ADMINISTRATIVE AMENDMENT (PD) ADD2014-00076

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Neal Communities of Southwest Florida, LLC filed an application for an administrative amendment to a Residential Planned Development (RPD) on a project known as Cypress Walk (FKA Cobblestone) for revisions to the approved master concept plan, site development regulations, model home/temporary real estate sales conditions, indigenous wetland, open space, wetland restoration areas, sidewalk condition, and an additional seven deviations from the Land Development Code on property located at 11780 Ben C. Pratt/Six Mile Cypress Parkway, Fort Myers, FL. described more particularly as:

LEGAL DESCRIPTION: In Section 08, Township 45 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in case number DCI2005-00001/Zoning Resolution Z-05-057 as extended per Senate Bill 360 for a two-year period (Attachment "F"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the subject property is located in the South Fort Myers Planning Community; and

WHEREAS, Zoning Resolution Z-05-057 included approval of a maximum of 216 dwelling units including single-family and multi-family products with conditions; and

WHERES, Development Order DOS2005-00341 was approved on the subject property for residential multi-family development and other improvements; and

WHEREAS, the applicant is seeking changes to the approved development order and related South Florida Water Management District Environmental Resources permit to accommodate a single-family product on the property; and

WHEREAS, the applicant seeks modifications of the master concept plan, conditions of approval, and additional deviation requests (Attachments "B", "C" and "D"); and

WHEREAS, staff for the Division of Development Services reviewed the proposed amendment including deviation requests and had no objections to the proposed plans as conditioned by staff; and

WHEREAS, Environmental Sciences staff reviewed the deviations and recommended conditions of approval (Attachment "E"); and

WHEREAS, the request include changes in property development regulations to accommodate a specific single-family housing product; and

WHERAS, these two proposed changes are largely consistent with those approved per Z-05-057 and will have no external impacts on the neighborhood; and

WHEREAS, the applicant is proposing to amend four conditions approved per Z-05-057 that pertain to Environmental Sciences staff (Attachment "E"); and

WHEREAS, the applicant proposes amendments to Conditions 11, 12, and 14 to correct preservation acreages; and

WHEREAS, the applicant is not proposing any changes to the preserve configuration or location but rather to amend the line work to reflect the correct acreage; and

WHEREAS, the property has a wetland conservation easement dedicated to South Florida Water Management District; and

WHEREAS, both the current approved master concept plan and the proposed master concept plan both indicate improvements, stormwater lake and single-family lots in the area previously recorded as a conservation easement; and

WHEREAS, As part of the South Florida Water Management District permit review, the applicant was to release the portions of the conservation easement within the proposed development area and to revise the preserve size and shape that are currently indicated on the revised master concept plan; and

WHEREAS, staff for the Division of Environmental Sciences reviewed the request and provided substantive comments, conditions, and recommendation of approval (Attachment "E"); and

WHEREAS, Condition 21 of Z-05-057 states the developer must construct a 5-foot wide off site sidewalk prior to the issuance of a certificate of occupancy for residential structures; and

WHEREAS, the applicant proposes to modify the condition to construct the sidewalk by December 31, 2015; and

WHEREAS, the applicant argues recent improvements to Six Mile Cypress Parkway have created design constraints for the sidewalk connection which will require additional time for design and permitting; and

WHEREAS, the applicant is proposing an elevated boardwalk system in order to avoid impacts to the wetlands along the southern property line; and

WHEREAS, the boardwalk system will require permitting by the Army Corps of Engineers; and

WHEREAS, the proposed condition will give the applicant adequate time to address permitting by all involved agencies; and

WHEREAS, staff for the Lee County Department of Transportation reviewed the request, including the request to amend the condition regarding sidewalk installation; and

WHEREAS, staff the Lee County Department of Transportation staff expressed support for one of three options relating to sidewalk construction – with the December 31, 2015 deadline; and

WHEREAS, the applicant proposes Deviation 1 from Land Development Code Section 10-296(p)(1) which requires dead-end streets to be closed on one end by a circular turnaround to allow two dead-end streets without circular turnarounds; and

WHEREAS, the applicant argues there are site restraints on the subject property due to the irregular-shaped development area and natural features; and

WHEREAS, the applicant states the proposed design will allow for greater open space, restoration and preserve areas; and

WHEREAS, the applicant requests a Deviation 2 from Land Development Code Section 10-329(d)(4) which requires banks to be sloped at a 6:1 ratio from the top of bank to allow for a minimum ratio of 4:1; and

WHEREAS, the applicant argues the 4:1 lake bank slope is appropriate for this single-family residential development due to constrained development areas; and

WHEREAS, the restraints include identified preservation areas as permitted through DOS2005-00341 and the South Florida Water Management District Environmental Resource Permit; and

WHEREAS, the Division of Development Services staff agreed with this analysis and would allow for 4:1 slopes due to site restraints and the need to preserve existing and enhanced environmental features and preserves; and

WHEREAS, Environmental Sciences staff proposed conditions of approval to provide enhanced plantings and slope protection measures (Attachment “E”); and

WHEREAS, the applicant requests a Deviation 3 from Land Development Code Section Sec. 30-152(2)(a)(1)(i) which requires ground-mounted signs located is the median strip of the entrance to be set back 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes, to allow for a minimum setback of 5 feet from the right-of-way; and

WHEREAS, the eastern property line fronting Six Mile Cypress Parkway is setback +/- 75 feet from edge of pavement; and

WHEREAS, a ground-mounted identification sign near the entrance will help identify the community to visitors and residents; and

WHEREAS, there will be a significant setback from the sign to the roadway, and no negative impact on traffic or on the public health, safety or welfare; and

WHEREAS, the applicant requests Deviation 4 from Land Development Code Section 30-152(2)(b) which allows one additional permanent wall or ground-mounted sign for identification purposes only along each boundary which exceeds 2,000 feet in length, to allow one identification sign at the corners of Ben C. Pratt/Six Mile Cypress and Penzance Boulevard not to exceed 32 square feet per sign, limited to the community name, slogan and community logo; and

WHEREAS, the applicant is requesting an additional sign at the corner of a collector and arterial roadway to enhance visibility of the project; and

WHEREAS, the property has about 1,300 lineal feet of frontage on Six Mile Cypress; and

WHEREAS, the property is setback +/- 75 feet from edge of pavement from Six Mile Cypress Parkway; and

WHEREAS, the additional sign will help identify the community to visitors and residents; and

WHEREAS, the applicant requests Deviation 5 from Land Development Code Section 30-152(2)(a) which limits signage to the development name and applicable recreational facilities to allow the developer name on permanent residential signs; and

WHEREAS, the applicant Neal Communities is proposing to put their name and logo on permanent entrance signs below the name of the development; and

WHEREAS, the proposed deviation has been approved for other residential developments in Lee County and has no impact on the public health, safety or welfare; and

WHEREAS, the applicant requests Deviation 6 from Land Development Code Section 34-1748(5) which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single-unit truck vehicle as specified in the AASHTO Green Book current edition on the ingress side of the gate or gatehouse, to allow for a 27-foot minimum turn radius; and

WHEREAS, there are design restraints on the property due to environmental preserves, some of which are under conservation easement; and

WHEREAS, the is not adequate room at the entrances to accommodate the full turn radius for single-unit truck vehicles (trucks, tractor trailers, camping and recreational vehicles, motor homes, etc.); and

WHEREAS, a 27-foot turn radius will allow for a three-point turn; and

WHEREAS, a sign will be provided at the gate entrance notifying drivers that a full turn-around is not provided; and

WHEREAS, the request will not have any negative impacts on the public health, safety or welfare; and

WHEREAS, the applicant requests Deviation 7 from Land Development Code Section 30-152(2)d.2. which allows a maximum sign height of 10 feet for permanent residential signs to allow for a maximum height of 12 feet; and

WHEREAS, the sign will be setback significantly from edge of pavement from Six Mile Cypress Parkway; and

WHEREAS, this is a 20% increase in allowed height for signage allowing for greater visibility on Six Mile Cypress Parkway; and

WHEREAS, signage can be done in an attractive manner, visible to the public, and not detrimental to the public health, safety or welfare (Also See Attachment “G”); and

WHEREAS, staff finds the above deviations to enhance the planned development and preserve and promote the general intent of the Land Development Code to protect the public health, safety and welfare; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to a Residential Planned Development (RPD) for revisions to the approved master concept plan, site development regulations, model home/temporary real estate sales conditions, indigenous wetland, open space, wetland

restoration areas, sidewalk condition, and an additional seven deviations from the Land Development Code is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, per Attachment "A". Master Concept Plan for ADD2014-00076 is hereby APPROVED and adopted.**

2. **Zoning Resolution Z-05-057 is amended as follows:**

Condition 2. b. Site Development Regulations

Single-Family

Minimum Lot Areas and Dimensions

Lot Area: ~~6,500~~ 4,500 square feet
Lot Width: ~~65~~ 45 feet
Lot Depth: 100 feet

Minimum Setbacks

Street (external) 25 feet
Street (internal) 20 feet/10 feet for side-loaded garages/10 feet for secondary street setbacks on corner lots.

Side ~~10~~ 5 feet
Rear 10 feet
Water Body ~~25~~ 20 feet
Preserve 20 feet

Accessory ~~Per the LDC~~ 5 feet

Minimum Building Separation ~~20~~ 10 feet

Perimeter Setback 25 feet

Maximum Height ~~2 stories/~~35 feet

Maximum Lot Coverage ~~50~~ 55 percent

Condition 4. Model Units/Temporary Real Estate Sales

a. **The number of model homes or model units will be limited to no more than ~~two~~ six with the development at one time.**

c. **~~Models cannot be of the same floor plan and each must be a distinctly different design.~~**

g. **Hours of operation for model units and real estate sales are limited to Monday through Sunday, ~~8:00~~ 9:00 am through ~~8:00~~ 9:00 p.m.**

Condition 11.

Prior to local development order approval, the development order must delineate a minimum of ~~1.99~~ 2.01 acres of native indigenous wetland preservation, in significant compliance with the MCP.

Condition 12.

Prior to local development order approval, the development order must delineate a minimum of ~~7.98~~ 7.75 acres of native indigenous wetland preservation, in significant compliance with the MCP.

Condition 14.

Prior to local development order approval, the development order must delineate a minimum of 30.25 acres of open space. Of this, a minimum of ~~9.97~~ 9.76 acres, not including any credits, must be provided in the form of native indigenous preservation, in significant compliance with the MCP. The ~~9.97~~ 9.76 acres must be comprised of the ~~1.99~~ 2.01 acres of native indigenous preservation area and ~~7.98~~ 7.75 acres of native indigenous wetland preservation area referenced in Conditions 11 and 12 above.

Condition 16.

Prior to development order approval, the lakes must be designed to abut indigenous and wetland restoration areas in significant compliance with the MCP. The planted littoral shelf requirement will be provided on the lake shorelines on the preserve sides of the 0.83+/-acre lake and the 3.33+/-acre lake, which must be planted with double the required amount of littoral plantings. The plantings must be installed on a 10:1 lake bank slope and clustered to provide enhanced foraging areas for wading birds. Table 1 below entitled "Planting List for Littoral Shelf", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the littoral plantings and the plantings specifications. A minimum of four of the six species listed in Table 1 will be planted in the littoral zones with a minimum

of 2800 plants installed. The developer must create two draw down pools in the wetland preserve area adjacent to the 3.33+/-acre lake. The area will be graded to create different elevation for enhanced foraging areas. A plan view and cross sectional view of the draw down pools is attached hereto as Exhibit C. Specific dimensions and elevations for the draw down pools will be determined during permitting with the South Florida Water Management District. Table 2 below, entitled "Planting List for Draw Down Pools", provides a list of wetland plants native to the Six Mile Cypress Basin that must be used for the draw down pools and the planting specifications. A minimum total of 1,600 plants must be installed in the two draw down pools.

Condition 21

The developer must construct a 5-foot wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way prior to December 31, 2015. ~~the issuance of Certificate of Occupancy for the 20th residential structures.~~ The sidewalk must be constructed from the project entrance onto Penzance Boulevard to the intersection of Penzance with Ben C. Pratt/Six Mile Cypress Parkway. The sidewalk must be maintained in perpetuity by Lee County.

3. Zoning Resolution Z-05-057 is amended to include the following deviations to the Land Development Code:

***Deviation 1* from LDC Sec. 10-296(p)(1) which requires dead-end streets to be closed on one end by a circular turnaround, to allow for two dead-end streets without circular turnarounds on the approved master concept plan. This deviation is APPROVED.**

***Deviation 2* from LDC Sec. 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 all for a minimum ratio of 4:1. This deviation is APPROVED subject to the following conditions that are in addition to the littorals required by Condition 16 (amended above) and the littoral requirements in LDC 10-418 (2):**

Condition 1: As part of a local development order approval for the 4:1 lake bank slope, an additional 4600 herbaceous plants in two inch liners must be provided to supplement the turf reinforcement mat per the following specifications:

1.88 acre Lake (12' wide PLS x 1,384 LF = 16,608 SF (3' o.c.)) = 1,845 herbaceous plants

3.33 acre Lake (12' wide PLS x 776 LF = 9,312 SF) & (8' wide PLS x 922 LF = 7,376 SF) = 16,688 SF (3' o.c.) = 1,854 herbaceous plants

0.83 acre Lake (12' wide x 676 LF = 8,112 SF (3' o.c.) = 901 herbaceous plants

Deviation 3 **from LDC Sec. 30-152(2)(a)(1)(i) which requires ground-mounted signs located in the median strip of the entrance to be setback a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of pavement of the entrance and exit lanes, to allow for a 5-foot setback from the right of way.**

This deviation is APPROVED with the condition that the signs be otherwise in conformance with Chapter 30 of the Land Development Code (with the exception of deviations as approved per this amendment) and consistent with the "Sample Sign Elevations" per Attachment "G".

Deviation 4 **from LDC Sec. 30-152(2)(b) which allows one additional permanent wall or ground-mounted sign for identification purposes only along each boundary line of the development which exceeds 2,000 feet in length, to allow one identification sign at the two corners on Ben C. Pratt/Six Mile Cypress Parkway and Penzance Boulevard, not to exceed 32 square feet per sign. The sign content will be limited to the community name, slogan and logo.**

This deviation is APPROVED with the condition that the signs be otherwise in conformance with Chapter 30 of the Land Development Code (with the exception of deviations as approved per this amendment) and consistent with the "Sample Sign Elevations" per Attachment "G".

Deviation 5 **from LDC Sec. 30-152(2)(a) which limits signage to the development name and applicable recreation facilities, to allow the developer name and slogan on permanent residential entrance signs.**

This deviation is APPROVED with the condition that the signs be otherwise in conformance with Chapter 30 of the Land Development Code (with the exception of deviations as approved per this amendment) and consistent with the "Sample Sign Elevations" per Attachment "G".

Deviation **6 from LDC Sec. 34-1748(5) which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single-unit truck (SU) vehicle as specified in the AASHTO Green Book current edition on the ingress side of the gate or gatehouse, to allow for a 27-foot minimum turn radius.**

This deviation is APPROVED with the condition than the developer must provide signage at each entry notifying delivery drivers that a full turnaround is not provided for delivery trucks and other large vehicles.

***Deviation* 7 from LDC Sec. 30-152(2)d.2. which allows a maximum sign height of 10 feet for permanent residential signs, to allow for a maximum height of 12 feet.**

This deviation is APPROVED with the condition that the signs be otherwise in conformance with Chapter 30 of the Land Development Code (with the exception of deviations as approved per this amendment) and consistent with the "Sample Sign Elevations" per Attachment "G".

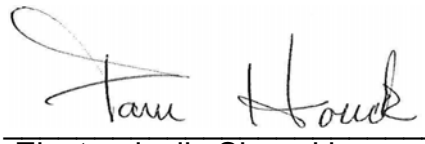
4. **As part of a local development order approval, an indigenous management plan is required to be submitted for review and approval.**

5. **As part of local development order approval, the official partial release of the recorded conservation easement preserves identified in OR 2781 PGS 2496 and 2556 must be submitted to Environmental Sciences staff for the preserve area along Six Mile Cypress Parkway.**

6. **The terms and conditions of the original zoning resolutions remain in full force and effect.**

7. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

DULY PASSED AND ADOPTED ON 8/8/2014

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

ATTACHMENTS

Exhibit “A” – Approved Legal Description

Attachment “A” – Revised Master Concept Plan

Attachment “B” – Deviations and Justifications

Attachment “C” – Revised Conditions

Attachment “D” – Applicant’s Cover Letter (July 11, 2014)

Attachment “E” – Environmental Sciences Staff Report

Attachment “F” – Zoning Resolution Z-05-057

Attachment “G” – Sample Signage Elevation

ADD2014-00076 Lee County ePlan

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

EXHIBIT A

A TRACT OR PARCEL OF LAND LYING IN SECTION 8, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. SAID TRACT OR PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY, (250 FEET WIDE) AND THE NORTHERLY RIGHT OF WAY LINE OF PENZANCE BOULEVARD (60 FEET WIDE) RUN S 88°50'40" W ALONG THE NORTH RIGHT OF WAY LINE OF PENZANCE BOULEVARD, SAID RIGHT OF WAY LINE BEING 60.00 FEET NORTH AS MEASURED PERPENDICULAR TO THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 8 FOR 863.21 FEET; THENCE RUN S88°45'57" W ALONG SAID RIGHT OF WAY LINE BEING 60.00 FEET NORTH AS MEASURED PERPENDICULAR TO THE SOUTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 8 FOR 657.22 FEET TO AN INTERSECTION WITH THE EAST LINE OF THE RECORD PLAT OF HERITAGE PALMS ESTATES - UNIT ONE, AS RECORDED ON PLAT BOOK 68, PAGE 1, LEE COUNTY RECORDS; THENCE RUN N 01°41'41" W ALONG SAID EAST LINE FOR 600.25 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF THE RECORD PLAT OF DEER LAKE UNIT 2, AS RECORDED IN PLAT BOOK 76, PAGE 70, LEE COUNTY, RECORDS; THENCE RUN N88°44'34" E ALONG SAID SOUTH LINE FOR 654.82 FEET TO THE SOUTHEAST CORNER OF SAID RECORD PLAT, THENCE RUN N 01°51'25" W ALONG THE EAST LINE OF SAID RECORD PLAT FOR 724.74 FEET; THENCE RUN N 52°11'51" E ALONG THE SOUTHEASTERLY LINE OF SAID RECORD PLAT FOR 515.43 FEET TO THE SOUTHWEST CORNER OF THE RECORD PLAT OF DEER LAKE UNIT 1, AS RECORDED IN PLAT BOOK 58, PAGE 73, LEE COUNTY RECORDS; THENCE RUN ALONG THE SOUTHERLY LINE OF SAID RECORD PLAT THE FOLLOWING COURSES N71°17'42" E FOR 115.00 FEET; S85°25'39" E FOR 390.11 FEET AND S 50°15'16" E FOR 594.29 FEET TO AN INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF SIX MILE CYPRESS PARKWAY (250 FEET WIDE); THENCE RUN S20°01'51" W ALONG SAID WESTERLY RIGHT OF WAY LINE FOR 1,329.30 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,161,581 SQUARE FEET OR 49.623 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

APPROVED
ADD2014-00076
Chick Jakacki, Planner
Lee Co Division of Zoning
4/23/2014



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LEGAL DESCRIPTION

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ONTAINING 2,161,581 SQUARE FEET OR 49.623 ACRES, MORE OR LESS.

N

0 50 100 200
GRAPHIC SCALE IN FEET
1"=100'

FLOOD ZONE:	PANEL NO.:	MAP REVISION DATE
ZONE X	12071C 0429 F	AUGUST 28, 2008

NOTES

1. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN C PRATT/SIX MILE CYPRESS PARKWAY, LEE COUNTY, FLORIDA, AS BEING SOUTH 20°01'51" WEST AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1999 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. THIS SURVEY PERFORMED WITHOUT BENEFIT OF TITLE COMMITMENT OR ABSTRACT OF TITLE.
5. 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.
6. NO UNDERGROUND UTILITIES, FOUNDATIONS OR OTHER UNDERGROUND INSTALLATIONS WERE LOCATED UNLESS SHOWN.
7. NO OTHER PERSONS OR ENTITIES, OTHER THAN SHOWN, MAY RELY ON THIS SURVEY.
8. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

ABBREVIATIONS

BOB = BASIS OF BEARING
FCM = FOUND CONCRETE MONUMENT
FIR = FOUND 5/8 IRON ROD AND CAP
N.A.V.D. = NORTH AMERICAN VERTICAL DATUM
PRM = PERMANENT REFERENCE MONUMENT
D.B. = DEED BOOK
P.B. = PLAT BOOK
O.R. = OFFICIAL RECORDS BOOK
INST. = INSTRUMENT
XX.XX = EXISTING ELEVATION
(D) = DEED
R/W = RIGHT-OF-WAY
PG. = PAGE
PSM = PROFESSIONAL LICENSED SURVEYOR
GV = GATE VALVE
HYD = FIRE HYDRANT/GAVE VALVE ASSEMPLY
MES = MITERED END SECTION
BSP = BACTERIAL SAMPLING POINT
BOV = BLOW OFF VALVE
= WOOD POWER POLE
= GUY ANCHOR
= SIGN
= MONITORING WELL
= METAL LIGHT POLE
= FIBER OPTIC MARKER
= TELEPHONE RISER BOX

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.

BY: JOHN SCOTT RHODES PSM # 5739

BOUNDARY AND TOPOGRAPHIC SURVEY

CERTIFIED TO:
NEAL COMMUNITIES

design:	RWC
drawn:	RWC
checked:	JSR
acad #:	2014-121
view:	PLOT
project#:	2014-121
sheet #:	1 of 1
file #:	2014-121 BNDY

bk:	pg:	date:
855	2-3	APRIL 9, 2014
862	22-64	scale: 1" = 200'
		cogo #: 2014-121

RHODES & RHODES LAND SURVEYING, INC.
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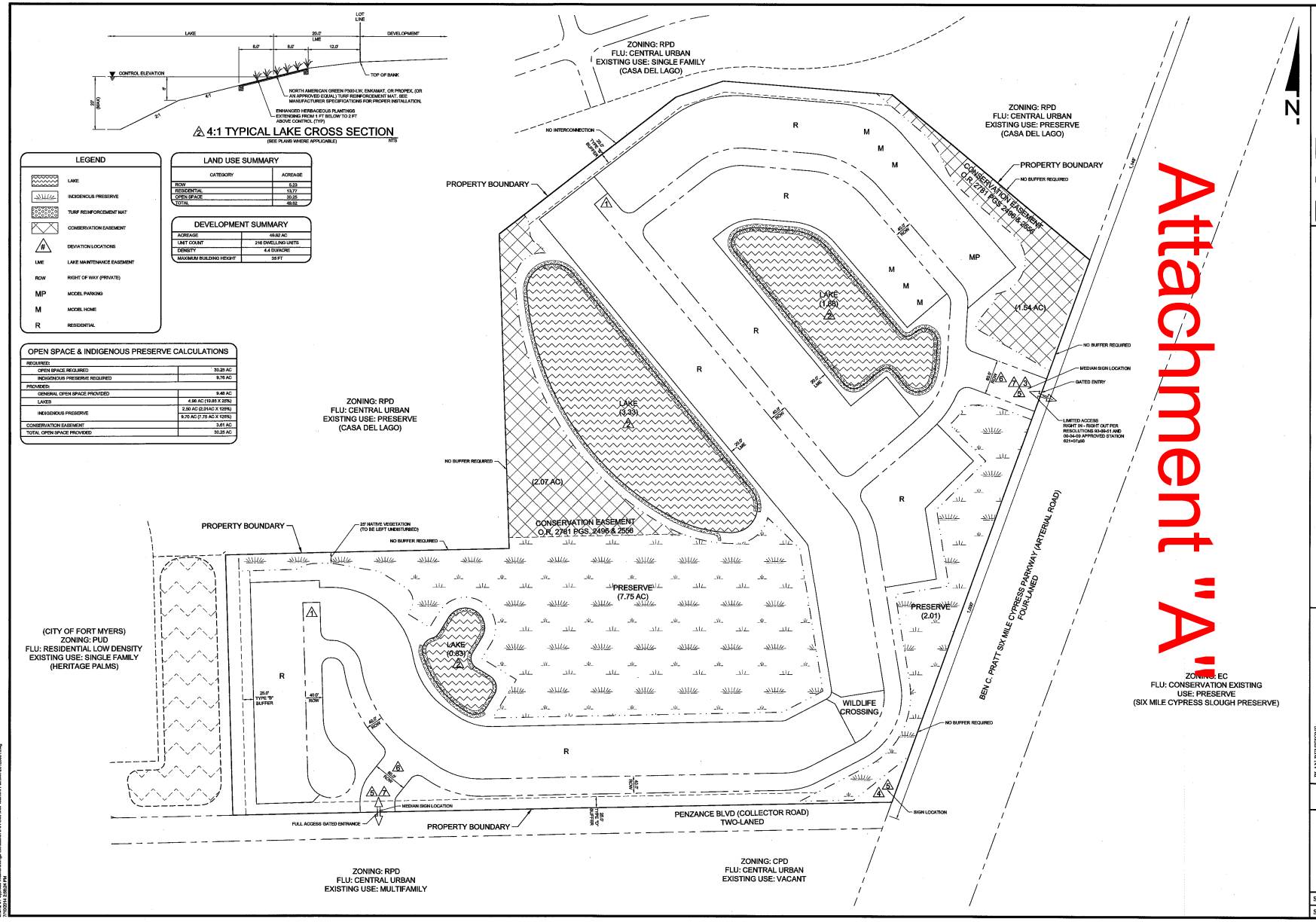
(239) 405-8166 (239) 405-8163 FAX

J:\CONST\Penzance Cobblestone\2014-121bndy.dwg, 4/11/2014 11:16:21 AM, 1:1

ADD2014-00076 Lee County ePlan



Attachment "A"

WALDROP ENGINEERING

CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

25100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7889 EMAIL: info@waldropengineering.com

CYPRESS WALK RPD

CLIENT: NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC

MASTER CONCEPT PLAN

PLAN REVISIONS

0 50 100 200
SCALE IN FEET

SET NUMBER: 372-01-E05

SHEET: 1

ADD2014-00076 Lee County ePlan

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

CYPRESS WALK (FKA COBBLESTONE)
DEVIATIONS & JUSTIFICATIONS NARRATIVE

REVISED JULY 2014

1. **Deviation from LDC Section 10-296(p)(1), which requires dead-end streets to be closed on one end by a circular turnaround, to allow for two (2) dead-end streets without circular turnarounds as shown on the site plan.**

   JUSTIFICATION: The two (2) proposed dead-end streets allow for appropriate vehicular access to the residential units, and are requested due to the unique configuration of the parcel boundary. The proposed design will allow the Applicant to maximize on-site preserve, restoration, and open space areas in excess of the LDC requirements, while facilitating this irregularly shaped development area. Each proposed dead-end street is less than 150 feet in length, and serves a relatively smaller number of lots. The proposed dead-ends are less than the maximum length allowed per FFPC NFPA 1, 18.2.3.4.4. Therefore, approval of the proposed deviation will not negatively impact public health, safety and welfare, and will address the unique site configuration due to permitted on-site preserve areas.

2. **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: The subject property has been permitted and approved through Lee County via active Development Order No. DOS2005-00341. The Project is also subject to an existing South Florida Water Management District Environmental Resource Permit. These permits are being amended to convert the permitted multi-family product type to single-family detached dwellings in accordance with current market demand, and other minor changes to accommodate the Applicant's development program.

   The proposed 4:1 lake bank slope are appropriate for this specific project due to the existing permits and the constrained developable area set forth via the above referenced permits. This is not a "greenfield" project that lacks any constraints imposed by prior work, but rather a project with active permits that both constrain the site, and allow for the construction of lakes with 4:1 slopes per current approvals.

   Specifically, the developable area is constrained by previously permitted preserves totaling 27% of the project area, which exceeds the typical requirement of 20% for a development of this size. (This is due to exclusion of 3.61 acres within existing conservation easements from the indigenous preserve total.)

Attachment "B"

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The proposed lake cross section fully addresses LDC Sec. 10-329 (d) (4), which allows for 4:1 bank slopes with approval of an administrative deviation based on satisfactory enhanced slope protection measures, including but not limited to "enhanced herbaceous plantings in combination with an appropriate geosynthetic turf reinforcement mat."

The Applicant is proposing Turf Reinforcement Mat (TRM) along all 4:1 lake bank slopes in combination with 4,600 herbaceous plants. These enhanced plantings are proposed in addition to the code minimum littoral planting requirements, and the increased littorals required per zoning condition 16.

Furthermore, all gutter downspouts will be directed underground and piped to the lake below the dry season water table to avoid concentrated surface discharges onto the lake bank. This condition will be documented on the Development Order plans.

Based on the above description of the existing permits and related development constraints, along with the Applicant's proffered erosion mitigation measures, the Applicant respectfully submits the deviation will not impact public health, safety or welfare.

3. **Deviation from LDC Section 30-152(2)(a)(1)(i), which requires ground-mounted sign located in the median strip of the entrance to be setback a minimum of 15 feet from the right-of-way of the public access road and a minimum of five feet from the edge of the pavement of the entrance and exit lanes, to allow for a 5' setback from the right-of-way.**

JUSTIFICATION: The eastern property line that fronts on Six Mile Cypress Parkway is setback 75+/-feet from the edge of pavement. The above LDC requirement is onerous in this specific case due to the expansive right-of-way along Six Mile Cypress Parkway. Due to the significant setback between the property line and the roadway, the reduced right-of-way setback for the entry sign will not negatively impact public health, safety or welfare, and will help identify the community to visitors and residents.

4. **Deviation from LDC Sec. 30-152(2)(b), which allows one additional permanent wall or ground-mounted sign for identification purposes only along each boundary line of the development which exceeds 2,000 feet in length, to allow one (1) identification sign at the corners of Ben C Pratt Six Mile Cypress Parkway and Penzance Blvd. not to exceed 32 square feet per sign. The sign content will be limited to the community name and community logo.**

JUSTIFICATION: The Applicant is requesting an additional sign at the corner of an arterial and collector roadway to enhance visibility of the project. Six Mile Cypress Parkway is a four-lane arterial roadway with maximum travel speed of 50 m.p.h. The RPD has approximately 1,300 lineal feet, or ¼ mile of frontage on Six Mile Cypress Parkway. Projects with 2,000 lineal feet of frontage and over 25 units are permitted an additional identification sign up to 105 square feet in area. Due to the reduced frontage, the Applicant is requesting a 32 square foot sign. The additional sign will assist in identifying the community and is an appropriate scale considering

ADD2014-00076 Lee County ePlan

the amount of frontage on an arterial roadway. Lastly, the property line is setback 75+/- feet from the edge of pavement of Six Mile Cypress Parkway. This expansive setback also supports the Applicant's request for an additional identification sign, in order to increase the community's visibility.

5. **Deviation from LDC Sec. 30-152(2)(a), which limits signage to the development name and applicable recreational facilities, to allow the developer name on permanent residential entrance signs.**

   JUSTIFICATION: The Applicant is proposing to list their name/logo on the permanent entrance signs below the development name. This format is consistent with the standard Neal Communities has implemented in their projects across Southwest Florida, including Villa Palmeras and Estero Place on Three Oaks Parkway, and is integral to marketing their brand in Lee County. The logo will not detract from the visual appeal of the entry sign, and provides a symbol of quality for prospective buyers. This deviation has been approved in other communities across Lee County, such as the Neal Communities developments listed above, as well as Colonial Oaks on Three Oaks Parkway and The Reserve on Estero Parkway (see Exhibit A attached). Both examples exemplify the County's willingness to allow the developer name on the signage when requested as part of a Planned Development. As such the proposed deviation will not negatively impact public health, safety or welfare.

6. **Deviation from LDC Sec. 34-1748(5), which requires a paved turn-around, having a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current addition on the ingress side of the gate or gatehouse, to allow for a 27-foot minimum turn radius.**

   JUSTIFICATION: Due to the design constraints of the existing preserves, some of which are under conservation easement, there is not adequate room at the entrances to accommodate the full turn radius for SU vehicles.

   The 27-foot turn radius proposed will allow for a 3-point turn by a SU truck. There is adequate room for passenger vehicles to turn around at the proposed entrance gates, and emergency vehicles will have transponders to enter through the gates as needed.

   Additionally, the Client will utilize the Envera gate access system which provides access 24 hours a day/7 days per week through a phone system available to all vehicles entering and exiting the site.

   The Applicant is amenable to conditioning approval on the deviation upon provision of signage at each entry notifying delivery/SU trucks that a full turnaround is not provided.

   For these reasons, approval of this deviation will not negatively impact public health, safety or welfare.

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7. **Deviation from LDC Section 30-152(2)d.2., which allows a maximum sign height of ten (10) feet for permanent residential signs, to allow for a maximum height of twelve (12) feet.**

   The Applicant is requesting additional signage height to enhance visibility of the project and provide additional design flexibility for the entry monument signage. The signage will be setback significantly from the Six Mile Cypress Parkway edge of pavement, thereby precluding impacts to public health, safety or welfare. This deviation is similar to other deviations approved for master-planned communities, and is a nominal increase to the allowable height (20%). The Applicant will utilize a common architectural theme for all signs, both internal to the community and at the entrance to ensure an attractive and cohesive development.

Attachment "B"

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WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

CYPRESS WALK (FKA COBBLESTONE)
PROPOSED CONDITIONS

REVISED JULY 2014

The requested amendments to the approved conditions per Z-05-057 are shown below in bold, strike-through/underline format.

Attachment "C"

1. No changes
2. a. Schedule of Uses – No changes

b. Site Development Regulations

Single Family
Minimum Lot Areas and Dimensions

Lot Area:	~~**6,500**~~ **4,500** square feet
Lot Width:	~~**65**~~ **45** feet
Lot Depth:	100 feet
Minimum Setbacks	
Street (external)	25 feet
Street (internal)	20 feet **/10 feet for side loaded garages/10 feet for secondary street setbacks on corner lots**
Side	~~**10**~~ **5** feet
Rear	10 feet
Water Body	~~**25**~~ **20** feet
Preserve	20 feet
Accessory	~~**Per the LDC**~~ **5 feet**
Minimum Building Separation	~~**20**~~ **10 feet**
Perimeter Setback	25 feet
Maximum height	~~**2 stories/**~~**35 feet**
Maximum Lot Coverage	~~**50**~~ **55 percent**

Multi-family, Townhouse, Coach Homes – No changes

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Clubhouse and Amenities – No changes

3. No changes

4. Model Units/Temporary Real Estate Sales

a. The number of model homes or model units will be limited to no more than ~~two~~ **six** within the development at one time.

b. Any model homes or units must be developed within the area identified as "models", "townhouse site" or "model display center" on the approved MCP.

c. ~~**Models cannot be of the same floor plan and each must be a distinctly different design.**~~

c. Model Display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas in accordance with the LDC.

d. Real Estate sales are limited to model units, model homes, model display centers, model display groups, the amenity site and clubhouse.

e. Real estate sales will be limited to the sale of lots or units within the development only.

f. Hours of operation for model units and real estate sales are limited to Monday through Sunday, ~~8:00~~ **9:00** a.m. through ~~8:00~~ **9:00** p.m.

g. Model homes and temporary real estate sales will be valid for a period of up to 3 years form the date of issuance of a certificate of occupancy of a model home in accordance with LDC §34-1954(d)(1).

5-9. No changes

11. Prior to local development order approval, the development order must delineate a minimum of ~~1.99~~ **2.01** acres of native indigenous preservation along Six Mile Cypress Parkway, in significant compliance with the MCP.

12. Prior to local development order approval, the development order must delineate a minimum of ~~7.98~~ **7.75** acres of native indigenous wetland preservation, in significant compliance with the MCP.

13. No changes

14. Prior to local development order approval, the development order must delineate a minimum of 30.25 acres of open space. Of this, a minimum of 9.97 acres, not including any credits, must be provided in the form of native indigenous preservation, in significant compliance with the MCP. The ~~9.97~~ 9.76 acres must be comprised of the ~~1.99~~ 2.01 acres of native indigenous preservation area and ~~7.98~~ 7.75 acres of native indigenous wetland preservation area referenced in Conditions 11 and 12 above.

16. Prior to development order approval, the lakes must be designed to abut the wetland restoration areas in significant compliance with the MCP. The **planted littoral shelf requirement will be provided on the** lake shoreline**s** on the preserve side**s** of **the 0.83+/-acre lake and the 3.33 +/- acre** lake**, which** must be planted with double the required amount of littoral plantings. The plantings must be clustered to provide enhanced foraging areas for wading birds. Table 1 below entitled "Planting List for Littoral Shelf", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the littoral plantings and the plantings specifications. A minimum of four of the six species listed in Table 1 will be planted in **the** littoral zone~~s~~ with a minimum of ~~1,800~~2,800 plants installed~~ at the preserve side of the 2.26acre lake shoreline and a minimum of 1,000 plants installed at the preserve side of the 1.07 acre lake shoreline~~. The developer must create two draw down pools in the wetland preserve area adjacent to the ~~2.26~~3.33+/-acre lake. The area will be graded to create different elevations for enhanced foraging areas. A plan view and cross sectional view of the draw down pools is attached hereto as Exhibit C. Specific dimensions and elevations for the draw down pools will be determined during permitting with South Florida Water Management District. Table 2 below, entitled "Planting List for Draw Down Pools", provides a list of wetland plants native to the Six Mile Cypress Basin that must be used for the draw down pools and the planting specifications. A minimum total of 1,600 plants must be installed in the two draw down pools.

21. The developer must construct a 5-foot wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way prior to the issuance of Certificate~~s~~ of Occupancy for **the 50th** residential structure~~s~~**.** The sidewalk must be constructed from the project entrance onto Penzance Boulevard to the intersection of Penzance with Ben C. Pratt Six Mile Cypress Parkway. The sidewalk must be maintained in perpetuity by Lee County.

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WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

Attachment "D"

July 11, 2014

Mr. Tony Palermo, AICP
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

RE: Cypress Walk (FKA Cobblestone)
ADD2014-00076

Dear Mr. Palermo:

Enclosed please find responses to your insufficiency letter dated July 2, 2014. The following information has been provided to assist in the review and approval:

1. One (1) copy of the comment response letter;
2. One (1) copy of the revised Master Concept Plan (11"x17");
3. One (1) copy of the revised Master Concept Plan (24"X36");
4. One (1) copy of the revised Schedule of Deviations & Justifications; and
5. One (1) copy of the revised Conditions.

The following is a list of Lee County comments with our responses in bold:

LC Development Services Comments- Reviewed by:

1. Staff will not support deviation #2 (lake bank slopes) and #10 (turn arounds).

   RESPONSE: Please refer to the revised Deviations & Justifications narrative enclosed. Additional justification has been provided to address the need to maintain 4:1 lake bank slopes as approved per DOS2005-00341.

   In terms of Deviation # 10 for SU truck turnaround, the 27-foot turn radius proposed will allow for a 3-point turn by an SU truck. There is adequate room for passenger vehicles to turn around at the proposed entrance gates, and emergency vehicles will have transponders to enter through the gates as needed.

   Additionally, the Client will utilize the Envera gate access system which provides access 24 hours a day/7 days per week through a phone system available to all vehicles entering and exiting the site. The Applicant is amenable to providing signage at each entrance to notify delivery trucks that a full turnaround is not provided.

RECEIVED
JUL 11 2014
COMMUNITY DEVELOPMENT

ADD2014-00076 Lee County ePlan

LC Environmental Sciences Comments- Reviewed by: Beth Workman

1. Must provide 6:1 lake bank slopes.

   RESPONSE: Please refer to the revised Deviations & Justifications narrative enclosed. Additional justification has been provided in regards to the existing site constraints memorialized through various state, local and federal permits, and a detailed description of the erosion control measures through enhanced plantings, TRM and location of gutters/down spouts has been provided.

2. Must provide 10:1 planted littoral shelves.

   RESPONSE: So noted.

3. Must provide enhanced littoral shelves per zoning condition for smaller lake adjacent to the indigenous preserves. The rewrite for the condition states the enhanced littorals will be located in the larger central lake because it is adjacent to the conservation easement. The purpose of the condition was to provide enhanced littoral areas for the lake bank slopes adjacent to the indigenous open space. Please revise condition to include the small lake at the southwestern corner of the project.

   RESPONSE: Please refer to the revised Conditions document attached. The Applicant will provide the enhanced littorals in the southern-most 0.83-acre lake, and 3.33-acre central lake.

4. The open space table on the MCP must change the indigenous open space to 9.75. Currently, it states 9.97.

   RESPONSE: Please refer to the revised MCP. The indigenous open space areas have been corrected in the open space table.

5. Did the conservation easement located at the northeastern corner of the property change in size? The recorded conservation easement looks much wider on the recorded documents. Was an amendment submitted to SFWMD to change the size? Please provide documentation.

   RESPONSE: Yes, the configuration shown on the proposed MCP is approved but not recorded (i.e. the release is approved by SFWMD). It is understood that the Administrative Amendment will be conditioned so that recordation is required by time of Certification of Compliance. The companion Development Order Amendment resubmittal will include documentation of the SFWMD approval.

LC Department of Transportation Comments—Reviewed by: Dan Kirkpatrick

1. DOT does support additional language for the "fee-in-lieu for the sidewalk" on Penzance or "prior to C.C. for the 50th residential structure". Remove both additions.

   RESPONSE: It is understood Staff is meeting internally to address alternative timing for the sidewalk installation. The Applicant is not requesting to remove this condition, but rather modify it to

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comply with the required ACOE permitting timeline. Due to the construction of the Six Mile Cypress Parkway improvements, the sidewalk design has significantly changed from what was intended in 2005 when the above condition was approved. As such, the Applicant is seeking additional time to secure the required ACOE permit, while not impacting the launch of sales within the community.

The Applicant is amenable to modifying this condition to any of the following options in order to handle administratively:

1) The developer must construct a 5-foot wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way prior to the issuance of Certificates of Occupancy for the **20th** residential structures.

   OR

2) The developer must construct a 5-foot wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way prior to **December 31, 2015** ~~the issuance of Certificates of Occupancy for the 20th residential structures~~.

   OR

3) The developer must construct a 5-foot wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way **within 90 days of ACOE permit issuance for sidewalk construction** ~~prior to the issuance of Certificates of Occupancy for residential structures~~.

If you have any further questions, please do not hesitate to 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 Greenberg, Neal Communities of Southwest Florida, LLC

ADD2014-00076 Lee County ePlan

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Attachment "E"

Date: **July 31, 2014**

To: **Tony Palermo, Senior Planner**

From: **Beth Workman, Environmental Planner**
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: **Cypress Walk (fka Cobblestone)**
Case: **ADD2014-00076**
STRAP: **08-45-25-00-00003.2000; -00004.0030; -00004.001A; & -00004.0040**

The Division of Environmental Sciences (ES) staff has reviewed the proposed Administrative Deviation (ADD) for relief from Land Development Code (LDC) 10-329 (d) (4) to allow 4:1 lake bank slopes with enhanced slope protection measures instead of 6:1 lake bank slopes (deviation #2). The applicant is also requesting modifications to the development regulations for single-family detached dwelling types, revisions to the residential layout shown on the approved Master Concept Plan, and modifications to the conditions outlined in Z-05-057.

The subject property is located at 11780 Ben C Pratt Six Mile Cypress Parkway at the west side of the road and north of Penzance Boulevard. The project (formerly known as Cobblestone) consists of a 49.62 acre residential project and was rezoned (DCI2005-00001) from a Commercial Planned Development (CPD) to a Residential Planned Development (RPD) to allow 216 dwelling units. The development order was approved in 2006 (DOS2005-00341), granted a series of extensions from 2010 to 2013, and received a House Bill Extension in 2013 that granted a project expiration date of March 26, 2018.

OPEN SPACE

The DCI2005-00001 was approved for varying minimum lot area of 6,500 square feet and a 50% maximum lot coverage. The current ADD application is requesting a minimum lot area of 4,500 square feet and 55% maximum lot coverage. The applicant is meeting the 40% open space requirement through 11.93 acre general open space, 4.96 acre of lakes (19.85 X 25%), 3.61 acre conservation easement, 1.98 acre and 7.77 acre indigenous preserve for a total of 30.25 acres of open space. LDC 10-415 (a) requires half of the open space required to be indigenous open space

(9.92 acres). The applicant is providing 9.76 acres of indigenous open space. In order to meet the indigenous open space requirements, the applicant is utilizing upland indigenous preserve credits LDC 10-415 (b) (3). In this section of the code, an incentive to preserve indigenous native upland plant communities or indigenous native trees in large tracts has been allowed for projects with large areas of native upland indigenous areas. Based on the area of the upland indigenous, applicants may receive a certain percentage of credit. The two preserves are both over an acre in size and have a 75 foot width so each preserve receives a 125% indigenous preserve credit (1.98 X 125% = 2.48 acres) (7.77 acres X 125% = 9.71). By utilizing the open space credits in LDC 10-415 (b) (3), the indigenous open space is met with 12.19 acres. ES staff supports the changes to conditions 11, 12, and 14. However, provides an additional condition pertaining to the indigenous management plan to ensure long term protection and must be provided as part of the development order approval. Lee County Environmental Sciences began requiring indigenous management plans in August of 2005. The following condition must be added to the revised zoning resolution:

As part of a local development order approval, an indigenous management plan is required to be submitted for review and approval.

ZONING RESOLUTION MODIFICATIONS

The applicant is proposing to amend four of the original conditions approved with DCI2005-00001 (Z-05-057) that pertain to ES staff. The first change is to conditions 11, 12, and 14 to correct the preserve acreages. The applicant is not proposing any changes to the preserve configuration or location but rather to amend the line work to reflect the correct acreage. This change will affect conditions 11, 12, and 14 as those conditions cited specific acreages within the condition. ES staff supports these changes as outlined in applicants resubmittal dated July 7, 2014.

The second change is to condition 16 to revise the location of the enhanced littorals to comply with the proposed lake configuration. The original condition required the two lakes that abutted the restoration areas to be planted with double the required littoral plantings. The condition provided a planting list for the littoral shelf. The applicant has changed the location of the smaller lake by eliminating the 1.07 acre lake located at the northeastern corner of the project and instead showing a 0.83 acre lake at the southwestern corner of the project. The large lake located in the center of the project was originally 2.47 acres and the amended master concept plan now shows a 3.33 acre central lake. The planting list for the littoral shelf will not change. The new 0.83 acre lake is no longer located adjacent to a restoration area so the applicant would like to provide the 2800 littorals in the original condition only in the 3.33 acre central lake. ES staff supports the changes made to condition 16 to reflect the current development but provides the following additions to condition 16:

Prior to development order approval, the lakes must be designed to abut indigenous and wetland restoration areas in significant compliance with the MCP. The planted littoral shelf requirement will be provided on the lake shorelines on the preserve sides of the 0.83+/-acre lake and the 3.33+/-acre lake, which must be planted with double the required amount of littoral

plantings. The plantings must be installed on a 10:1 lake bank slope and clustered to provided enhanced foraging areas for wading birds. Table 1 below entitled "Planting List for Littoral Shelf", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the littoral plantings and the plantings specifications. A minimum of four of the six species listed in Table 1 will be planted in the littoral zones with a minimum of 2800 plants installed. The developer must create two draw down pools in the wetland preserve area adjacent to the 3.33+/-acre lake. The area will be graded to create different elevation for enhanced foraging areas. A plan view and cross sectional view of the draw down pools is attached hereto as Exhibit C. Specific dimensions and elevations for the draw down pools will be determined during permitting with the South Florida Water Management District. Table 2 below, entitled "Planting List for Draw Down Pools", provides a list of wetland plants native to the Six Mile Cypress Basin that must be used for the draw down pools and the planting specifications. A minimum total of 1,600 plants must be installed in the two draw down pools.

NEW DEVIATION:

The lakes being proposed are deep lakes (12 feet or greater), illustrate a 4:1 slope, deep lake trees, and one littoral plant per one linear foot of the lake shoreline. These illustrations were in compliance with the LDC 10-329 (d) (4) and 10-418(2) at the time of the 2006 development order submittal. In June of 2014, the applicant submitted an amendment to revise the location of one of the lakes and change the site configuration. The current ADD application is required because the site plan has changed and the property regulations are being revised in the DCI2005-00001. The applicant must request new deviations from the LDC if the site plan cannot meet the LDC requirements. Therefore, the applicant has requested a deviation from LDC 10-329 (d) (4) to allow a 4:1 lake bank slope with enhanced herbaceous plantings and turf reinforcement mats instead of the code required 6:1 lake bank slope. The applicant provided calculations for the enhanced herbaceous plantings via e-mail on July 17, 2014. ES staff refers to Development Services for compliance with lake bank slope comments per LDC 10-329(d) (4). If Development Services staff recommends approval to allow 4:1 lank bank slopes instead of 6:1, then ES staff offers the following condition:

Approve subject to the following conditions that are in addition to the littorals required by Condition 16 and the littoral requirements in LDC 10-418 (2):

As part of a local development order approval for the 4:1 lake bank slope, an additional 4600 herbaceous plants in two inch liners must be provided to supplement the turf reinforcement mat per the following specifications:

1.88 acre Lake (12' wide PLS x 1,384 LF = 16,608 SF (3' o.c.)) = 1,845 herbaceous plants

3.33 acre Lake (12' wide PLS x 776 LF = 9,312 SF) & (8' wide PLS x 922 LF = 7,376 SF) = 16,688 SF (3' o.c.) = 1,854 herbaceous plants

0.83 acre Lake (12' wide x 676 LF = 8,112 SF (3' o.c.) = 901 herbaceous plants

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CONSERVATION EASEMENT

The project has a wetland conservation easement dedicated to South Florida Water Management District. The current MCP of Z-05-057 and the proposed MCP both indicate improvements, stormwater lake and single family lots in the area previously recorded as a conservation easement. This conservation easement was to be partially released with the prior approvals of the District permits but the project ownership changed during the permitting process. As part of the SFWMD permit review, the applicant was to release the portions of the conservation easement within the proposed development area and to revise the preserve size and shape that are currently indicated on the MCP's. Therefore, ES staff recommends the official partial release be submitted to staff prior to approval of a development order which includes improvements within these areas. ES staff provides the following condition:

As part of local development order approval, the official partial release of the recorded conservation easement preserves identified in OR 2781 PGS 2496 and 2556 must be submitted to ES staff for the preserve area along Six Mile Cypress Parkway.

LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

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District Four

Frank Mann
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Karen B. Hawes
County Manager

David Owen
County Attorney

Diana M. Parker
County Hearing Examiner

December 29, 2009

Attachment "F"

MS. STACY HEWITT
BANKS ENGINEERING
10511 SIX MILE CYPRESS PKWY
FORT MYERS FL 33966

Re: COBBLESTONE
Senate Bill 360 Extension (F)
DCI2009-00051

Dear MS. STACY HEWITT:

In accord with Senate Bill 360 (SB360) and Lee County Resolution 09-06-22, development permits meeting certain criteria are entitled to one 2-year extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution Z-05-057, DCI2005-00001, COBBLESTONE, is hereby extended for the following:

APPROVAL OF A 2-YEAR EXTENSION OF Z-05-057 FROM OCTOBER 3, 2010 TO OCTOBER 3, 2012 FOR COBBLESTONE RPD.

No additional extensions under SB360 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB360, you must file a specific request for each qualifying development permit.

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

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

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GIS Tracking Sheet

kwiktag® 022 583 626

Case No.: DCI2005-00001

Intake Date: 1/10/05

Project Name: Cobblestone RPD

STRAP Number(s): 08-45-25-00-00003.2000; -00004.0030, .001A, .0040

Planner Name: Tony Palermo Ext. 8325

LEGAL DESCRIPTION VERIFICATION and INITIAL GIS MAPPING

Date: 3/30/2005 ArcGIS INTAKE: DC105001

LEGAL SUFFICIENT ☑ YES ☐ NO Initials: LOM

If not, give brief explanation:

MAP UPDATE following FINAL ACTION

Date: 02DEC05

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

☐ Administrative Approval ☐ Blue Sheet

Zoning Notes: Z-05-057, DCI2005-00001, 030CT05, REZONE 50+/- ACRE PARCEL FROM CPD TO RPD TO ALLOW 216 DWELLING UNITS, CONDS

MAP UPDATED ☐ YES ☐ NO Initials:

If not, give brief explanation: CREATED RPD: 501263

S:\WRITERS\Murphyge\gistracking.wpd

ADD2014-00076 Lee County ePlan

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

DESCRIPTION
Parcel in
Section 8, Township 45 South, Range 25 East,
Lee County, Florida

A tract or parcel of land lying in Section 8, Township 45 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the intersection of the Westerly right of way line of Six Mile Cypress Parkway, (250 feet wide) and the Northerly right of way line of Penzance Boulevard, (60 feet wide) run S88°50'40"W along the north right of way line of Penzance Boulevard, said right of way line being 60.00 feet North as measured perpendicular to the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 8 for 863.21 feet; thence run S88°45'57"W along said right of way line being 60.00 feet North as measured perpendicular to the South line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of said Section 8 for 657.22 feet to an intersection with the East line of the Record Plat of Heritage Palms Estates – Unit One, as recorded on Plat Book 68, Page 1, Lee County Records; thence run N01°41'41"W along said East line for 600.25 feet to an intersection with the South line of the Record Plat of Deer Lake Unit 2, as recorded in Plat Book 76, Page 70, Lee County Records; thence run N88°44'34"E along said South line for 654.82 feet to the Southeast Corner of said Record Plat; thence run N01°51'25"W along the East line of said Record Plat for 724.74 feet; thence run N52°11'51"E along the Southeasterly line of said Record Plat for 515.43 feet to the Southwest Corner of the Record Plat of Deer Lake Unit 1, as recorded in Plat Book 58, Page 73, Lee County Records; thence run along the Southerly line of said Record Plat the following courses: N71°17'42"E for 115.00 feet; S85°25'39"E for 390.11 feet and S50°15'16"E for 594.29 feet to an intersection with said westerly right of way line of Six Mile Cypress Parkway, (250 feet wide); thence run S20°01'51"W along said Westerly right of way line for 1,329.30 feet to the POINT OF BEGINNING.
Containing 49.62 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the Westerly right of way line of Six Mile Cypress Parkway, to bear S20°01'51"W.

Applicant's Legal Checked
by Lgm 4/21/2005

RECEIVED
APR 2 1 2005

Scott A. Wheeler 4/7/05
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\21999 - Shelby Homes 48 Acre\DESC\21999S02DESC.DOC

DCI2005-00001

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

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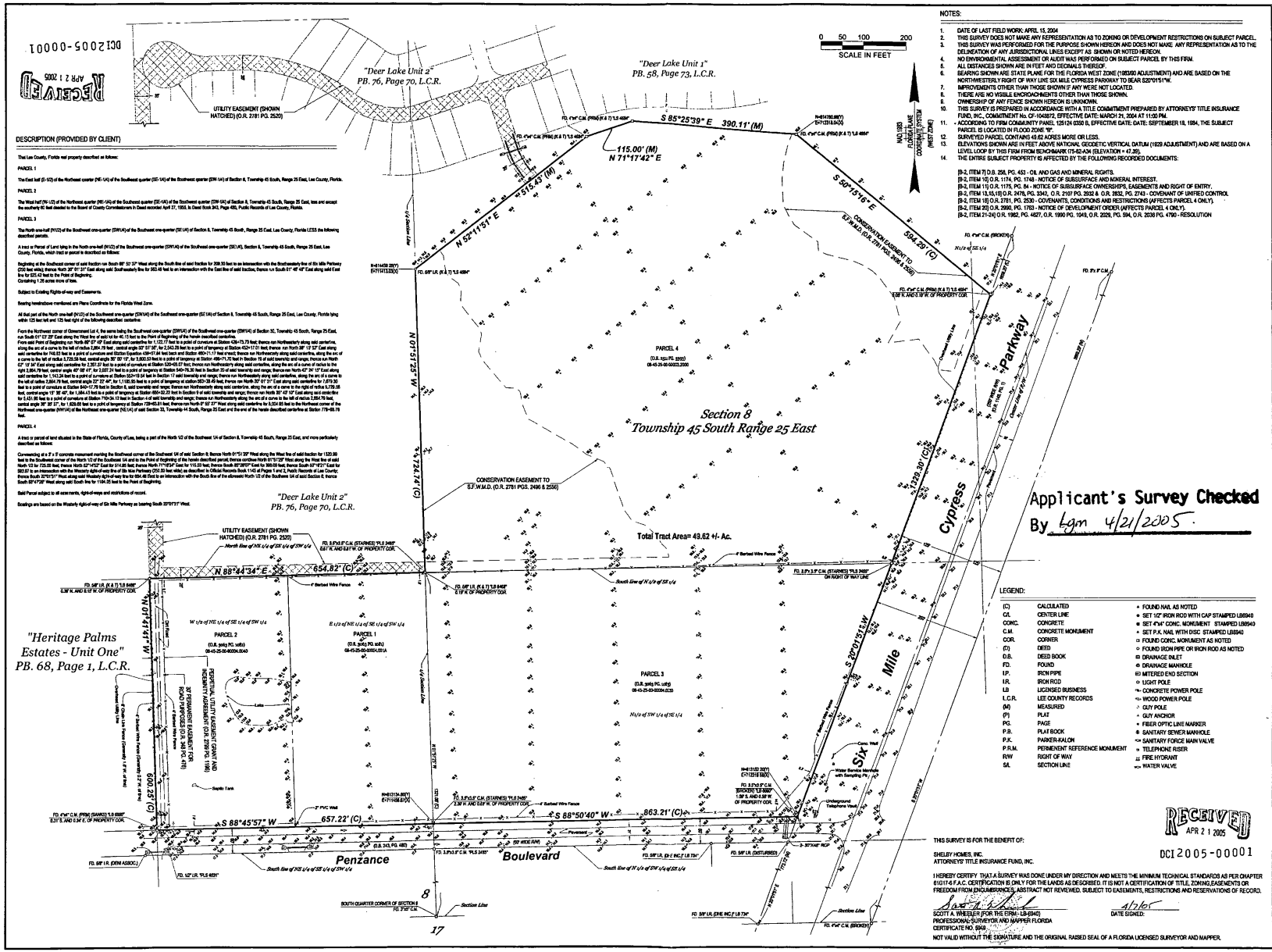

NOTES:

1. DATE OF LAST FIELD WORK: APRIL 15, 2004
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE DELINEATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
4. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
5. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
6. BEARING SHOWN ARE STATE PLANE FOR THE FLORIDA WEST ZONE (1983/90 ADJUSTMENT) AND ARE BASED ON THE NORTHWESTERLY RIGHT OF WAY LINE SIX MILE CYPRESS PARKWAY TO BEAR S20°01'51"W.
7. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
8. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
9. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
10. THIS SURVEY IS PREPARED IN ACCORDANCE WITH A TITLE COMMITMENT PREPARED BY ATTORNEYS' TITLE INSURANCE FUND, INC., COMMITMENT No. CF-1043872, EFFECTIVE DATE: MARCH 21, 2004 AT 11:00 PM.
11. ACCORDING TO FIRM COMMUNITY PANEL 125124 0350 B, EFFECTIVE DATE: DATE: SEPTEMBER 18, 1984, THE SUBJECT PARCEL IS LOCATED IN FLOOD ZONE "B".
12. SURVEYED PARCEL CONTAINS 49.62 ACRES MORE OR LESS.
13. ELEVATIONS SHOWN ARE IN FEET ABOVE NATIONAL GEODETIC VERTICAL DATUM (1929 ADJUSTMENT) AND ARE BASED ON A LEVEL LOOP BY THIS FIRM FROM BENCHMARK (TS-82-43A (ELEVATION = 47.28).
14. THE ENTIRE SUBJECT PROPERTY IS AFFECTED BY THE FOLLOWING RECORDED DOCUMENTS:

[B-2, ITEM 7] D.B. 258, PG. 453 - OIL AND GAS AND MINERAL RIGHTS.
[B-2, ITEM 10] O.R. 1174, PG. 1748 - NOTICE OF SUBSURFACE AND MINERAL INTEREST.
[B-2, ITEM 11] O.R. 1175, PG. 84 - NOTICE OF SUBSURFACE OWNERSHIPS, EASEMENTS AND RIGHT OF ENTRY.
[B-2, ITEM 13,15,16] O.R. 2478, PG. 3342, O.R. 2107 PG. 2932 & O.R. 2832, PG. 2743 - COVENANT OF UNIFIED CONTROL
[B-2, ITEM 18] O.R. 2781, PG. 2530 - COVENANTS, CONDITIONS AND RESTRICTIONS (AFFECTS PARCEL 4 ONLY).
[B-2, ITEM 20] O.R. 2990, PG. 1763 - NOTICE OF DEVELOPMENT ORDER (AFFECTS PARCEL 4 ONLY).
[B-2, ITEM 21-24] O.R. 1982, PG. 4627, O.R. 1990 PG. 1049, O.R. 2029, PG. 594, O.R. 2038 PG. 4790 - RESOLUTION

LEGEND:

(C)	CALCULATED	●	FOUND NAIL AS NOTED
C/L	CENTER LINE	●	SET 1/2" IRON ROD WITH CAP STAMPED LB5940
CONC.	CONCRETE	●	SET 4"x4" CONC. MONUMENT STAMPED LB5940
C.M.	CONCRETE MONUMENT	●	SET P.K. NAIL WITH DISC STAMPED LB5940
COR.	CORNER	■	FOUND CONC. MONUMENT AS NOTED
(D)	DEED	○	FOUND IRON PIPE OR IRON ROD AS NOTED
D.B.	DEED BOOK	⊞	DRAINAGE INLET
FD.	FOUND	⊕	DRAINAGE MANHOLE
I.P.	IRON PIPE	⊟	MITERED END SECTION
I.R.	IRON ROD	☼	LIGHT POLE
LB	LICENSED BUSINESS	⊸	CONCRETE POWER POLE
L.C.R.	LEE COUNTY RECORDS	⊸	WOOD POWER POLE
(M)	MEASURED	◦	GUY POLE
(P)	PLAT	◦	GUY ANCHOR
PG.	PAGE	▲	FIBER OPTIC LAKE MARKER
P.B.	PLAT BOOK	⊕	SANITARY SEWER MANHOLE
P.K.	PARKER-KALON	⊸	SANITARY FORCE MAIN VALVE
P.R.M.	PERMANENT REFERENCE MONUMENT	▽	TELEPHONE RISER
R/W	RIGHT OF WAY	⊥	FIRE HYDRANT
S/L	SECTION LINE	⋈	WATER VALVE

THIS SURVEY IS FOR THE BENEFIT OF:
SHELBY HOMES, INC.
ATTORNEYS' TITLE INSURANCE FUND, INC.

I HEREBY CERTIFY THAT A SURVEY WAS DONE UNDER MY DIRECTION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 61G17-6 F.A.C. CERTIFICATION IS ONLY FOR THE LANDS AS DESCRIBED. IT IS NOT A CERTIFICATION OF TITLE, ZONING,EASEMENTS OR FREEDOM FROM ENCUMBRANCES. ABSTRACT NOT REVIEWED. SUBJECT TO EASEMENTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

SCOTT A. WHEELER (FOR THE FIRM - LB-5940)
PROFESSIONAL SURVEYOR AND MAPPER FLORIDA
CERTIFICATE NO. 6249
DATE SIGNED: 4/21/05

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

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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-5940

PREPARED FOR
SHELBY HOMES
6363 NW 6TH WAY
SUITE 250
FORT LAUDERDALE, FL 33990
PHONE (954) 318-1000
FAX (954) 318-2000
WWW.SHELBY-HOMES.COM

PROJECT DESCRIPTION
PENZANCE BOULEVARD AT SIX MILE CYPRESS PARKWAY
PART OF SECTION 8
TOWNSHIP 45 SOUTH
RANGE 25 EAST
LEE COUNTY, FLORIDA

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

FILE NAME	21999S01.DWG
LAYOUT	LAYOUT1
LOCATION	J:\21999\DWG\SURVEYING\
PLOT DATE	FRI. 4-1-2005 - 11:44 AM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	04-15-2004
DRAWN BY	PETER OLSEN
CHECKED BY	SAW
SCALE	1"=100'
FIELD BOOK	86/45-78 & 94/1-2

PLAN REVISIONS

04-01-2005	ADD STATE PLANE COORDINATES

STRAP NUMBERS
08-45-25-00-00003.2000
08-45-25-00-00004.001A
08-45-25-00-00004.0030
08-45-25-00-00004.0040

BOUNDARY SURVEY

PROJECT / FILE NO.	SHEET NUMBER
21999 6-45-25	1 of 1

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RESOLUTION NUMBER Z-05-057

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

WHEREAS, the contract purchaser, Shelby Homes, Inc., filed an application with the consent of the property owners, Six Mile Parkway Partnership, Penzance Road Partnership, and Truman J. Costello, Trustee, to rezone a 50±-acre parcel from Commercial Planned Development (CPD) to Residential Planned Development (RPD) in reference to a project known as Cobblestone RPD; and.

WHEREAS, a public hearing was advertised and held on July 13, 2005, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt. Written submissions were requested by the Hearing Examiner at the close of hearing with a due date of July 15, 2005. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2005-00001; and,

WHEREAS, a second public hearing was advertised and held on October 3, 2005, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 50±-acre parcel from CPD to RPD to allow 216 dwelling units (including single-family and multi-family) with a maximum height of 35 feet and two stories. The property is located in the Central Urban Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions specified in Section B below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the three-page Master Concept Plan (MCP) entitled Master Concept Plan for Cobblestone RPD, date stamped "Received September 16, 2005 Permit Counter" (attached hereto as Exhibit C) which includes "Notes & Typicals" on page 3 , except as modified by the conditions below.

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

   The maximum number of dwelling units is limited to 216.

COPY

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

a. Schedule of Uses

ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES - Clubhouse/Amenity Area only.
BOARDWALKS
CLUBS, CLUBHOUSE - PRIVATE. Clubhouse/Amenity Area only.
DOCKS, FISHING PIERS - limited to lakes as shown on the approved MCP.
DWELLING UNITS - SINGLE-FAMILY, MULTIFAMILY, COACH HOMES, TOWNHOUSES
ENTRANCE GATES, AND GATEHOUSE - IN COMPLIANCE WITH LDC § 34-1748.
ESSENTIAL SERVICES
ESSENTIAL SERVICE FACILITIES - GROUP I ONLY
EXCAVATION, WATER RETENTION - NO BLASTING. *REMOVAL OF EXCAVATED MATERIAL OFFSITE NOT PERMITTED.*
FENCES, WALLS, PER LDC § 34-1741
HOME OCCUPATION, PER LDC § 34-1741 *et seq.* - NO OUTSIDE HELP
MODELS: PER LDC § 34-1951 *et seq.*
- MODEL DISPLAY CENTER
- MODEL DISPLAY GROUPS
- MODEL HOME
- MODEL UNIT

REAL ESTATE SALES CENTER
PARKING LOT, ACCESSORY
PERSONAL SERVICES - GROUP I Clubhouse/Amenity Area only.
RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE - INCLUDING PRIVATE PARKS, PLAYGROUNDS, POOL, CABANA. Clubhouse/Amenity Area only.
RESIDENTIAL ACCESSORY USES
SIGNS IN ACCORDANCE WITH CHAPTER 30
STORAGE, INDOORS
TEMPORARY USES

b. Site Development Regulations

Single Family

Minimum Lot Areas and Dimensions

Lot Size:	6,500 square feet
Lot Width:	65 feet
Lot Depth:	100 feet

Minimum Setbacks

Street (external)	25 feet
Street (internal)	20 feet
Side	10 feet
Rear	10 feet

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Water body	25 feet
Preserve	20 feet
Accessory	Per the LDC

Minimum Building Separation: 20 feet

Perimeter Setbacks: 25 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 50 percent

Multifamily, Townhouse, Coach Homes
Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street (external)	25 feet
Street (internal)	20 feet
Side	10 feet
Rear	10 feet
Water body	25 feet
Preserve	20 feet
Accessory	Per the LDC

Minimum Building Separation: 20 feet
Perimeter Setbacks: 25 feet
Maximum Height: 2 stories/ 35 feet
Maximum Lot Coverage: 60 percent

Clubhouse and Amenities
Minimum Lot Areas and Dimensions

Lot Size:	+/- 0.56 Acres

Minimum Setbacks

Street (external)	25 feet
Street (internal)	20 feet
Side	10 feet
Rear	10 feet
Water body	25 feet
Preserve	20 feet

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Accessory Per the LDC

Minimum Building Separation: 20 feet.

Perimeter Setbacks: 25 feet

Maximum Height: 2 stories/35 feet

Maximum Lot Coverage: 50 percent

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

4. Model Units/Temporary Real Estate Sales

   a. The number of model homes or model units will be limited to no more than two within the development at one time.

   b. Any model homes or units must be developed within the area identified as "models," "townhouse site" or "model display center" on the approved MCP.

   c. Models cannot be of the same floor plan and each must be a distinctly different design.

   d. Model Display Centers or Model Display Groups must be shown on the development order plans. Parking areas for these uses will be buffered with a single-row hedge and tree canopy for parking areas in accordance with the LDC.

   e. Real estate sales uses are limited to model units, model homes, model display centers, model display groups, the amenity site and clubhouse.

   f. Real estate sales will be limited to the sale of lots or units within the development only.

   g. Hours of operation for model units and real estate sales are limited to Monday through Sunday, 8:00 a.m. through 8:00 p.m.

   h. Model homes and temporary real estate sales will be valid for a period of up to 3 years from the date of issuance of a certificate of occupancy of a model home in accordance with LDC §34-1954(d)(1).

5. All required buffers must utilize 100 percent all native vegetation.

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

7. DELETED

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

9. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1(b), and be reviewed for, and found consistent with all Lee Plan provisions.

10. Prior to local development order approval, the developer must submit a restoration plan for 3.96 acres of the existing conservation easements to the Division of Environmental Sciences for review and approval. This plan must include details for the removal of all invasive exotic vegetation and replanting with indigenous wetland plants native to the Six Mile Cypress Watershed Basin. These plantings must be included on a landscape plan submitted with the development order and must meet the minimum restoration standards per LDC §14-384.

11. Prior to local development order approval, the development order must delineate a minimum of 1.99 acres of native indigenous preservation along Six Mile Cypress Parkway, in significant compliance with the MCP.

12. Prior to local development order approval, the development order must delineate a minimum of 7.98 acres of native indigenous wetland preservation, in significant compliance with the MCP.

13. Prior to local development order approval, the plans must include a landscape plan specifying that 100 percent of required planting material will be species native to the Six Mile Cypress Watershed Basin. The landscape plans, along with any internal landscaping and buffer areas, must also include the vehicular entry from Ben C. Pratt Six Mile Cypress Parkway into the project.

14. Prior to local development order approval, the development order must delineate a minimum of 30.25 acres of open space. Of this, a minimum of 9.97 acres, not including any credits, must be provided in the form of native indigenous preservation, in significant compliance with the MCP. The 9.97 acres must be comprised of the 1.99 acres of native indigenous preservation area and 7.98 acres of native indigenous wetland preservation area referenced in Conditions 11 and 12 above.

15. Prior to issuance of a Vegetation Removal Permit, the property must be re-surveyed for the presence of Big Cypress fox squirrel. If nest structures are located, the nests must be monitored for five days to determine if the nests are utilized by Big Cypress fox squirrel and if nesting activities are taking place. If the nests are deemed to be active, a 125-foot natural vegetated buffer must remain undisturbed around the nest tree until nesting activities have been deemed complete by the Florida Fish and Wildlife Conservation Commission (FWC) and the Division of Environmental Sciences. Once the nests have been deemed inactive, any request for removal of the nest tree must be coordinated with FWC and Division of Environmental Sciences.

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16. Prior to development order approval, the lakes must be designed to abut the wetland restoration areas, in significant compliance with the MCP. The lake shorelines on the preserve side of lakes must be planted with double the required amount of littoral plantings. The plantings must be clustered to provide enhanced foraging areas for wading birds. Table 1 below, entitled "Planting List for Littoral Shelf", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the littoral plantings and the planting specifications. A minimum of four of the six species listed in Table 1 will be planted in littoral zones with a minimum of 1,800 plants installed at the preserve side of the 2.26-acre lake shoreline and a minimum of 1,000 plants installed at the preserve side of the 1.07-acre lake shoreline. The developer must create two draw down pools in the wetland preserve area adjacent to the 2.26-acre lake. The area will be graded to create different elevations for enhanced foraging areas. A plan view and cross sectional view of the draw down pools is attached hereto as Exhibit C. Specific dimensions and elevations for the draw down pools will be determined during permitting with South Florida Water Management District. Table 2 below, entitled "Planting List for Draw Down Pools", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used for the draw down pools and the planting specifications. A minimum total of 1,600 plants must be installed in the two draw down pools.

Table 1. Planting List for Littoral Shelf

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 ft. o.c.
Spikerush	*Eleocharis cellulose*	12 in.	2 in.	3 ft. o.c.
Pickerelweed	*Pontederia cordata*	12 in.	2 in.	3 ft. o.c.
Duck potato	*Sagittaria lanceolata*	12 in.	2 in.	3 ft. o.c.
Soft-stem Bulrush	*Scirpus validus*	12 in.	2 in.	3 ft. o.c.
Cordgrass	*Spartina bakeri*	12 in.	2 in.	3 ft. o.c.

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Table 2. Planting List for Draw Down Pools

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density
Zone 1				
Duck Potato	*Sagittaria lanceolata*	12 in.	2 in.	3 ft. o.c.
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 ft. o.c.
Pickerelweed	*Pontederia cordata*	12 in.	2 in.	3 ft. o.c.
Spikerush	*Eleocharis cellulos*	12 in.	2 in.	3 ft. o.c.
Zone 2				
Maidencane	*Panicum hemitomon*	12 in.	2 in.	3 ft. o.c.
Sawgrass	*Cladium jamaicense*	12 in.	2 in.	3 ft. o.c.
Soft-stem Bulrush	*Scirpus validus*	12 in.	2 in.	3 ft. o.c.

17. WILDLIFE CORRIDOR

a. Prior to local development order approval, the development order must provide details for a thirty foot wide wildlife corridor (that will also serve as the required building separation for the two buildings adjacent to the wildlife corridor). The wildlife corridor will be planted in the developed portion of the site to connect the 7.98-acre preserve and 1.99-acre preserve areas. The wildlife corridor will be located between buildings and planted up to the internal roadway. Table 3 below, entitled "Planting List for Wildlife Corridor", provides a list of wetland plants native to the Six Mile Cypress Watershed Basin that must be used in the wildlife corridor and the planting specifications. A minimum of 70 canopy trees, 70 shrubs, and 500 ground cover plants must be installed in the wildlife corridor.

Table 3. Planting List for Wildlife Corridor

Common Name	Scientific Name	Minimum Height	Minimum Container Size	Planting Density	Minimum Quantity
South Florida Slash Pine	*Pinus elliotti* var. *densa*	6 ft.	10 gal.	8 ft. o.c.	9
South Florida Slash Pine	*Pinus elliotti* var. *densa*	4 ft.	3 gal.	8 ft. o.c.	9
Laurel Oak	*Quercus laurifolia*	6 ft.	10 gal.	8 ft. o.c.	9

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Laurel Oak	*Quercus laurifolia*	4 ft.	3 gal.	8 ft. o.c.	9
Live Oak	*Quercus virginiana*	6 ft.	10 gal.	8 ft. o.c.	9
Live Oak	*Quercus virginiana*	4 ft.	3 gal.	8 ft. o.c.	9
Cabbage Palm	*Sabal palmetto*	6 ft.	10 gal.	8 ft. o.c.	8
Cabbage Palm	*Sabal palmetto*	4 ft.	3 gal.	8 ft. o.c.	8
Wax-myrtle	*Myrica cerifera*	3 ft.	3 gal.	8 ft. o.c.	18
Gallberry	*Illex glabra*	3 ft.	3 gal.	8 ft. o.c.	17
Myrsine	*Myrsine guianensis*	3 ft.	3 gal.	8 ft. o.c.	17
Saw Palmetto	*Serenoa repens*	3 ft.	3 gal.	8 ft. o.c.	18
Cordgrass	*Spartina bakeri*	12 in.	4 in.	3 ft. o.c.	125
Wiregrass	*Aristida stricta*	12 in.	4 in.	3 ft. o.c.	125
Muly Grass	*Muhlenbergia capillaris*	12 in.	4 in.	3 ft. o.c.	125
Boston Fern	*Nephrolepis spp.*	12 in.	4 in.	3 ft. o.c.	125

b. Prior to local development order approval, the developer must submit a sample brochure to the Division of Environmental Sciences for review and approval that will be distributed to all residents advising them of the environmentally sensitive nature of the property and the possible presence of protected wildlife. This brochure must include a reference to the wildlife corridor and provide educational information as to the purpose of the corridor. The development order must also include signage details and locations along the roadway alerting residents to drive slow and be cautious of wildlife crossing the road.

18. The 0.56-acre pool, cabana and parking area shown on Penzance Boulevard must be clearly labeled "Clubhouse/Amenity Area" on the MCP and development order plans.

19. ENHANCED BUFFERING

The MCP must include the following enhancements:

a. The Type "D" buffer on Penzance Boulevard and Ben C. Pratt Six Mile Cypress Parkway must be a minimum of 25 feet in width, and utilize minimum 16-foot-high, 4-inch caliper canopy type trees (no palms).

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b. The Type "B" buffer adjacent to Heritage Palm and Casa Del Lago must be a minimum of 25 feet in width, and utilize minimum 16-foot-high, 4-inch caliper canopy type trees (no palms).

20. The conditions applicable to the 50-acre CPD parcel, described and depicted in Attachment C of the Staff Report, as adopted in zoning resolutions Z-93-095 (The Sanctuary CPD/RPD) Z-97-020 and Z-97-020A (Section 8 CPD) are superceded by this zoning resolution

21. The developer must construct a 5-foot-wide off-site sidewalk within the northern eight (8) feet of the Penzance Boulevard right-of-way prior to the issuance of Certificates of Occupancy for residential structures. The sidewalk must be constructed from the project entrance onto Penzance Boulevard to the intersection of Penzance with Ben C. Pratt Six Mile Cypress Parkway. The sidewalk must be maintained in perpetuity by Lee County.

SECTION C. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan

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

08-45-25-00-00003.2000
08-45-25-00-00004.0030
08-45-25-00-00004.001A
08-45-25-00-00004.0040

SECTION D. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD rezoning, as approved:

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

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

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

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

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

3. The RPD rezoning satisfies the following criteria:

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

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

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

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

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

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Absent
Ray Judah	Aye
Tammy Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of October 2005.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Chairman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

CASE NO: DCI2005-00001

2005 OCT 21 AM 10:05
RECEIVED
MINUTES OFFICE

2005 OCT 21 P
RECEIVED
MINUTES O

ADD2014-00076 Lee County ePlan

Barraco and Associates, Inc.

EXHIBIT A

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

DESCRIPTION
Parcel in
Section 8, Township 45 South, Range 25 East,
Lee County, Florida

A tract or parcel of land lying in Section 8, Township 45 South, Range 25 East, Lee County, Florida. Said tract or parcel being more particularly described as follows:

Beginning at the intersection of the Westerly right of way line of Six Mile Cypress Parkway, (250 feet wide) and the Northerly right of way line of Penzance Boulevard, (60 feet wide) run S88°50'40"W along the north right of way line of Penzance Boulevard, said right of way line being 60.00 feet North as measured perpendicular to the South line of the North Half (N ½) of the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of said Section 8 for 863.21 feet; thence run S88°45'57"W along said right of way line being 60.00 feet North as measured perpendicular to the South line of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE ¼) of the Southwest Quarter (SW ¼) of said Section 8 for 657.22 feet to an intersection with the East line of the Record Plat of Heritage Palms Estates – Unit One, as recorded on Plat Book 68, Page 1, Lee County Records; thence run N01°41'41"W along said East line for 600.25 feet to an intersection with the South line of the Record Plat of Deer Lake Unit 2, as recorded in Plat Book 76, Page 70, Lee County Records; thence run N88°44'34"E along said South line for 654.82 feet to the Southeast Corner of said Record Plat; thence run N01°51'25"W along the East line of said Record Plat for 724.74 feet; thence run N52°11'51"E along the Southeasterly line of said Record Plat for 515.43 feet to the Southwest Corner of the Record Plat of Deer Lake Unit 1, as recorded in Plat Book 58, Page 73, Lee County Records; thence run along the Southerly line of said Record Plat the following courses: N71°17'42"E for 115.00 feet; S85°25'39"E for 390.11 feet and S50°15'16"E for 594.29 feet to an intersection with said westerly right of way line of Six Mile Cypress Parkway, (250 feet wide); thence run S20°01'51"W along said Westerly right of way line for 1,329.30 feet to the POINT OF BEGINNING.
Containing 49.62 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (NAD 1983/90 adjustment) and are based on the Westerly right of way line of Six Mile Cypress Parkway, to bear S20°01'51"W.

Applicant's Legal Checked
by Lgm 4/21/2005.

RECEIVED
APR 2 1 2005

Scott A. Wheeler 4/7/05
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

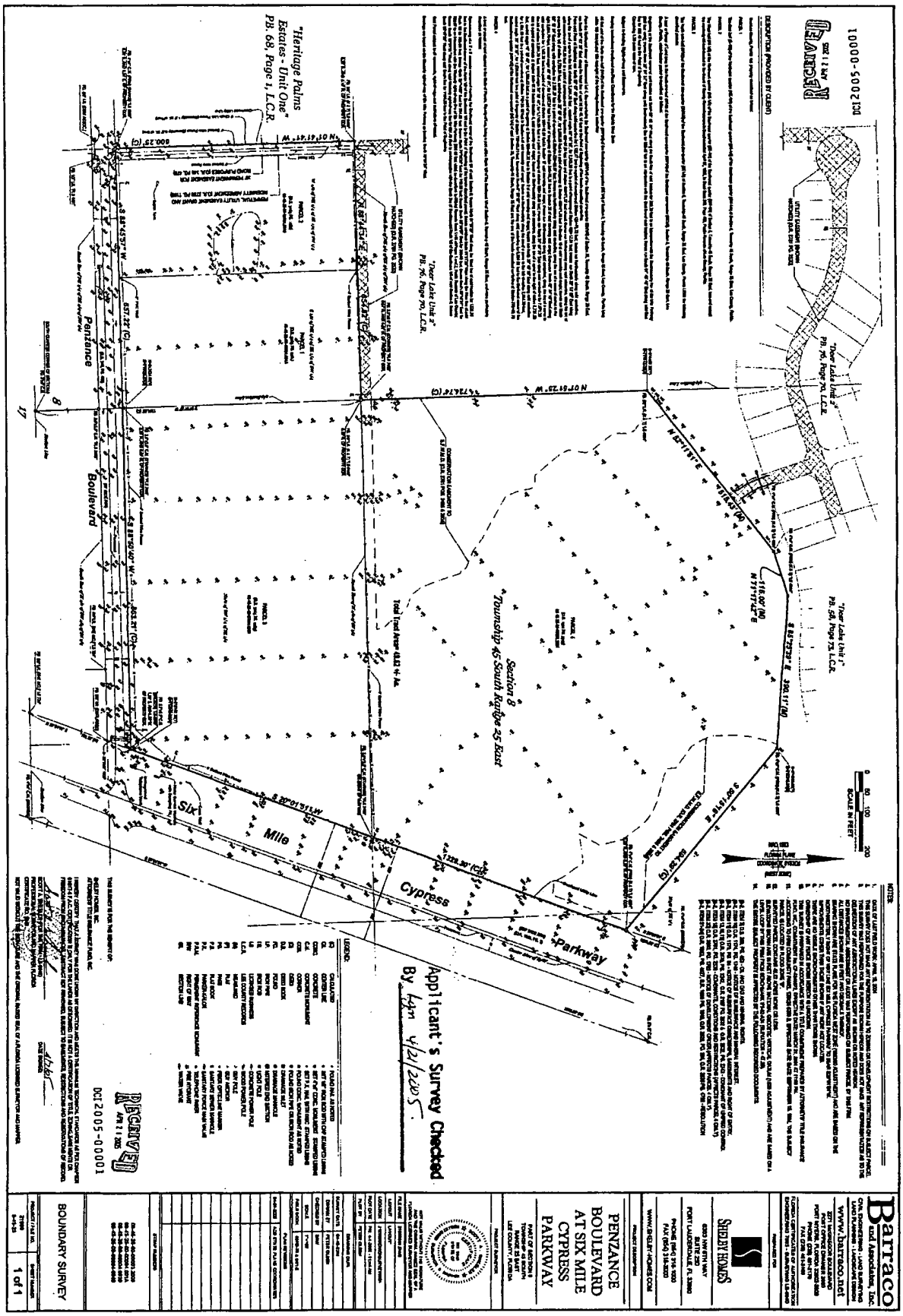
L:\21999 - Shelby Homes 48 Acre\DESC\21999S02DESC.DOC

DCI2005-00001

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

ADD2014-00076 Lee County ePlan

EXHIBIT A



ADD2014-00076 Lee County ePlan

DCI2005-00001 COBBLESTONE RPD

5/12/2005

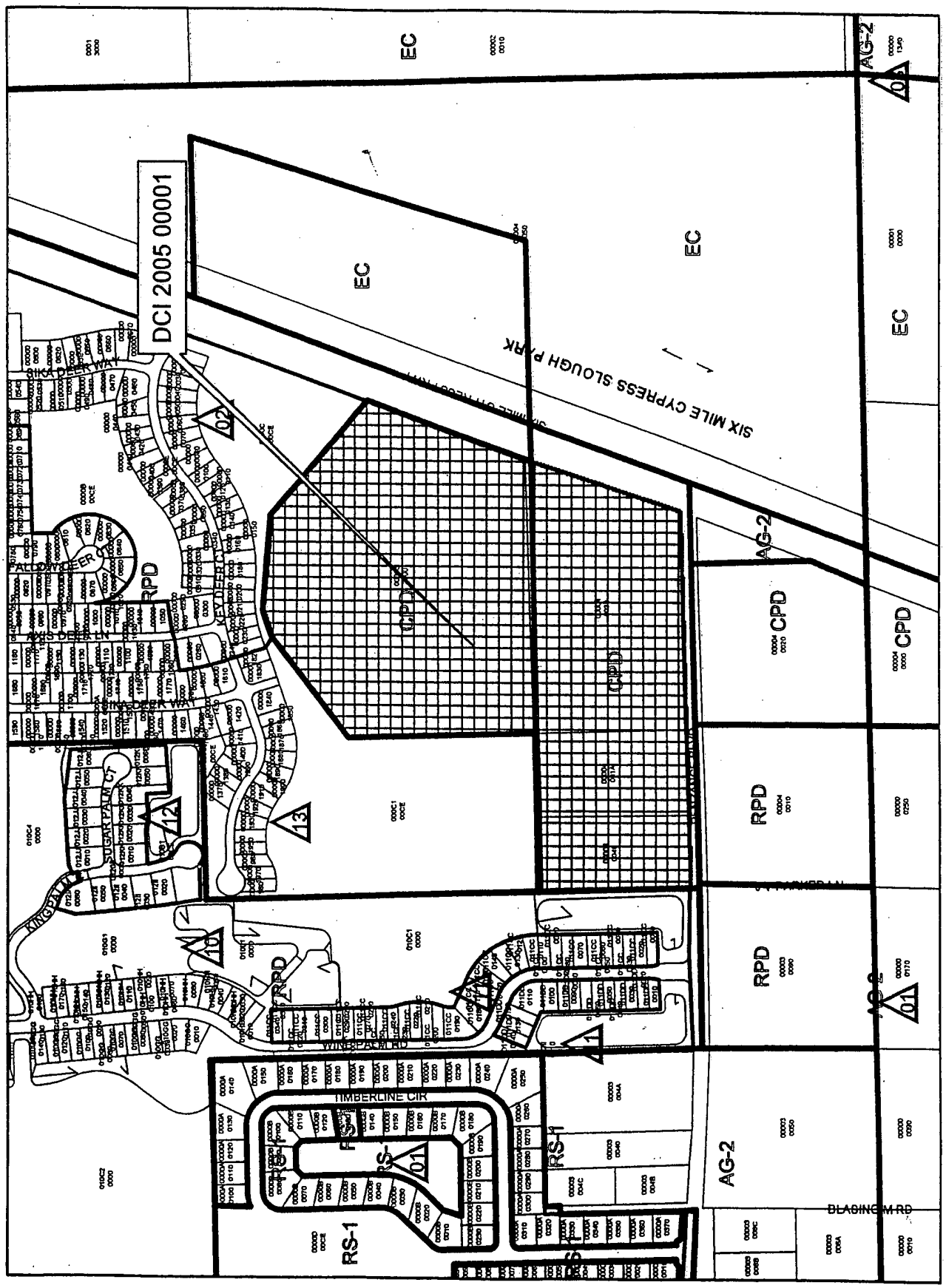


EXHIBIT B

ADD2014-00076 Lee County ePlan

MASTER CONCEPT PLAN
FOR
COBBLESTONE RPD

UTILITIES PROVIDING SERVICE:

WATER
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FLORIDA, 33902
PHONE (239) 479-8181

SEWER
LEE COUNTY UTILITIES
1500 MONROE STREET
FORT MYERS, FLORIDA, 33902
PHONE (239) 479-8181

TELEPHONE:
SPRINT
1520 LEE STREET
FORT MYERS, FLORIDA 33901
PHONE (239) 338-2030

ELECTRIC:
FLORIDA POWER & LIGHT COMPANY
15834 WINKLER ROAD
FORT MYERS, FLORIDA, 33908
PHONE (239) 415-1326

CABLE TELEVISION:
COMCAST CABLEVISION
26880 OLD US ROUTE 41
BONITA SPRINGS, FLORIDA, 34135
PHONE (239) 793-9900

GARBAGE COLLECTION:
FLORIDA RECYCLING SERVICE, INC.
2465 HIGHLAND AVENUE
FORT MYERS, FLORIDA 33916
PHONE (239) 332-8500

FIRE CONTROL DISTRICT:
SOUTH TRAIL FIRE DISTRICT
5531 HALIFAX AVENUE
FORT MYERS, FL 33912
PHONE (239) 433-0080

INCLUDES EXHIBITS

EXHIBIT	DESCRIPTION
6-A	BOUNDARY SURVEY (PH-3.D.3 AND 6-E)
6-B	AREA LOCATION MAP (PH-3.F)
6-C	EXISTING ZONING AND LAND USES
6-D	AERIAL PHOTOGRAPH
6-E	SOILS, VEGETATION, GROUND COVER AND TOPOGRAPHY
6-F	FLUCCS MAP
6-J	MASTER CONCEPT PLAN
6-M	~~SCHEDULE OF USES~~ REMOVED
6-N	SCHEDULE OF DEVIATIONS AND TYPICALS

INDEX OF PLANS

SHEET NO.	DESCRIPTION
1	COVER (AREA LOCATION MAP)
2	MASTER CONCEPT SITE PLAN
3	NOTES & TYPICALS
4	BOUNDARY SURVEY



SECTION 8, TOWNSHIP 45 S., RANGE 25 E.
LEE COUNTY, FLORIDA
NOVEMBER, 2004
REVISED OCTOBER, 2005

LOCATION MAP

0 2000 4000
SCALE IN FEET

APPLICANT

6363 NW 6TH WAY, SUITE 250
FORT LAUDERDALE , FLORIDA 33909
(954) 318-1000

STRAP NUMBER

08-45-25-00-00003.2000
08-45-25-00-00004.0030
08-45-25-00-00004.001A
08-45-25-00-00004.0040

SIZE OF PARCEL

50± ACRES

ZONING

CPD TO RPD

LAND USE CATEGORY

CENTRAL URBAN

PROPERTY ADDRESS

7401, 7431, 7541 Penzance Blvd
11780 Ben C Pratt Six Mile Cypress Parkway

APPROVED
Master Concept Plan
Plan # 2-05-057 Page 1 of 3
Subject to conditions in Resolution 2-05-057
Case # DCI2005-00001

RECEIVED
SEP 13 2005
PERMIT COUNTER

JOHNSON ENGINEERING

2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

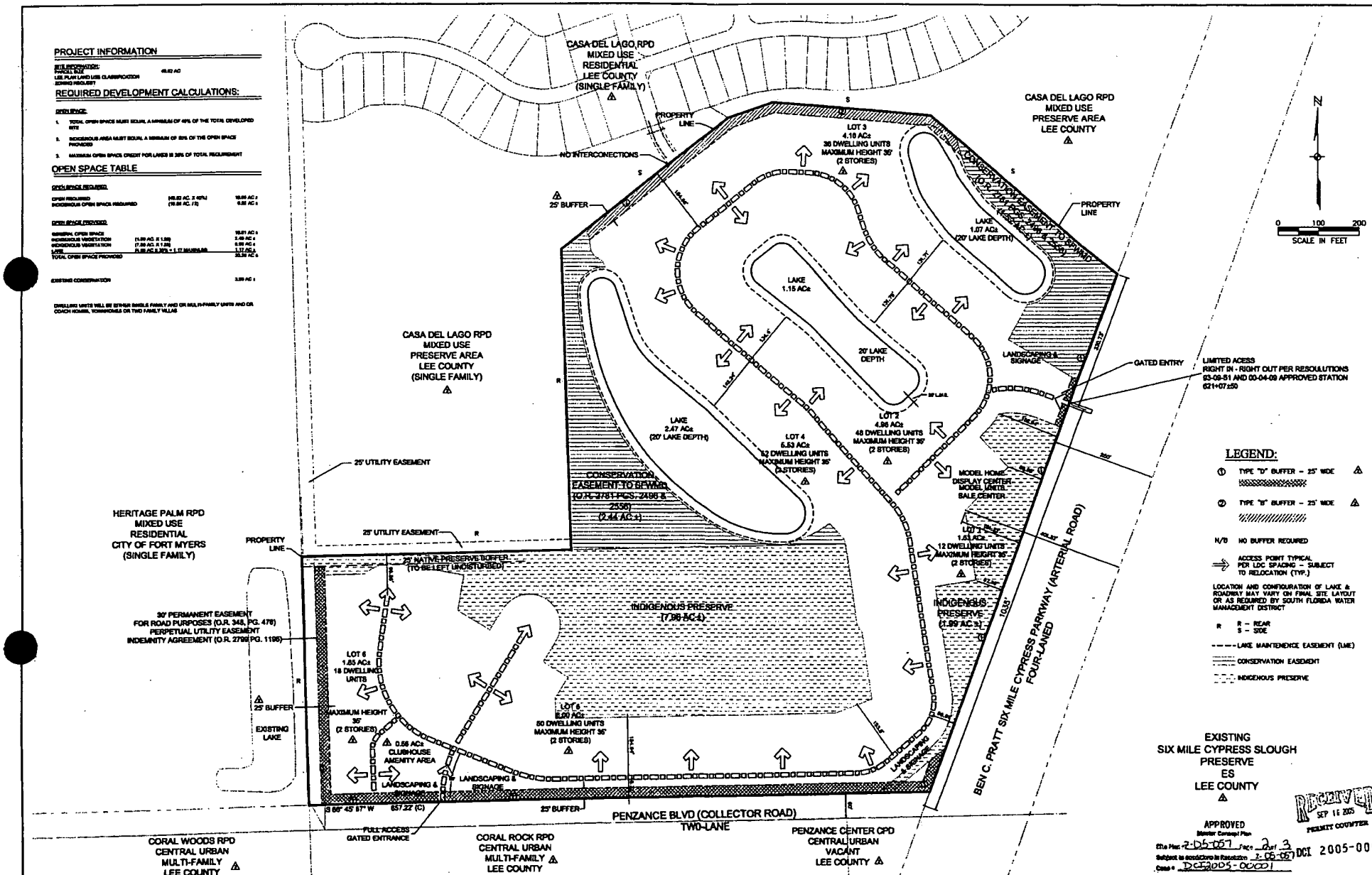
DCI 2005-00001

EXHIBIT 6-B/PH-3.F

SHEET 1

EXHIBIT C
Page 1 of 3

ADD2014-00076 Lee County ePlan



REVISIONS		
1	PER STAFF SUFFICIENCY LETTER DATED 1/31/05	2/10/05
2	PER STAFF SUFFICIENCY LETTER DATED	3/16/05
3	PER HEX RECOMMENDATION	9/13/05

6363 NW 6TH WAY, SUITE 250
FORT LAUDERDALE, FLORIDA 33309
(954) 318-1000

COBBLESTONE RPD

JOHNSON ENGINEERING

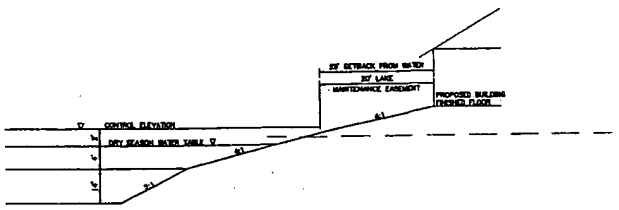
2158 JOHNSON STREET
P.O. BOX 1550
FORT MYERS, FLORIDA 33902-1550
PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

MASTER CONCEPT PLAN

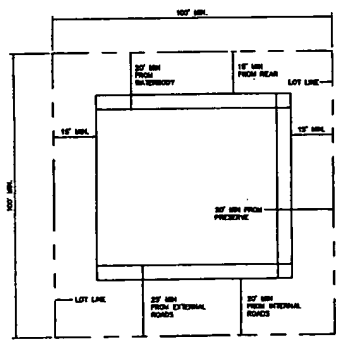
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV., 2004	20044648	8-45-25	1"= 100'	2

Exhibit C
Page 2 of 3

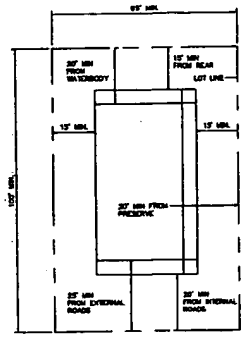
ADD2014-00076 Lee County ePlan



TYPICAL LAKE SECTION N.T.S



MULTI-FAMILY RESIDENTIAL



SINGLE-FAMILY RESIDENTIAL

NOTE: ALL STRUCTURAL SETBACKS TO EXTERNAL RIGHTS OF WAY ARE 25' MINIMUM.

TYPICAL LOTS N.T.S

NOTE:
ALL FUTURE PLATTED LOTS WITHIN TRACTS WILL COMPLY WITH THE MINIMUM LOT SIZES AND DIMENSIONS OUTLINED IN THE PROPERTY DEVELOPMENT REGULATIONS FOR COBBLESTONE RPD

RECEIVED SEP 15 2005 PERMIT COUNTER

APPROVED Master Concept Plan
Site Plan - 2005-067 Page 3 of 3 2005-00001
Subject to conditions & Resolution 2005-067
Case # DCI2005-00001

EXHIBIT 6-N

J:\20044648\MCP\4648-NOTES_TYPICALS-MCP.dwg (NOTES & LAYOUTS) mil Sep 15, 2005 - 2:57pm

REVISIONS		
1	PER STAFF SUFFICIENCY LETTER DATED 1/31/05	2/10/05
2	PER STAFF SUFFICIENCY LETTER	3/10/05
3	REMOVE GENERAL NOTES FROM PLAN SHEET.	9/13/05

6363 NW 6TH WAY, SUITE 250
FORT LAUDERDALE, FLORIDA 33309
(954) 318-1000

COBBLESTONE RPD

JOHNSON ENGINEERING

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PHONE (239) 334-0046
FAX (239) 334-3661
E.B. #642 & L.B. #642

NOTES & TYPICALS

DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
NOV., 2004	20044648	8-45-25	N.T.S.	3

Exhibit C
Page 3 of 3

ADD2014-00076 Lee County ePlan

VILLA PALMERAS
NEAL COMMUNITIES
Building. Home. Life.

Logo Enlargement

Attachment "G"



South Monument Sign -Plan



North Monument Sign - Plan

OPTION A



South Monument Sign - Elevation



North Monument Sign - Elevation

OPTION B

DISCLAIMER:
The artistic renderings, sections, elevations, specifications, and interpretation contained within are conceptual in nature and reflect development plans at various stages of completion. All graphical representations should be considered incomplete, are subject to regulatory permitting, and subject to change. All presentation graphics, notes and narratives are part of larger presentations involving considerable oral commentary, and require intimate project knowledge for a thorough understanding. Nothing contained within should be construed as granting any persons a license or right to use anything herein without the written permission of Neal Communities of Southwest Florida, LLC. The contents of this document, or any other Neal Communities of Southwest Florida, LLC presentation (including, without limitation, their arrangement and layout; names and logos; and text, illustrations and artwork) are the copyrighted property of Neal Communities of Southwest Florida, LLC, or the original creator of the material Waldrop Engineering, P.A., and are protected under applicable copyright and trademark laws. Please contact Neal Communities of Southwest Florida, LLC for additional information regarding the contents within.

NEAL COMMUNITIES
Building. Home. Life.

WALDROP ENGINEERING

Villa Palmeras
Monument Sign

May 21, 2013