared for the presence of fox squirrel nests. If a nest is observed, this person will visually inspect the nest interior to check for young. If no fox

squirrels are present, the nest will be removed to discourage squirrels from returning to the area of impact. If young fox squirrels are observed in the nest, a buffer having a radius of approximately 75 feet will be cordoned off around the tree using enviro-fence. No heavy construction will be performed in this buffer area until after the young fox squirrels leave the nest or the squirrels and nest are re-located. Any re-location activities would first be coordinated with and approved by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission (FWCGFC).

- **Coordination during clearing.** Workers involved in clearing of trees will be advised to call the project biologist if a fox squirrel is seen in an area being cleared. The project biologist and/or a specified crewmember will then chase the fox squirrels out of the area being cleared. The area will be inspected for fox squirrel nests and clearing activities will be continued if no nests are found.

PUBLIC EDUCATION

A program will be established to educate Miromar Lakes residents, visitors, and maintenance staff about fox squirrels. This program will include, but may not be limited to, the following:

- **Educational pamphlets** will be provided to all homeowners to inform residents of the potential presence of fox squirrels on site. Pamphlet information will include:
 1. A picture and description of the fox squirrel and its status as a listed species;
 2. Notes regarding the life history and ecology of the fox squirrel;
 3. Information regarding the interaction of the public with the fox squirrels, such as the potentially negative effects of feeding and of interactions with the squirrels;
 4. A note to homeowners who have dogs, requiring that they leash their dogs;
 5. Advice to homeowners that free-running house cats are predators of squirrels and that no house cats should be allowed to roam free; and
 6. A map showing the Conservation Areas together with a discussion of the protected status and nature of these areas.
 7. Grey squirrels are serious competitors for fox squirrels
- **Educational pamphlets and/or instructions** will be provided to the Miromar CDD personnel and golf course maintenance personnel by their supervisors regarding the safety and protection of fox squirrels encountered by workers onsite.
- **A notice will be posted** at the golf club informing golfers of Conservation Areas, the appearance and special status of fox squirrels and precautions to avoid harm to them.

HABITAT MANAGEMENT & MAINTENANCE ACTIVITIES AND SCHEDULE

Habitat Management & Maintenance Activities

Those portions of the Miromar Lakes property designated as Conservation Area in the permit will be managed and maintained in an effort to allow certain vegetation types in those areas to function as suitable fox squirrel habitat. While the primary goal of management of the Conservation Areas is to mitigate for wetland impacts, certain portions of those areas will also have a potential to provide habitat for fox squirrels. These areas potentially suitable for fox squirrels include pine flatwoods, pine-cypress wetlands and hammocks.

All management and maintenance activities will initially be the responsibility of the permittee. Eventually, this responsibility will be transferred to the Miromar Lakes CDD. All management and maintenance efforts will be performed by or under the direction of a qualified biologist or other

qualified environmental professional. Potential management and maintenance activities may include, but are not limited to, the following:

- Eradication of exotic and nuisance plant species within the Conservation Areas. The goal of these efforts will be to control the spread of these plants such that they constitute no more than 5 percent of the total vegetative cover present in a given Conservation Area between control periods. Exotic plant species targeted will include those listed by the Exotic and Pest Plant Council at the time of permit issuance. Nuisance plant species targeted will include any invasive native plant species deemed undesirable, from the standpoint of competition with desirable vegetation, by the permittee.
- Periodic chopping, mowing, and/or bush-hogging of the ground cover stratum within pine flatwoods and pine-cypress wetlands in the Conservation Areas. This will occur on an "as needed" basis to help maintain a relatively open understory (an open "park-like" habitat) and to suppress the growth of weedy or noxious vegetation. Maintenance personnel will be advised to leave pine cones, cabbage palm fruit, bromeliads, acorns, and ground fungi within the Conservation Areas as undisturbed as is feasible.
- Pruning and/or thinning of canopy and subcanopy vegetation within pine flatwoods and pine/cypress wetlands in the Conservation Areas. This will occur on an "as needed" basis to maintain an appropriate density of desirable woody species (e.g., trees and shrubs), particularly in the subcanopy stratum, thereby maintaining a relatively open midstory.
- Prescribed burns within the Conservation Areas. Such burns may be conducted to remove accumulated undercomposed organic matter ("duff") thereby promoting new plant growth, to reduce fuel loading which could minimize the potential adverse effects of uncontrolled fires, and to thin out ground cover and subcanopy vegetation. The burns would be performed on an "as needed" basis, and would be coordinated with the appropriate agencies.
- Reduction of gray squirrel populations in portions of the Conservation Areas. This would be conducted only in instances where it is determined that such populations represent a competitive threat to the continued survival of fox squirrels and other management options fail to improve the fox squirrel population. Gray squirrel populations would be controlled via live trapping (with subsequent release outside the Conservation Areas) and/or controlled hunting. Either method may require permission from Lee County and possibly coordination/permitting through FWC-GFC.
- Removal of feral cats from the Conservation Areas. This would be performed as necessary via live trapping of the cats. Captured individuals would be turned over to Lee County Animal Control. This method would require warnings to adjacent landowners, permission from Lee County and possibly coordination with Lee County Animal Control.
- Planting of desirable native trees within the Conservation Areas. Following initial eradication of exotic plants within the Conservation Areas, it may be determined that planting of native tree species is warranted where the exotic eradication efforts leave areas relatively devoid of native trees. Should such plantings be conducted, the following table lists potential species that may be planted. The specific species planted will depend on site conditions and market availability of plant material. The density of plantings and stock used will depend on site conditions. Re-planting would be conducted if the mortality of planted trees is deemed excessively high.

Common Name	Scientific Name
Strangler fig	<i>Ficus aurea</i>
Slash pine	<i>Pinus elliottii</i>
Laurel oak	<i>Quercus laurifolia</i>
Cabbage palm	<i>Sabal palmetto</i>
Bald cypress	<i>Taxodium distichum</i>

Habitat Management / Maintenance Schedule

There will be a management/maintenance schedule (or program) for the Conservation Areas. The following sections describe the short and long-term schedules.

Maintenance Schedule

The management/maintenance schedule will begin as of the date the permittee begins the first phase of construction of Phase I of Miromar Lakes. It will terminate on the date the fifth annual monitoring report required by SFWMD is submitted.

Management and maintenance will be initiated once the permittee has obtained all requisite permits necessary for construction of Phase I from SFWMD, the Corps, and Lee County and when construction actually begins (the start date). Initial eradication of exotic plants, an activity conducted pursuant to Corps permit requirements for the project, will be started at this time. It is anticipated that initial exotic and nuisance plant eradication efforts would be completed within a year of this start date. Most prescribed burns would probably not be conducted until the exotic eradication efforts are completed, although localized prescribed burns could be conducted prior to such completion in areas where there are relatively few exotics. Planting of native trees would occur following eradication of exotics and any initial controlled burns. Any initial bush-hogging of the ground cover stratum and initial pruning and/or thinning of canopy and subcanopy woody species would also not occur until initial exotic eradication efforts and initial controlled burns are completed. It is anticipated that all these initial activities would be completed within approximately 2.5 years from the start date.

Following completion of initial management activities, continued management and maintenance activities would be performed as necessary. ~~Determination of the necessary activities will be made by a qualified biologist.~~ A qualified biologist will make the determination of the necessary activities or similar environmental professional based on annual and possibly, during the first few years, semi-annual inspections of the Conservation Areas. Activities recommended by the biologist would be performed during the year following a given inspection. The exact date of initiation of certain activities, such as prescribed burns, brush-hogging, and re-planting, may be dependent on an appropriate time of year in which to perform the activities. It is anticipated that exotic and nuisance plant control will be conducted on a minimum semi-annual basis for the first two years after the initial eradication effort is completed. Thereafter, it may be possible to reduce the frequency of these activities.

Conditions present within a given Conservation Area will be documented in the annual monitoring reports submitted to SFWMD pursuant to the permitted monitoring schedule. Management activities performed since the previous annual report will be discussed and recommended management activities together with an anticipated schedule for conducting these activities will be discussed in these reports.

Following the termination of the management/maintenance program, the permittee will evaluate the need for further management and maintenance activities, the schedule for such activities, and the schedule for further inspections and reports. If the permittee determines that additional

management and maintenance activities are necessary, the permittee's findings along with a proposal regarding any future efforts (maintenance/management activities, schedules, etc.) will be submitted to Lee County for review and approval. Any new program for the continued management and maintenance of the Conservation Areas will thus be determined by the proposal approved by the County.

The permittee reserves the ability to modify the long-term management/maintenance program for the Conservation Areas at any time following its Initiation. No modifications would be made unless first approved by Lee County. Such modifications might be deemed necessary to improve upon current concepts of management activities and/or schedules. It is also possible that the fox squirrel habitat management program for a particular Conservation Area could be discontinued entirely should it be determined that fox squirrels no longer inhabit the area.

PLANTINGS OUTSIDE OF CONSERVATION AREAS

Plantings in golf course open space/rough areas and in upland buffers adjacent to or in the immediate vicinity of the Conservation Areas will incorporate, where feasible, trees and shrubs that could provide favorable foraging, nesting, and/or resting habitat for fox squirrels. These plantings may include, but are not limited to, the species identified in the table that follows.

Common Name	Scientific Name
Strangler fig	<i>Ficus aurea</i>
Slash pine	<i>Pinus elliotii</i>
Laurel oak	<i>Quercus laurifolia</i>
Cabbage palm	<i>Sabal palmetto</i>
Bald cypress	<i>Taxodium distichum</i>
Dahoon holly	<i>Rex cassine</i>
Live oak	<i>Quercus virginiana</i>
Saw palmetto	<i>Serenoa repens</i>

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MIROMAR LAKES
SNAIL KITE MANAGEMENT PLAN

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SECOND FLOOR

Project Description

The proposed project is comprised of residential and commercial uses. Residential is composed of neighborhoods for single family, multi-family and rental uses. Commercial sites are planned to serve both residents of Miromar Lakes and the expanding, surrounding neighborhood including the Florida Gulf Coast University (FGCU). The boundaries of Miromar Lakes are generally defined by Alico Road to the north, property boundary lines to the east, I-75 to the west and FGCU and property boundary lines to the south.

History

A snail kite was observed on the northern portion of the Miromar Lakes project area. This species is listed as Endangered by both the Florida Game and Fresh Water Fish Commission (FGFWFC) and the U.S. Fish and Wildlife Service. In May and early June, 1994, a solitary male kite was seen in Section 11 foraging in nearby agricultural ditches (FLUCCS 513). The second sighting was assumed to be the same bird. No females or immatures were seen. No mating or nesting behavior was observed and no snail kite nests were observed on the project site. This species was not seen during the last two weeks of the survey, nor has it been seen during any of a multitude of site visits by Wilson Miller biologists since then. Empty apple snail (*Pomacea paludosa*) shells were observed in aquatic habitats, usually near cattails. The apple snail is reported to be the exclusive diet of the snail kite.

The site contains a food resource, but generally lacks a large scale, persistently flooded, emergent scrubby marshland for nesting, the observed bird is thought to have been passing through the property at the time of the survey. Given the large scale wetland enhancement associated with the project, the food resource is not anticipated to be impacted. As a result, it is not anticipated that the species will be significantly impacted by the project. At the suggestion of Darryl Land with FGFWFC, Jack Abney called Jim Rodgers on August 7, 1998, to confirm this. Mr. Rodgers wrote the chapter on snail kites ⁽¹⁾ in the book Rare and Endangered Biota of Florida Vol. V, Birds and was described by Land as a snail kite specialist.

According to Rodgers, the time of year the bird was sighted is when snail kites wander erratically and often roost in unusual places. Abney described the location and habitat on site that is used by the kite, which is a shallow borrow pit vegetated primarily by cattail. Mr. Rodgers said cattail was not good foraging habitat for kites and that he personally had never seen a kite successfully capture a snail in dense cattail. He opined that this bird would probably move on in a short while.

In Rodgers' report ⁽¹⁾ on snail kites, he describes good foraging habitat as follows. "Kites capture snails by aerial hunting over foraging habitat that consists of relatively shallow (30-90 cm), clear and calm water.

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(Sykes 1987a). Furthermore, ideal foraging habitat must have relatively open water with a low density of emergent vegetation (e.g. *Eleocharis* spp., maidencane... etc.) allowing kites to see and capture snails as they move along the stems feeding or rising to the surface...". The project area does not appear to fit that description.

A study of snail kite movements and site fidelity was conducted by Bennetts and Kitchens (1997)⁽²⁾. The scope of their study was to "include the entire population of Snail Kites in Florida..." No area of Lee County in the vicinity of the Miromar Lakes DRI was reported to be significant to snail kites. Their study determined that "there is considerable interchange of birds among wetlands in Florida." Bennetts (1997) also states that "...snail kites exhibit high rates of movement and frequently use different wetlands from one year to the next."

Corroboration of the poor quality of habitat provided by cattail is described in the report by Bennetts and Kitchens (1997)⁽²⁾. On page 124 of that report the authors cite Darby⁽³⁾ and others: "*Darby et al. (1996c) found low abundance of apple snails associated with substrates containing high flocculent debris. Such a substrate often occurs in cattail. Plant species that respond to nutrients e.g., sawgrass, cattail... also may increase in biomass choking out the more open water used by kites for foraging. The availability of apple snails to kites requires sufficiently open water to enable visual detection.*"

Based on this information, we have determined that no impact to snail kites is likely as a result of development of this site. However, to provide potential foraging opportunity for any kites that may wander through this area, portions of the on-site lakes will be enhanced to provide emergent herbaceous vegetation as potential habitat for apple snails. The Management Plan includes three components: 1) the creation of shallow littoral zones, 2) the removal of exotic vegetation along certain existing lake edges, and 3) subsequent planting of native species in these areas.

Littoral Zone Creation

Littoral zones will be created in accordance with the attached lake Littoral Planting Plan (see WMBP File No. D-0253-12. The planting plan includes three types of planting areas: 'A', 'B' and 'C'. Areas designated 'A' are standard littoral zones to be planted with herbaceous species. Areas designated 'B' have been selected for reforestation. Areas designated 'C' will include a bulkhead. A littoral zone will be created waterward of the bulkhead that will be planted with herbaceous species. The planting plan includes a list of species suitable for each elevation zone. Herbaceous species include arrowhead, pickerelweed, spikerush, and others that are suitable for apple snails. Note that the plantings will be clustered.

Exotic/Nuisance Species Removal/Adjacent Tree Plantings

Exotic and nuisance species will be removed from the shorelines of existing lakes that will remain in the proposed site plan. In areas designated 'B' on the above referenced Littoral Planting Plan, several tree

species will be planted. These include sweet bay magnolia, cypress, red maple, loblolly bay and dahoon holly.

Monitoring and Maintenance

Once plantings have been completed, annual monitoring and maintenance will be conducted. The monitoring will include a narrative description of the littoral zone, an estimate of the survival of planted species and an estimate of the cover of exotic and nuisance species. Annual reports will be provided to Lee County Division of Planning, Environmental Sciences for a five year period.

References

(1) Rare and Endangered Biota of Florida. Vol. V, Birds. Florida Snail Kite, pp. 42-51. Ed. By James A. Rodgers, Jr., Herbert W. Kale II and Henry T. Smith, Florida Committee on Rare and Endangered Plants and Animals. University Press of Florida, 1996.

(2) The Demography and Movements of Snail Kites in Florida. By Robert B. Bennetts and Wiley M. Kitchens. USGS/Biological Services Division, Florida Cooperative Fish and Wildlife Research Unit. Technical Report No. 56. 1997.

See esp. pp.: 84, 89, 118 (maps), 124 (discussion of cattail).

(3) Darby, P. C., et al. 1996b. Ecological Studies of Apple Snails (*Pomacea paludosa*). 1995 Report prepared for SFWMD and St. Johns River WMD. Florida Cooperative Fish and Wildlife Research Unit, Gainesville, FL.

DRI2001-00004 / DCI2001-00033

**MIROMAR LAKES
OPEN SPACE AND INDIGENOUS PRESERVATION**

Required Open Space:

Open space requirements for Miromar Lakes will be met within Miromar Lakes. Required open space will be calculated on the development area excluding the existing mining lakes (see deviation 14 under condition 16).

Required Open Space Percentage:

Residential Uses:

Residential uses must provide 40% common open space for tracts requiring open space.

The following are exempt from open space requirements:

- (1) Single family residence on a lot with a minimum lot size of 6,500 square feet and a maximum 45% lot coverage; and
- (2) Duplex on a single lot with a minimum lot size of 7,500 square feet and a maximum 45% lot coverage; and
- (3) Two-family attached units each on an individual minimum lot size of 3,750 square feet per unit and a maximum 45% lot coverage.

Commercial Uses:

Commercial uses will provide 30% open space. A minimum of 10% open space will be provided in each commercial tract with the remaining open space provided within the Miromar Lakes development.

Mixed Uses:

When a tract includes a mix of land uses, the required open space percentage will be prorated according to the extent of the uses within the tract.

Required Indigenous Preservation:

The required indigenous preservation includes:

- (1) A minimum of 325 acres of indigenous preservation and restoration in substantial compliance with the areas delineated on the Master Concept Plan; and
- (2) A minimum of 3 acres of gopher tortoise habitat as detailed in Condition 13 (Condition 40, Z-98-029, revised); and
- (3) Cypress wetland preservation as detailed in Condition 20; and
- (4) Preservation within common open space as detailed in Condition 19.

EXHIBIT H

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Staff Exhibit: Cypress Preservation Condition

- FUTURE POTENTIAL
LAKE CONNEC

BRIDGES FOR FUTURE
POTENTIAL UNIVERSITY
CONNECTION

Cypress to be preserved.

C1
C2

4

C

* 9

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EXHIBIT 1

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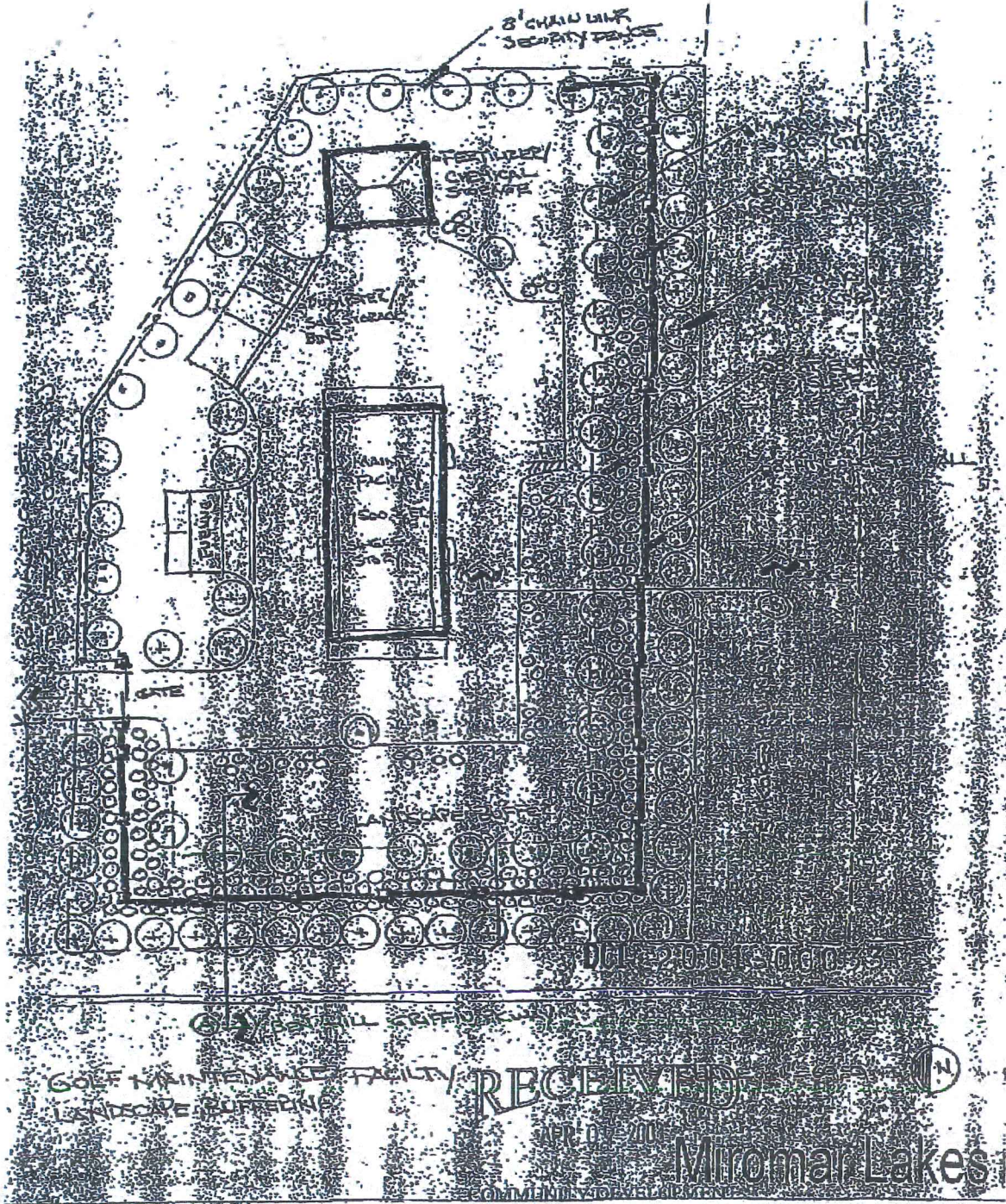
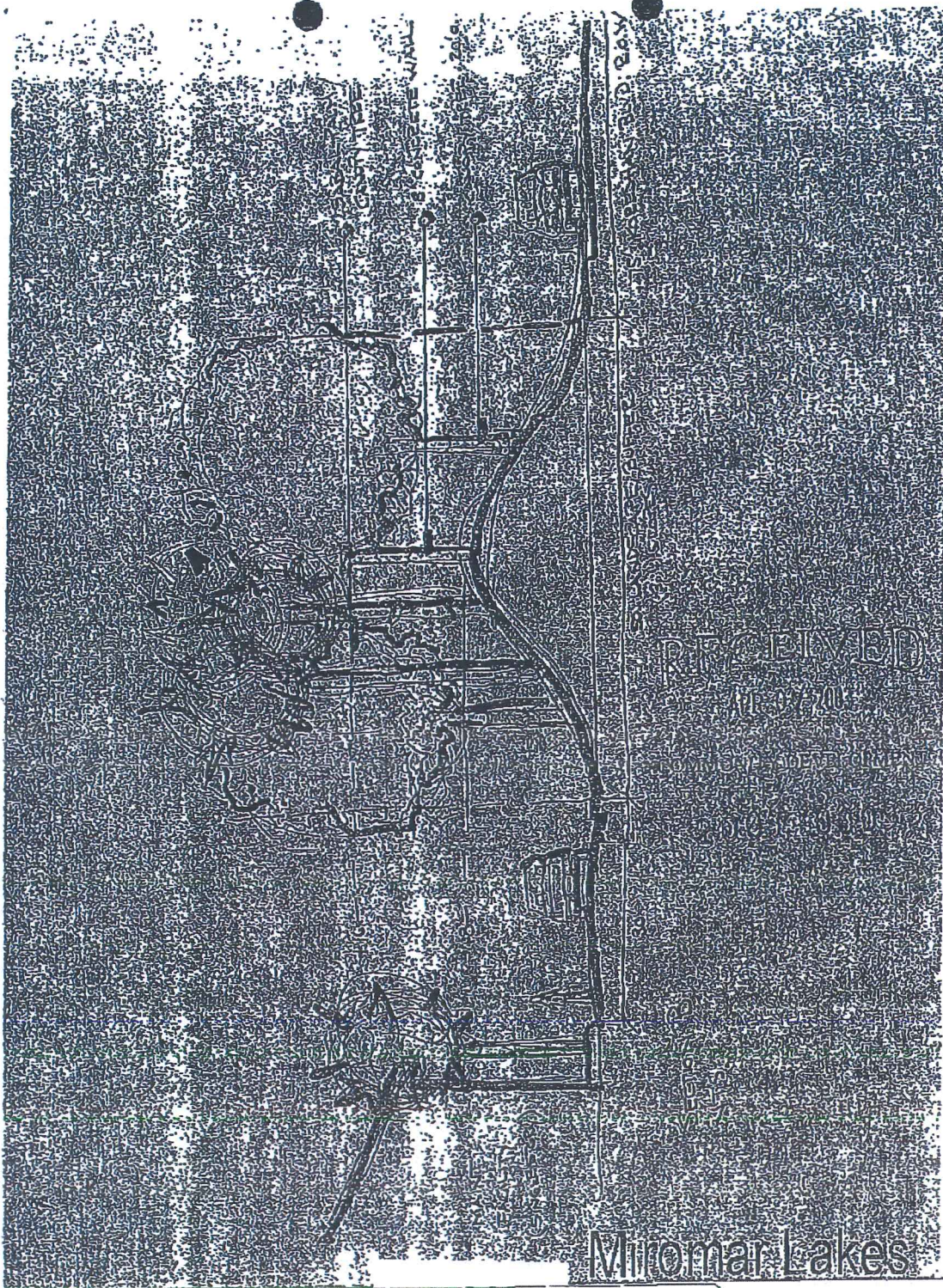


EXHIBIT J
Page 1 of 3

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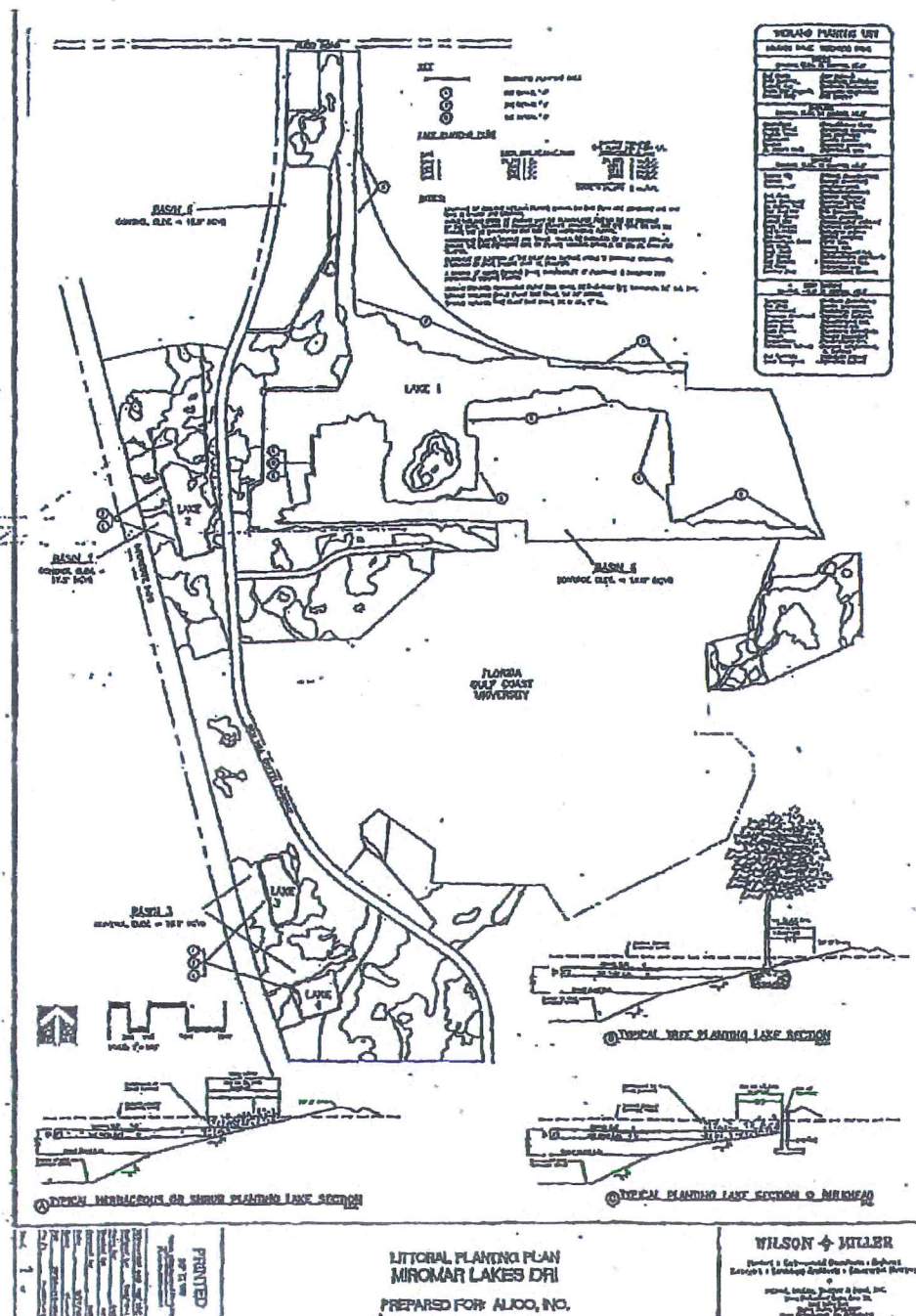


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