ADD2014-00076 Lee County ePlan

WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS
28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

April 22, 2014

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

RE: Cypress Walk (FKA Cobblestone RPD)
Application for Administrative Amendment

Dear Ms. Houck,

On behalf of Neal Communities of Southwest Florida, LLC enclosed please find an application for Administrative Amendment in regards to the Cypress Walk Residential Planned Development, formerly known as Cobblestone.

The Applicant is 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 Applicant is also requesting eight (8) deviations from the Land Development Code requirements, as outlined in the attached Schedule of Deviations and Justifications.

Per the Administrative Amendment Checklist, the following items are enclosed for Staff's review and approval:

1. One (1) original application;
2. One (1) check in the amount of $1,000.00 for the application fee;
3. One (1) original, signed & notarized Affidavit of Authorization;
4. One (1) original, signed & notarized Disclosure of Interest;
5. One (1) original, signed & sealed legal description;
6. One (1) original, signed & sealed boundary survey;
7. One (1) copy of the Project Narrative;
8. One (1) copy of the proposed conditions;
9. One (1) copy of the Schedule of Deviations and Justifications; and
10. One (1) copy of the Master Concept Plan (24"X36") and one (1) reduced copy (11"X17").

RECEIVED
APR 22 2014
COMMUNITY DEVELOPMENT

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

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Sincerely,

WALDROP ENGINEERING, P.A.



Alexis V. Crespo, AICP, LEED AP
Principal Planner

Enclosures

Cc: Michael Greenberg, Neal Communities of Southwest Florida, LLC
Alicia Dixon, Passarella & Associates, Inc.

LEE COUNTY
SOUTHWEST FLORIDA

APPLICATION TO AMEND A PLANNED DEVELOPMENT OR PUD and/or APPLICATION FOR FINAL PLAN APPROVAL IN UNINCORPORATED AREAS ONLY

[LDC Section 34-380 or 34-1037]

Project Name: Cypress Walk (FKA Cobblestone)

Current Zoning: RPD

☒ Amendment to a PD or PUD to allow: Modify development regulations for single-family dwelling types

☐ Final Plan Approval for: _____

---

1. **Name of Applicant:** Neal Communities of Southwest Florida, LLC
   Address: 28100 Bonita Grande Drive
   City, State, Zip: Bonita Springs, FL 34135
   Phone Number: (239) 405-7366
   E-mail Address: Mgreenberg@nealcommunities.com

2. **Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:**
   ☒ Applicant is the sole owner of the property. **[34-201; 34-204]**
   ☐ Applicant has been authorized by the owner(s) to represent them for this action. **[34-202; 34-204]**

3. **Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202; 34-204]**
   a. **Company Name:** Waldrop Engineering, P.A.
   Contact Person: Alexis Crespo, AICP
   Address: 28100 Bonita Grande Drive, Suite 305
   City, State, Zip: Bonita Springs, FL 34135
   Phone Number: (239) 405-7777 Email: alexisc@waldropengineering.com

   b. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202; 34-204]**

4. **Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]**
   Name: Neal Communities of Southwest Florida, LLC
   Address: 28100 Bonita Grande Drive
   City, State, Zip: Bonita Springs, FL 34135
   Phone Number: (239) 405-7366 E-mail: mgreenberg@nealcommunities.com

5. **Disclosure of Interest [34-201; 34-204]:**
   ☒ Attach Disclosure of Interest Form. **[34-201; 34-204]**

6. **STRAP Number(s) [34-204]:**
   08-45-25-00-00003.2000
   08-45-25-00-00004.001A
   08-45-25-00-00004.0030
   08-45-25-00-00004.0040

7. **Street Address of Property:** 11780 Ben C Pratt Six Mile Cypress Parkway

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8. **Legal Description:**
   ☒ Legal description and sealed sketch of the legal description. **[34-204]**
   OR
   ☐ The property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-204]**
   Plat Book: _____ Page (or instrument): _____ Block: _____ Lot: _____

9. **Boundary Survey:**
   ☒ A Boundary survey, tied to the state plane coordinate system. **[34-202; 34-204]**
   OR
   ☐ A copy of the subdivision plat if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records (or Plat Books) of Lee County. **[34-202; 34-204]**

10. **Lee Plan (Future Land Use) Designation [34-204]:** Central Urban

11. **Original Project Name**: Cobblestone

12. **Original Rezoning Resolution Number:** Z-05-057

13. **Subsequent Zoning Action Resolution/Case Numbers** (if any): Please list all previous zoning and administrative actions (approvals and denials) on this project subsequent to original rezoning. Include Resolution Numbers and Case Numbers (provide added sheets, if necessary).
    N/A

14. **Development Order Numbers** (if any): List all local development orders approved on this project. Please indicate the status of each development order (provide added sheets, if necessary).
    DOS2005-00220

15. **Written Narrative:** Provide a written narrative statement explaining exactly what is proposed.

16. **Deviations:** If any relief is requested from the provisions of the Lee County Land Development Code (LDC), provide a **written explanation** of the specific relief requested (a schedule of deviations). Explain what conditions currently exist which warrant this request for relief from the regulations (a written justification for each of the requested deviations). Include specific references to any section (number{s} and name{s}) of the LDC from which relief is sought including why the requested relief is necessary and how it will affect the project. All deviation requests must be specifically keyed to the location on the Master Concept Plan or Final Plan. **[34-373]**

17. **Planning Community or Community Plan Area*:** South Fort Myers
    *If in Caloosahatchee Shores **[33-1482]**, Captiva **[33-1612]**, Estero **[33-64]**, Lehigh Acres **[33-1401]**, North Fort Myers **[33-1532]**, or Page Park **[33-1203,]** attach meeting summary from informational meeting.

18. **Approved Master Concept Plan (MCP):** Provide an APPROVED MCP and DETAILED DRAWINGS of any DEVIATIONS OR CHANGES BEING PROPOSED at a size of 24"x36". **[34-204; 34-373]**

19. **Proposed Final Plan (for Final Plan Approval applications only):** Provide a copy of the proposed Final Plan consistent with the approved Master Concept Plan and the approved Zoning Resolution at a size of 24"x36". This proposed Final Plan must show any DEVIATION(s) keyed on the plan to identify the location of the specific deviation. **[34-204]**

SUBMITTAL REQUIREMENT CHECKLIST *Clearly label your attachments as noted in bold below.*	
☒	Completed application [34-204]
☒	Filing Fee [34-204]
☒	**Affidavit of Authorization** Form [34-204; 34-202]
☐	**Additional Agents** [34-204; 34-202]
☐	**Multiple Owners** List (if applicable) [34-201; 34-204]
☒	**Disclosure of Interest** Form [34-204; 34-201]
☒	**Legal description** and sealed sketch of legal description (not required if platted lot) [34-204]
☒	**Boundary Survey** OR **Plat** [34-202; 34-204]
☐	**Previous Zoning Actions** (if applicable)
☐	**DO Numbers** (if applicable)
☒	**Narrative of Request** [34-204]
☒	**Schedule of Deviations** (if applicable) [34-373]
☐	**Meeting Summary** (if applicable) [34-204)
☒	**MCP** and detailed drawings of any proposed deviations (if applicable) (24"x36") [34-204]
☐	**Proposed Final Plan** including deviations keyed to the plan (24"x36") [34-204]

Note: All information submitted with the application becomes a part of the public record and will be a permanent part of the file. Department staff will review this application for compliance with requirements of the Lee County Land Development Code. The applicant will be notified of any deficiencies.

Acceptance of an application for an administrative amendment in no way guarantees its approval. If the Director determines that the requested amendment is beyond the scope of Land Development Code Section 34-380 or 34-1036 and that a public hearing is necessary, then all fees paid toward the administrative application may be applied toward an application for public hearing.

The Director's decision on an administrative amendment is final and can not be appealed. In the event the Director denies the request, the applicant's only recourse is to apply for a public hearing. No fees paid for the administrative application will be refunded or applied towards the public hearing.

If it is determined that inaccurate or misleading information was provided to the county or the decision does not comply with the Land Development Code 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.

AFFIDAVIT OF AUTHORIZATION

APPLICATION IS SIGNED BY INDIVIDUAL OWNER, APPLICANT, CORPORATION, LIMITED LIABILITY COMPANY (L.L.C.), LIMITED COMPANY (L.C.), PARTNERSHIP, LIMITED PARTNERSHIP, OR TRUSTEE

I, Michael Greenberg (name), as Vice President (owner/title) of Neal Communities of Southwest Florida, LLC (company/property), swear or affirm under oath, that I am the owner or the authorized representative of the owner(s) of the property and that:

1. I have full authority to secure the approval(s) requested and to impose covenants and restrictions on the referenced property as a result of any action approved by the County in accordance with this application and the Land Development Code;
2. All answers to the questions in this application and any sketches, data or other supplementary matter attached hereto and made a part of this application are honest and true;
3. I have authorized the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made thru this application; and that
4. The property will not be transferred, conveyed, sold or subdivided unencumbered by the conditions and restrictions imposed by the approved action.

Notes:

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

Under penalties of perjury, I declare that I have read the foregoing Affidavit of Authorization and that the facts stated in it are true.

_____ 2/21/14
Signature **Date**

**********NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS**********
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED**

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 2/21/14 (date) by Michael Greenberg (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

PAULA TERRY
Commission # FF 076224
Expires December 12, 2017
Bonded Thru Troy Fain Insurance 800-365-7019

Paula Terry
Signature of Notary Public

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DISCLOSURE OF INTEREST AFFIDAVIT

BEFORE ME this day appeared Michael Greenberg, who, being first duly sworn and deposed says:

1. That I am the record owner, or a legal representative of the record owner, of the property that is located at 11780 Ben C Pratt Six Mile Cypress Pkwy, 7401-7541 Penzance Blvd. and is the subject of an Application for zoning action (hereinafter the "Property").

2. That I am familiar with the legal ownership of the Property and have full knowledge of the names of all individuals that have an ownership interest in the Property or a legal entity owning an interest in the Property.

[OPTIONAL PROVISION IF APPLICANT IS CONTRACT PURCHASER: In addition, I am familiar with the individuals that have an ownership interest in the legal entity that is under contract to purchase the Property.]

3. That, unless otherwise specified in paragraph 6 below, no Lee County Employee, County Commissioner, or Hearing Examiner has an Ownership Interest in the Property or any legal entity (Corporation, Company, Partnership, Limited Partnership, Trust, etc.) that has an Ownership Interest in the Property or that has contracted to purchase the Property.

4. That the disclosure identified herein does not include any beneficial Ownership Interest that a Lee County Employee, County Commissioner, or Hearing Examiner may have in any entity registered with the Federal Securities Exchange Commission or registered pursuant to Chapter 517, whose interest is for sale to the general public.

5. That, if the Ownership Interest in the Property changes and results in this affidavit no longer being accurate, the undersigned will file a supplemental Affidavit that identifies the name of any Lee County Employee, County Commissioner, or Hearing Examiner that subsequently acquires an interest in the Property.

6. Disclosure of Interest held by a Lee County Employee, County Commissioner, or Hearing Examiner.

Name and Address	Percentage of Ownership
N/A	0%

Under penalty of perjury, I declare that I have read the foregoing and the facts alleged are true to the best of my knowledge and belief.

Property Owner

Michael Greenberg, Vice President
Print Name

************NOTE: NOTARY PUBLIC IS NOT REQUIRED FOR ADMINISTRATIVE APPROVALS************
ALL OTHER APPLICATION TYPES MUST BE NOTARIZED

STATE OF FLORIDA
COUNTY OF LEE

The foregoing instrument was sworn to (or affirmed) and subscribed before me on 2/21/14 (date) by Michael Greenberg (name of person providing oath or affirmation), who is personally known to me or who has produced _____ (type of identification) as identification.

STAMP/SEAL

Signature of Notary Public

PAULA TERRY
Commission # FF 076224
Expires December 12, 2017
Bonded Thru Troy Fain Insurance 800-385-7019

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

LEGAL DESCRIPTION

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

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CYPRESS WALK (FKA COBBLESTONE)
PROJECT NARRATIVE

Cypress Walk (FKA Cobblestone RPD) is a 50+/- acre residential project located at the northwest corner of Ben C Pratt Six Mile Cypress Parkway and Penzance Boulevard in unincorporated Lee County, Florida. The project is approved for 216 dwelling units (including single-family and multi-family dwelling types) and accessory uses pursuant to Zoning Resolution Z-05-057.

The Applicant is requesting Staff approval of an administrative amendment to the RPD to allow for the following modifications to Z-05-057:

1. Amend site development regulations associated with single-family dwelling types, contained in Condition 1. The modified single-family development regulations are consistent with other RPD approvals throughout the County, and allow for the development of smaller single-family lots in accordance with market demand. No changes are proposed to the site development regulations for the other approved dwelling types.

2. Amend Condition 4 regarding model homes internal to the project. The proposed amendments will allow for a maximum of 6 model homes within the community, allow for models with the same floor plan, and shift the hours of operation. The Applicant is requesting additional flexibility due to the significant changes in the real estate market since the RPD was originally approved.

3. Amend Conditions 11, 12 and 14 to correct the preserve acreages. The Applicant is not proposing any changes to the approved configuration and size of the preserve areas. However, through the process of updating the Master Concept Plan, it was noted that the existing zoning approval did not provide the exact acreage per the Auto Cad line work. The intent is to mitigate any issues at the time of Development Order review resulting from these calculation errors.

4. Amend Condition 16 to revise the location of enhanced littorals to comply with the proposed lake configuration. Due to the proposed changes to the MCP, the lakes and acreages referenced in this condition no longer apply. The Applicant is proposing to provide the enhanced littorals within the large, central lake in accordance with this condition. No changes are proposed to the planting list or number of required littoral plantings.

5. Amend Condition 21 relating to the construction timing of the sidewalk along Penzance Blvd., to allow the sidewalk to be installed prior to issuance of the Certificate of Occupancy (CO) for the 50th residential unit, or a payment in lieu in accordance with the LDC. The current condition requires installation of the sidewalk prior to the issuance of CO for residential structures. The roadway

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improvements to Six Mile Cypress Parkway have created significant design constraints for the sidewalk connection, which will require additional time for design and permitting. Additionally, the Applicant is proposing an elevated boardwalk system in lieu of a sidewalk constructed at grade, in order to avoid impacts to the wetlands along the Property's southern property line. The boardwalk system will require permitting by the Army Corps of Engineers, which may take several months for approval. Therefore, the Applicant is requesting the trigger for installation of the sidewalk be delayed to provide the necessary time to design and permit the sidewalk/boardwalk system.

As outlined in the Schedule of Deviations and Justifications, the Applicant is seeking eight (8) new deviations for two (2) dead-end streets, 4:1 lake bank slopes, public utility easements on one (1) side of internal rights-of-way, design flexibility for the project's signage and entry gates. The proposed deviations will allow for enhanced design flexibility within the project, and will not impact public health, safety or welfare.

In accordance with LDC §34-380, the above requests does not propose an increase to height, density or intensity within the development. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce total open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses.

Based upon this application's compliance with all other conditions in Z-05-057, the Lee Plan, and administrative thresholds set forth in §34-380, the Applicant respectfully requests staff approval of the proposed administrative amendments to the RPD.

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CYPRESS WALK (FKA COBBLESTONE)
PROPOSED CONDITIONS

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

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

Clubhouse and Amenities – No changes

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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~~ 1.98 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~~ 7.77 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

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provided in the form of native indigenous preservation, in significant compliance with the MCP. The ~~9.97~~ 9.75 acres must be comprised of the ~~1.99~~ 1.98 acres of native indigenous preservation area and ~~7.98~~ 7.77 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 for the several lakes will be concentrated at the** lake shoreline~~s~~ on the preserve side of **the 3 +/- acre** lake~~s~~**, 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+/- 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~~**, or a payment in lieu of $89 per linear foot of sidewalk in accordance with the Land Development Code**. 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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CYPRESS WALK (FKA COBBLESTONE)
DEVIATIONS & JUSTIFICATIONS NARRATIVE

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 preservation of on-site preserve, restoration, and open space areas in excess of the LDC requirements, while facilitating the development of this irregularly shaped assemblage. Each proposed dead-end street is less than 150 feet in length, and services a relatively smaller number of lots. The proposed dead-ends are less than the maximum length permitted 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 expansive 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 is located within a master-planned community that is constrained by on-site wetland preserve areas. The proposed 4:1 lake bank slope will comply with previous approvals, and has been proven to function as intended by the LDC through appropriate construction standards and lake maintenance measures. As shown on the cross section shown on the enclosed MCP, turf reinforcement mats and enhanced littoral plantings are proposed to mitigate lake bank erosion in accordance with the slope protection measures set forth in LDC Section 10-329(d)(4). Where applicable, gutters constructed on the back portion of the proposed dwelling units will be piped to the lakes in areas of the 4:1 lake bank slopes to further mitigate erosion.

   On the large, central lake, the 4:1 slope is only proposed on the eastern side of the lake where the deviation symbol is denoted. A littoral shelf with enhanced littoral plantings is proposed along the western side of the lake in accordance with Condition 16.

3. **Deviation from LDC Section 10-355(a)(1), which requires a 10-foot wide public utility easement on both sides of a roadway, to allow the public utility easement on one side only.**

   JUSTIFICATION: The Applicant is proposing public utility easements on one-side of the roadway at the entrances, and where the roadways are "single-loaded", i.e. residential dwelling units are

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located on one side of the road only. The deviation will serve to cluster the development footprint, while ensuring the delivery of services to the proposed dwelling units.

4. **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.

5. **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 a 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 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.

6. **Deviation from LDC Sec. 30-152(2)(d)(1), which limits 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

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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.

7. **Deviation from LDC Sec. 10-415(b)(1)(c) which requires a minimum 30-foot setback between principal structures and indigenous plant communities that are subject to fire, to allow a minimum 21-foot setback between the principal structure and Pine Flatwoods within the 1.54-acre conservation easement shown on the Master Concept Plan.**

   JUSTIFICATION: The Applicant is requesting this deviation in the northeastern portion of the site where residential dwelling units are proposed 21-feet from Pine Flatwoods within the 1.54-acre conservation easement area (the acreage of the Pine Flatwoods portion of the preserve is 0.26 acres). The deviation applies solely to the eastern-most dwelling unit as denoted by the deviation symbol. The average setback from the indigenous vegetation is 30-feet; however there is an isolated area where the setback is reduced to a minimum of 21 feet. The indigenous area that is subject to this deviation request, is relatively small (0.26 acres), and is therefore less prone to a fire event when compared to larger, contiguous preserve areas containing fire-dependent vegetation.

   Due to the minimal area of the development that is subject to this request, the fact that only one (1) dwelling unit is impacted by the deviation, and the size of the adjacent preserve area, the Applicant submits that the deviation will not negatively impact public health, safety or welfare.

8. **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 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. Therefore, approval of this deviation will not negatively impact public health, safety or welfare.

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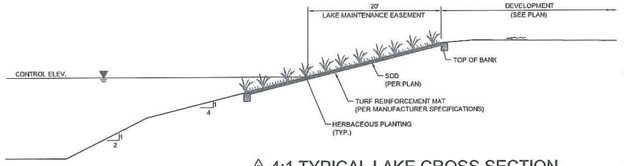

⚠4 4:1 TYPICAL LAKE CROSS SECTION
NTS
(SEE PLANS WHERE APPLICABLE)

LEGEND	
	LAKE
	INDIGENOUS PRESERVE
	CONSERVATION EASEMENT
#	DEVIATION LOCATIONS
LME	LAKE MAINTENANCE EASEMENT
ROW	RIGHT OF WAY (PRIVATE)
M	MODEL
R	RESIDENTIAL

LAND USE SUMMARY	
CATEGORY	ACREAGE
ROW	5.23
RESIDENTIAL	13.77
OPEN SPACE	30.25
TOTAL	49.62

DEVELOPMENT SUMMARY	
ACREAGE	49.62 AC
UNIT COUNT	216 DWELLING UNITS
DENSITY	4.4 DU/ACRE
MAXIMUM BUILDING HEIGHT	35 FT

OPEN SPACE & INDIGENOUS PRESERVE CALCULATIONS	
REQUIRED:	
OPEN SPACE REQUIRED	19.85 AC (49.62 X 40%)
INDIGENOUS PRESERVE REQUIRED	9.92 AC (19.85 X 50%)
PROVIDED:	
GENERAL OPEN SPACE PROVIDED	11.93 AC
LAKES	4.96 AC (19.85 X 25%)
INDIGENOUS PRESERVE	2.48 AC (1.98 AC X 125%) 9.71 AC (7.77 AC X 125%)
CONSERVATION EASEMENT	3.61 AC
TOTAL OPEN SPACE PROVIDED	30.25 AC

ZONING: RPD
FLU: CENTRAL URBAN
EXISTING USE: SINGLE FAMILY
(CASA DEL LAGO)

ZONING: RPD
FLU: CENTRAL URBAN
EXISTING USE: PRESERVE
(CASA DEL LAGO)

NO INTERCONNECTION
25.0' TYPE "B" BUFFER
PROPERTY BOUNDARY
CONSERVATION EASEMENT
O.R. 2761 PGS. 2496 & 2556
NO BUFFER REQUIRED
40.0' ROW
LME
LAKE
(1.88)
(1.54 AC)
NO BUFFER REQUIRED
MEDIAN SIGN LOCATION
GATED ENTRY
LIMITED ACCESS
RIGHT IN - RIGHT OUT PER
RESOLUTIONS 93-09-51 AND
03-04-03 APPROVED STATION
621+67±50
LAKE
(3.23)
(2.07 AC)
NO BUFFER REQUIRED
PROPERTY BOUNDARY
NO BUFFER REQUIRED
CONSERVATION EASEMENT
O.R. 2761 PGS. 2496 & 2556
PRESERVE
(7.77 AC)
PRESERVE
(1.98)
LAKE
(0.87)
WILDLIFE
CROSSING
NO BUFFER REQUIRED
BEN C. PRATT SIX MILE CYPRESS PARKWAY (ARTERIAL ROAD)
FOUR-LANED
(CITY OF FORT MYERS)
ZONING: PUD
FLU: RESIDENTIAL LOW DENSITY
EXISTING USE: SINGLE FAMILY
(HERITAGE PALMS)
25.0' TYPE "B" BUFFER
40.0' ROW
SIGN LOCATION
SIGN LOCATION
FULL ACCESS GATED ENTRANCE
PROPERTY BOUNDARY
PENZANCE BLVD (COLLECTOR ROAD)
TWO-LANED
SIGN LOCATION
ZONING: EC
FLU: CONSERVATION EXISTING
USE: PRESERVE
(SIX MILE CYPRESS SLOUGH PRESERVE)
ZONING: RPD
FLU: CENTRAL URBAN
EXISTING USE: MULTIFAMILY
ZONING: CPD
FLU: CENTRAL URBAN
EXISTING USE: VACANT

N

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CYPRESS WALK RPD

CLIENT: NEAL COMMUNITIES OF SOUTHWEST FLORIDA, LLC

MASTER CONCEPT PLAN

PLAN REVISIONS

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SCALE IN FEET

SET NUMBER: 372-01-E05
SHEET : 1

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LEGAL DESCRIPTION

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 N7°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.

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

FLOOD ZONE: ZONE X

PANEL NO.: 12071C 0429 F

MAP REVISION DATE 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

RHODES & RHODES LAND SURVEYING, INC. LICENSE #LB 6897
28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

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project#:	2014-121
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file #:	2014-121 BNDY

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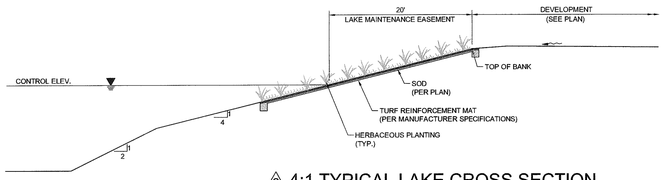

2 4:1 TYPICAL LAKE CROSS SECTION

NTS

(SEE PLANS WHERE APPLICABLE)

LEGEND

	LAKE
	INDIGENOUS PRESERVE
	CONSERVATION EASEMENT
#	DEVIATION LOCATIONS
LME	LAKE MAINTENANCE EASEMENT
ROW	RIGHT OF WAY (PRIVATE)
M	MODEL
R	RESIDENTIAL

LAND USE SUMMARY

CATEGORY	ACREAGE
ROW	5.23
RESIDENTIAL	13.77
OPEN SPACE	30.25
TOTAL	49.62

DEVELOPMENT SUMMARY

ACREAGE	49.62 AC
UNIT COUNT	216 DWELLING UNITS
DENSITY	4.4 DU/ACRE
MAXIMUM BUILDING HEIGHT	35 FT

OPEN SPACE & INDIGENOUS PRESERVE CALCULATIONS

REQUIRED:	
OPEN SPACE REQUIRED	19.85 AC (49.62 X 40%)
INDIGENOUS PRESERVE REQUIRED	9.92 AC (19.85 X 50%)
PROVIDED:	
GENERAL OPEN SPACE PROVIDED	11.93 AC
LAKES	4.96 AC (19.85 X 25%)
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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

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