

EXHIBITS

CASE # DCI2014-00010

CASE NAME: THE BERMUDA LAKES
RV RESORT RVPD

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? YES NO

LOCATION OF BOARDS _____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

CASE #: DCI2014-00010

APPLICANT

STAFF

#1 48-Hour

#1 Staff Report

#2 8.5x11 Composite Air Photo

#2 _____

#3 Lidar Map (Topo)

#3 _____

#4 FOOT Easement

#4 _____

#5 _____

#5 _____

#6 _____

#6 _____

#7 _____

#7 _____

#8 _____

#8 _____

#9 _____

#9 _____

#10 _____

#10 _____

OTHER EXHIBITS

NAME

NUMBER

DESCRIPTION

Perez, Maria

From: Greg Stuart [greg@stuarturbandesign.com]
Sent: Monday, November 10, 2014 12:51 PM
To: Hearing Examiner; Alan Erp; Sam Marshall
Subject: Re: DCI2014-00010 THE BERMUDA LAKES RV RESORT RVPD by Exit 24 LLC
Attachments: 10Nov14Stuart_48HrNotice.pdf

Please see the attachment for the Bermuda Lakes RVPD 48 Hour Notice and List of Exhibits.

Greg Stuart

On Wed, Nov 5, 2014 at 4:43 PM, Hearing Examiner <hex@leegov.com> wrote:

Please be advised that Ms. Laura B. Belflower is the Hearing Examiner in the above referenced case.

Zsuzsanna M. Weigel
Administrative Assistant
Hearing Examiner's Office
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902
Phone [\(239\) 533-8100](tel:(239) 533-8100)
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Please note our general office email address: hex@leegov.com

DCI2014-00010
APPLICANT'S EXHIBIT # 1
48-Hour

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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November 10, 2014

To: Office of the Lee County Hearing Examiner

From: Greg Stuart

RE: DCI 2014-0001 Bermuda Lakes RVPD 48 Hour Notice and Exhibit List

Dear Madame Hearing Examiner:

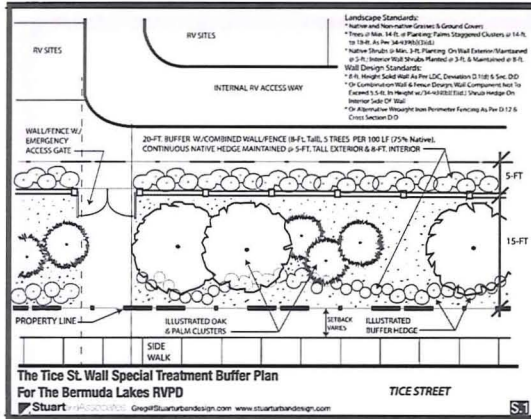
This memorandum is to inform your office that there are no unresolved or outstanding issues pertaining to the Bermuda Lakes RVPD.

The Applicant's Exhibit List is as follows:

- Stuart and Associates - Composite Air Photo Location Map;
- Banks Engineering - Community Drainage System Air Photo (Staff Report Attachment C pg. 136);
- Banks Engineering - RVPD Surface Water Management Conveyance Plan (Staff Report Ex. H pg. 56); and
- Boylan Environmental Consultants - FLUCCS Air Photo (Staff Report Attachment B pg. 135).

Sincerely yours,

Greg Stuart



The Tice St. Special Treatment Plan

Section A:A - Wall Buffer D.1(a) & Condition 11; 40-ft. Buffer w./20-ft. Exterior Planting Area & 20-ft. Lake Maint. Esmt.

Section B:B - 50-ft. Buffer D.1(b) & Condition 12; 30-ft. FDOT Access & 20-ft. Planting Area

Section C:C - 40-ft. Buffer 10 trees 66 Shrubs per 100 LF; D.9 125-ft. Res. & D.12 Interior Fence Plantings

Section D:D - D.1(d) 20-ft. Buffer & Wall; D.9 125-ft. & 20-ft. Planting Strip, D.12 Interior Fence Plantings

Existing Native Vegetation; LDC 34-939(b) Standard

Section D:D - D.1(d) 20-ft. Buffer & Wall; D.9 125-ft. & 20-ft. Planting Strip, D.12 Interior Fence Plantings

Existing Native Vegetation; LDC 34-939(b) Standard

40-ft. Buffer LDC 34-939(b) Standard; D.12 Privacy Fence Interior Plantings

D.1(d) 20-ft. Buffer & Wall, w./15-ft. Exterior Planting Strip; Tice Street Wall Special Treatment Plan

D.1(d) 20-ft. Buffer & Wall; D.12 Privacy Fence Plantings



DCI 2014-00010 Bermuda Lakes RVPD Buffer & Deviation Composite Air Photo Exhibit

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING DIVISION
STAFF REPORT**

TYPE OF CASE: PLANNED DEVELOPMENT/DCI
CASE NUMBER: BERMUDA LAKES RV RESORT RVPD
HEARING EXAMINER DATE: NOVEMBER 12, 2014

APPLICATION SUMMARY

Applicant: Exit 24 LLC
 In reference to The Bermuda Lakes RV Resort RVPD

Request: Rezone 48.73± acres from Residential Planned Development (RPD) and Industrial Planned Development (IPD) to Recreational Vehicle Planned Development (RVPD) to allow the property to be developed with a transient recreational vehicle park with up to 200 lots and related accessory uses. Potable water and sanitary sewer services will be available by Lee County Utilities. No blasting is proposed.

Location: The subject property is located on Lexington Avenue, Fort Myers Shores Planning Community, Lee County, FL. (District #5).

The applicant indicates the STRAP numbers are 03-44-25-00-00013.0000, 03-44-25-00-00016.0000, 03-44-25-00-00010.0030, 04-44-25-00-00018.0000, and 03-44-25-00-00015.0000.

RECOMMENDATION:

Staff recommends APPROVAL of the applicant's request for rezoning from RPD and IPD to RVPD with conditions (Exhibit C) and deviations (Exhibit D).

Findings and Conclusions

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

- a) The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations. (Lee Plan Goals 23, 77, 107; Standards 11.1 and 11.2; Objectives 2.1, 2.2, 23.2, 23.3, 23.5, 77.2, 77.3, 107.1, 107.3, 107.4; and Policies 1.1.2, 1.1.3, 1.1.5, 1.5.1, 1.7.6, 2.2.1, 5.1.5, 6.1.6, 23.1.2, 23.2.1, 23.5.2, 77.3.1, 107.3.1, 107.4.1, and 135.9.5.)
- b) The request is consistent with the densities, intensities and general uses set forth in the Lee Plan. (Lee Plan Objectives 2.1, 2.2, 23.2, 23.3, and 23.5; and Policies 1.1.2, 1.1.3, 1.1.5, 1.7.6, 2.2.1, 5.1.5, 6.1.6, 23.1.2, 23.2.1, and 23.5.2.)
- c) The request is compatible with existing or planned uses in the surrounding area. (Objectives 2.1, 2.2, 23.2, 23.3, and 23.5; Policies 1.1.2, 1.1.3, 1.1.5, 1.5.1, 1.7.6, 2.2.1, 5.1.5, 6.1.6, 23.1.2, 23.2.1, 23.5.2, and 135.9.5.)

- d) Approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development. (Lee Plan Policies 2.2,
- e) The request will not adversely affect environmentally critical areas and natural resources. (Lee Plan Goals 77 and 107; Objectives 77.2, 77.3, 107.1, 107.3 and 107.4; and, Policies 1.5.1, 77.3.1, 107.3.1, and 107.4.1.)
- f) Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use. (Lee Plan Standards 11.1 and 11.2; Objectives 2.1 and 2.2; and Policies 2.2.1 and 6.1.4.)
- g) The proposed use, or mix of uses, is appropriate at the subject location. (Lee Plan Objectives 2.1 and 2.2; and Policies 1.1.2, 1.1.3, 1.1.5, 5.1.5 and 6.1.6.)
- h) The recommended conditions to the master concept plan and other applicable regulations provide sufficient safeguards to the public interest.
- i) The recommended conditions are reasonably related to the impacts on the public's interest created by or expected from the proposed development.
- j) The deviations, as conditioned:
 - 1) enhance the planned development; and
 - 2) preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

BACKGROUND INFORMATION AND ANALYSIS:

The applicant is requesting to rezone the subject property from RPD and IPD to RVPD for a 200 lot, transient recreational vehicle park. According to the applicant, the lots will be designed to accommodate Class "A" recreational vehicles which can be as long as 45 feet and can expand to a width of over 14 feet.

A transient park is defined in LDC Section 34-2 as:

A recreational vehicle development designed or used for short term (less than six months) emplacement of a recreational vehicle on recreational vehicle sites that are lawfully subdivided, platted, recorded or otherwise approved by the Board of County Commissioners. Individual sites may be rented or leased, owned by individuals, or part of a condominium, cooperative or other similar arrangement.

In addition to the proposed 200 transient recreational vehicle lots, the development will include a minimum 32,000 square foot indoor and outdoor recreation area and a maximum 43,560 square foot maintenance, operations and open storage area. The development is illustrated on the Master Concept Plan (MCP) attached as Exhibit E.

The applicant has provided a request statement and schedule of deviations with justification of why the proposed RVPD zoning and deviations should be approved. The request statement and schedule of deviations are attached as Exhibit F.

The subject property is comprised of 5 parcels totaling an area of 48.73± acres. It is located south of Palm Beach Boulevard and west of I-75. The property is irregularly shaped and has approximately 500± feet of frontage on Tice Street (on the south) and 120± feet of frontage on Lexington Avenue (on the east). The property is undeveloped and heavily vegetated. A 9± acre lake/borrow pit is adjacent to the north property line. There are also three wetland areas, totaling approximately 9 acres.

Zoning History

The subject property is currently subject to zoning approved by Resolution No. Z-07-053 which approved an Industrial Planned Development (IPD) on approximately 2.39 acres of the property and by Resolution No. Z-07-77 which approved a Residential Planned Development (RPD) on the remaining 46.42± acres of the property:

Resolution No. Z-07-053 (see Exhibit I) approved a maximum of 27,500 square feet of industrial uses, including but not limited to: Manufacturing, Automobile Service Station, and Building Material Sales. The zoning was amended by ADD2008-00040 to adopt an alternate MCP and to add mini-warehouse to the schedule of uses. A development order (DOS2007-00042) for a 27,490 square foot mini-warehouse building was issued on May 9, 2008. No improvements were made on the property and the DO has subsequently expired.

Resolution No. Z-07-077 (see Exhibit J) approved a mix of up to 330 duplex, two-family attached, townhouse, and multiple-family dwelling units. The RPD was approved with a density of 7.1 dwelling units per acre. A development order (DOS2006-00222) application for the project was submitted, but never issued. This DO was vacated on October 19, 2007.

Master Concept Plan

The proposed Master Concept Plan (see Exhibit E) illustrates the development layout for the requested rezoning. The main access into the development will be via the southern driveway from Lexington Avenue. There is a second access to Lexington Avenue, northern driveway, within an existing easement and a proposed easement through the adjacent property which has the same underlying ownership as the subject property. A Tice Street driveway is proposed as an emergency entrance and exit.

The applicant has requested a series of Deviations (see Exhibits D and F) from the perimeter buffer requirements. The development will maintain a minimum 40 foot park perimeter setback, but has offered a series of cross-sections as alternatives to the minimum buffer requirements. The buffers are discussed in detail below. The deviations are requested, in part, to allow: the conservation of two preserve areas that abut the property boundaries; utilize buffering provided by existing required preserves on adjacent properties; accommodate the location/width of existing FDOT and drainage easements that run parallel to the property boundaries (north and east); and to implement the Tice Street Wall Special Treatment Buffer Plan (see Exhibit K). The Special Treatment Buffer Plan was developed by the applicant in conjunction with input from members of the community.

Recreational Vehicle Lots: The applicant is proposing to develop a maximum of 200 transient RV lots. Although the individual lots are not shown on the MCP, a typical RV lot detail is provided showing the location of the RV pads and compliance with minimum required setbacks and separation.

As conditioned, use of the development is limited to transient units. A transient unit is defined in LDC Section 34-2 as: *a recreational vehicle which is brought to the recreational vehicle park by the user, and is removed from the park at the end of the user's visit.* Recreational vehicle, also defined in LDC Section 34-2, means *a recreational vehicle type unit defined in F.S. Section 320.01(1)(b). It is primarily designed as a temporary living unit for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle.*

A transient RV park is a commercial use and is not subject to residential density calculations. Instead, the number of living units (intensity) within a transient park is a maximum of 8 living units per non-wetland acre pursuant to LDC Section 34-939(b)(6). The subject property comprises 48.73± acres, of which 8.92± acres are wetlands. Therefore, the maximum intensity of the project could be 318 living units (39.81 acres multiplied by 8 units). The proposed 200 units are below the maximum intensity permitted by the LDC.

Indoor and Outdoor Recreation Area: The applicant is proposing to develop a minimum 32,000 square foot indoor/outdoor recreation area. LDC Section 34-939(b)(5) requires that every recreational vehicle park have at least one outdoor recreation area, which will be easily accessible from all sites. Such recreation area must contain at least 250 square feet for each acre contained within the park, and no single recreation area within the park can be less than 3,000 square feet in size. This recreation area is shown on the MCP as being near the main entrance and is easily accessible from the main road within the project. In addition, the applicant is proposing walking paths that will also access the proposed recreation area. The existing lake will be utilized for recreational opportunities.

In addition to outdoor recreational amenities, an indoor recreation area is also anticipated to be developed within the designated recreation area. Within this building will be limited commercial activities for use by people staying at the park. Limited food and beverage service and consumption on premises will also be permitted within the recreation area subject to Condition #4. Prior to issuance of an alcoholic beverage permit, an administrative approval is required to demonstrate that the area for consumption on premises is not within 500 feet of the Orange River Elementary School's property line.

Maintenance, Operations and Storage Area: A maximum of one-acre will be developed for maintenance, operations and storage uses. As conditioned, the storage area is limited to use by people staying at the park and to the storage of RV's, trailers, boats and other vehicles and goods belonging to park users. Currently, the MCP shows an area for these uses by the main park entrance; however, it is anticipated that maintenance and operation areas may be needed in other locations throughout the park.

Environmental Sciences

The Division of Environmental Sciences (ES) staff has reviewed the applicant's request and provided a staff report (see Exhibit L) with the following analysis:

Vegetation: A habitat assessment was performed by Boylan Environmental Consultants and a corresponding Florida Land Use Cover and Forms Classification System (FLUCFCS) map was provided (See the habitat assessment, ES Attachment A-Protected Species Survey and ES Attachment B-Aerial FLUCFCS Map).

The 48.7± acre site contains 28.6 acres uplands, 8.92 acre potential jurisdictional wetlands, and 11.2± acres other surface waters (OSWs), of which 17.67 acres meet the criteria for indigenous

habitat as defined per the land development code LDC Section 10-2. To date the wetlands have not been verified by jurisdictional agencies.

ES staff field verified the habitat on August 8, 2014. During the field inspections ES staff observed that although FLUCFCS'ed at 422 Brazilian Pepper, the perimeter of the existing lake also contains existing native vegetation including numerous canopy trees-oak species (*Quercus* species), sabal palms (*Sabal palmetto*) and shrubs-wax myrtle (*Myrica cerifera*) and saw palmetto (*Serenoa repens*). In addition, ES staff observed that the ditch (FLUCCS 510) running east-west to the central wetland does not stop short as depicted on the FLUCFCS map but connects offsite to the east and also connects to the onsite north-south ditch which then extends offsite to the east (See ES Attachment C-GIS Drainage Map). It appears the existing central wetland (labeled Preserve #2 on the Master Concept Plan) currently receives water from offsite through these existing ditches.

Protected Species: A protected species survey (PSS) for Lee County listed species meeting the requirements of Land Development Code (LDC) Section 10-473 was conducted by Boylan Environmental Consultants March 3, 2014 (See previously referenced Protected Species Survey document). The survey does not document the presence of any Lee County listed species but notes that during the field survey, wading birds, including the great white egret (*Ardea alba*), were observed and because the site contains a man-made lake, other species of wading birds are expected.

ES staff field verified the PSS on August 8, 2014 and confirmed the results. ES staff concurs with the potential for listed wading bird species to utilize the site and also identifies the potential for the listed American alligator (*Alligator mississippiensis*) to utilize the on-site lake and adjacent preserve areas.

ES staff reviewed the project for consistency with the following Lee Plan Objective and Policy:

Objective 107.4: Endangered And Threatened Species In General. *Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.*

Policy 107.4.1: *Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Game and Freshwater Fish Commission, as periodically updated. Lee County's Protected Species regulations will be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development.*

Many of the wading birds which may utilize the site are state listed as species of special concern. Given foraging and nesting habitat for these listed wading bird species will remain on-site, ES staff recommends occupants of the development are provided with informational pamphlets on the importance of the lake and preserves areas for wading bird species.

The American alligator is state listed as a species of special concern and federally listed as threatened. Given habitat for alligators will remain on-site and the project proposes RV lots to abut the lake and preserve areas and promotes recreational uses within the lake, ES staff recommends occupants of the development be provided with informational pamphlets on the presence of alligators and that development plans depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

ES staff recommends Condition #7 to ensure the project is in compliance with the LDC and consistent with Lee Plan, Objective 107.4 and Policy 107.4.1.

Open Space: LDC Section 10-415(a) requires large recreational vehicle developments to provide 30% of the total area of the project as open space; therefore, the proposed project is required to provide a minimum of 14.63 acres (48.78×0.3) of open space. LDC Section 10-415(a) also requires that planned developments provide open space as required by Chapter 34 and the approved MCP and resolution.

ES staff reviewed open space for consistency with the following Lee Plan Goal and Objective:

***Goal 77:** To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.*

***Objective 77.2:** Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.*

The MCP, as proposed by the applicant, indicates 15.5 acres common open space can be provided on the site which exceeds the minimum LDC open space requirement. The proposed open space areas include 9.05 acres of vegetated preserves, 2.79 acres of perimeter buffers that preserves indigenous habitat adjacent to the large lot residential where it currently exists, and a maximum 3.66 acre of lake.

ES staff recommends Condition #8 to ensure the open space, as committed to by the applicant, is met consistent with Lee Plan Goal 77 and Objective 77.2.

Indigenous Preservation: LDC Section 10-415(b)(1)(a.) requires large developments, with existing indigenous native vegetation communities provide 50 percent of their open space percentage through the onsite preservation of existing native vegetative communities. A review of the FLUCFCS map and an ES staff field inspection revealed that there are $9.22 \pm$ acres indigenous uplands and $8.45 \pm$ acres indigenous wetlands on the subject site; therefore, the project is required to preserve a minimum of 7.32 acres ($48.78 \times 30\% = 14.63 / 2$) of indigenous habitat.

ES staff has reviewed the applicant's proposed indigenous open space with the following Lee Plan Goal, Objectives and Policies:

***Objective 77.3:** New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed/existing right-of-ways. This objective and subsequent policies are to be implemented through the zoning process.*

***Policy 77.3.1** Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities.*

The MCP depicts three preserve areas totaling 9.05 acres. Of the 9.05 acres of preserve, 1.07 acres are indigenous uplands and 6.99 acres are indigenous wetlands for a total of $8.0 \pm$ acres of indigenous habitat preserved which exceeds the minimum LDC requirement and is consistent with Policy 77.3.1.

The MCP depicts innovative open space design which preserves a majority of the environmentally sensitive wetland habitats with associated upland buffers and preserves the indigenous upland vegetation between the RV lot use and large lot residential to the south consistent with Objective 77.3.

Goal 107: Resource Protection. *To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.*

Objective 107.1: Resource Management Plan. *The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro-ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.*

LDC Section 10-415(b)(4)(a.-f.) requires that a plan be submitted for the long term maintenance of vegetation within indigenous open space areas. Therefore, as part of development order approvals the applicant will be required to provide an indigenous management plan for the 9.05 acre preserve area which will ensure the long-term protection and enhancement of the interconnect functioning natural upland and wetland habitats consistent with Objective 107.1

In addition, the conceptual surface water management plan for the site, as proposed by the applicant, indicates that the historical drainage from offsite into preserve area #2 and #3 will be maintained in post development conditions and preserve area #3 will be incorporated in the onsite water management system consistent with Objective 107.1 (see Exhibits G and H). Also, Lee County Natural Resources has recommended Condition #21 to ensure that the applicant's proposed conceptual surface water management plan is implemented at the development order stage.

Objective 107.3: Wildlife. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

Policy 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

The three preserves depicted on the MCP include South Florida Water Management District (SFWMD) required upland buffers to preserved wetlands where upland habitat exists between the preserved wetland and proposed development and additional upland pine flatwoods habitat is being preserved within Preserve #2 consistent with Policy 107.3.1. Where wetlands are impacted (i.e. proposed road between Preserve #s 2 & 3 and along the east side of Preserve #3) required SFWMD structural buffers will be provided between the preserved wetlands and the proposed development. ES staff notes that the preserved upland buffers abutting the wetlands within Preserve #1 and #3 is not indigenous habitat (FLUCFCS 260 and 210) and does not contain suitable native vegetation to provide habitat diversity, enhance edge effect and promote wildlife conservation. ES staff notes that supplemental plantings within these areas will be required through the ERP permitting process.

In addition, in order to ensure safe crossing of wildlife between Preserve areas #2 and 3, the MCP indicates proposed traffic calming measures to be provided along the internal roadway which bisects these preserves consistent with Objective 107.3.

In order to ensure the indigenous open space as committed to by the applicant and preserve and wildlife enhancement consistent with Lee Plan Policy Objective 77.3, Policy 77.3.1, Goal 107, Objective 107.1, Objective 107.3, and Policy 107.3.1, ES staff recommends Condition #9.

Buffers: LDC Section 34-939(b)(3) requires that recreational vehicle parks have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along the portion of the boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide a 40-foot wide perimeter buffer area with a vegetative visual screen. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. Existing native vegetation in the buffer area must be retained to meet the visual screen requirement and may not be removed except as follows:

- a. Exotic species as defined in section 10-420(h) must be removed.
- b. Existing native vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
- c. Existing native vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
- d. A minimum of 75 percent of all trees and shrubs used in buffers and landscaping must be native varieties.

If the 40-foot buffer area does not have enough existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide at minimum 10 trees and 66 shrubs per 100 linear feet. Trees must be 14 feet in height and shrubs 36 inches in height at time of planting. Shrubs must be maintained at a minimum of 60 inches in height. Palms are counted at a 3:1 ratio clustered in staggered heights ranging from 14 feet to 18 feet in height. Palms are limited to 50% of the tree requirement.

The project meets the buffer requirement on a portion of the perimeter property lines. The MCP depicts a greater than 40-foot wide buffer with the existing vegetation preserved to meet the visual screen requirements where Preserve #1 and Preserve #2 abuts the perimeter property line and a 40-foot wide buffer where the native vegetation exist along the remainder of the south property line of the central parcel contiguous with Preserve #2. In addition, the MCP depicts the project to provide the required 40-foot wide buffer installed as per 34-939(b)(3) along the west perimeter property line of the south parcel. An aerial and site inspection reveals that this 40-foot width contains existing large mature oak trees which must be preserved and may be used to meet the installed buffer tree requirement on a 1:1 ratio. The MCP also depicts the project to provide the required 40-foot wide buffer installed as per 34-939(b)(3) along the northwest perimeter property line of the central parcel as per MCP Section C-C. Section C-C depicts a minimum of 20-feet of buffer plantable area is to be provided outside the drainage easement.

In order to ensure protection of the existing native vegetation within the buffer, the existing indigenous habitat and the individual oaks preserved within the required buffer must be protected as per LDC Section 10-420(j)(3) protected credit tree requirements.

ES staff recommends Condition #10 to ensure that the 40-foot wide perimeter buffers required by LDC Section 34-939(b)(3) are provided as depicted on the MCP.

Transportation

Lee County Department of Transportation (LCDOT) has reviewed the application and has provided a Memo that states that LCDOT has no objection to the request (see Exhibit M).

Traffic

The Senior Engineer in the Development Services Division has reviewed the applicant's request and provided a staff report (see Exhibit N) that includes the following analysis:

The subject site is generally located in the northwest corner of the intersection of Lexington Avenue and Tice Street. The site is currently zoned RPD to allow residential uses. Access to the site is currently shown to both Lexington Avenue and Tice Street. The proposed rezoning would modify the zoning on the subject site to allow the development of a 200 lot RV resort. The Master Concept Plan (MCP) indicates that the access presently shown to the site from Tice Street will be an emergency only access point. The MCP also indicates that there will be two (2) driveways directly to Lexington Avenue. Staff has indicated to the Applicant that access directly to Tice Street is preferred. However, the MCP as proposed with two (2) fully operational driveways to Lexington Avenue does comply with the standards of the Land Development Code (LDC) related to required street access.

In order to assess the traffic impacts of the proposed rezoning, the Institute of Transportation Engineer's (ITE) report, titled **Trip Generation**, 9th Edition, was reviewed. Trip generation of the RV resort use was calculated based on the Campground/RV Park land use. Table 1 indicates the trip generation of the site as proposed.

Table 1
Trip Generation
Bermuda Lakes RV Resort

Scenario	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
New External Trips	13	22	35	27	14	41	338

Lee Plan/Level of Service Analysis: The next step was to distribute the trips from the trip generation calculations indicated within Table 1 to the County roadway network in order to assess the Level of Service impacts on Lexington Avenue and Tice Street. The current year Level of Service is LOS "C" on Lexington Avenue and LOS "B" on Tice Street. Projecting growth to 2020 conditions based on the 2013 Lee County Traffic Count Report, the background Level of Service on Lexington Avenue will be LOS "C" and on Tice Street will be LOS "D". After adding the project traffic to these roadways, the Level of Service on Lexington Avenue will continue to be LOS "C", and the Level of Service on Tice Street will continue to be LOS "D". LOS "C" and LOS "D" are acceptable Levels of Service in accordance with the Lee County Level of Service Standards, so the proposed rezoning can be found consistent with the standards set forth in the Lee Plan.

Future Land Use Categories

The property lies across four land use designations: 63.9% (31.17± acres) is designated Suburban; 11.5% (5.67± acres) is designated Intensive Development; 6% (2.97± acres) is designated Central Urban; and 18.3% (8.92± acres) is designated Wetlands.

POLICY 1.1.2: The Intensive Development areas are located along major arterial roads in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers. By virtue of their location, the county's current development patterns, and the available and potential levels of public services, they are well suited to accommodate high densities and intensities. Planned mixed-use centers of high-density residential, commercial, limited light industrial (see Policy 7.1.6), and office uses are encouraged to be developed as described in Policy 2.12.3., where appropriate. As Lee County develops as a metropolitan complex, these centrally located urban nodes can offer a diversity of lifestyles, cosmopolitan shopping opportunities, and specialized professional services that befit such a region. The standard density range is from seven dwelling units per acre (7 du/acre) to fourteen dwelling units per acre (14 du/acre). Maximum density is twenty-two dwelling units per acre (22 du/acre).

POLICY 1.1.3: The Central Urban areas can best be characterized as the "urban core" of the county. These consist mainly of portions of the city of Fort Myers, the southerly portion of the city of Cape Coral, and other close-in areas near these cities; and also the central portions of the city of Bonita Springs, Iona/McGregor, Lehigh Acres, and North Fort Myers. This is the part of the county that is already most heavily settled and which has or will have the greatest range and highest levels of urban service--water, sewer, roads, schools, etc. Residential, commercial, public and quasi-public, and limited light industrial land uses (see Policy 7.1.6) will continue to predominate in the Central Urban area with future development in this category encouraged to be developed as a mixed-use, as described in Policy 2.12.3., where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum density of fifteen dwelling units per acre (15 du/acre).

POLICY 1.1.5: The Suburban areas are or will be predominantly residential areas that are either on the fringe of the Central Urban or Urban Community areas or in areas where it is appropriate to protect existing or emerging residential neighborhoods. These areas provide housing near the more urban areas but do not provide the full mix of land uses typical of urban areas. The standard residential densities are the same as the Urban Community category. Higher densities, commercial development greater than neighborhood centers, and industrial land uses are not permitted. Bonus densities are not allowed.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

The subject property is predominantly Suburban and is surrounded by properties designated Central Urban and Intensive Development. The proposed RVPD provides an appropriate interface between existing residential uses, located north, west and south of the subject property, and the more intense commercial and industrial uses that are located east of the subject property which are adjacent to I-75. The Wetlands on the property are designated as Preserve Areas on the MCP. This request, as conditioned, is **CONSISTENT** with the **POLICIES 1.1.2, 1.1.3, 1.1.5 and 1.5.1** of the Lee Plan.

Surrounding Neighborhood

The property is located in the Tice Historic Community Planning Area (fka Palm Beach Boulevard Corridor Community Planning Area) which has the following Goal adopted in the Lee Plan:

GOAL 23: THE PALM BEACH BOULEVARD CORRIDOR. *To redevelop the Palm Beach Boulevard corridor into a vibrant commercial and residential neighborhood, with mixed-use nodes, enhanced landscaping, pedestrian facilities, transit service, and recreational areas; and to recapture the historic identity of the area through signage and public facilities. This Goal and subsequent Objectives and Policies apply to The Palm Beach Boulevard boundaries as depicted on Map 1 (Page 2 of 8).*

Although development of this property wouldn't qualify as redevelopment (as defined in the Lee Plan, it is infill development. Infill is defined in the Lee Plan as: *The use of vacant land within a predominantly developed area for further construction or development. These lands already have public services available but may require improvements to meet current development standards.* The subject property is 48.73± acres of undeveloped land that is surrounded by predominantly developed properties:

North: North of the subject property is Orange River Elementary School and a variety of older residential subdivisions, with mobile homes, and single-family and two-family homes. The subdivisions located immediately north and northwest of the subject property include Underwood (zoned RS-1), Russell Park Annex (zoned MH-2), and Jones Court (TFC-2). The subdivisions have residential densities ranging from 2 units per acre to 5 units per acre. North of residential subdivisions is Palm Beach Boulevard, a 6-lane, divided arterial road that is developed primarily as a commercial corridor.

The MCP proposes buffers that are discussed in detail in Exhibit D regarding Deviations #1a and #1b. The buffer width is 50 feet adjacent to the residential uses and 40 feet wide adjacent to the School. An 8 foot tall solid screening wall will also be installed adjacent to the residential uses as shown in Section A-A on the MCP. In the northwest corner, also adjacent to residential, the applicant is proposing a 20 foot wide buffer and an 8 foot tall screening wall as shown in Section D-D on the MCP. Staff is recommending Conditions #11, #12 and #13 to ensure the buffers are installed. In addition, the existing lake dominates most of the northern boundary and the indoor/outdoor recreation area is internalized away from the residences adjacent to the property.

Staff is recommending Condition #4 to ensure compatibility of the indoor/outdoor recreation area with the Elementary School that is located north of the subject property. Condition #4 will require that an administrative approval be obtained to demonstrate that consumption on premises is not within 500 feet of the School's property line.

South: South of the subject property is Tice Street and then industrial/commercial uses including the Goodwill L.I.F.E Academy, Opportunity Center and Outlet and Lee County's Detar Lane Facility used for heavy equipment parking. There are also approximately 7 properties that abut the property to the south that are zoned AG-2 and used for single-family residences.

As depicted on the MCP, the southern property line that abuts the residential uses is primarily preserve (Preserves #1 and #2) with a proposed fence on the property line (see Deviation #12 and Condition #14). Adjacent to Tice Street, the applicant is proposing a Special Treatment

Buffer Plan (see Exhibit K). The applicant worked with the community to develop this alternate buffer plan along Tice Street.

East East of this subject property, south of the main entrance, are three vacant properties that are zoned AG-2 and C-2. The property immediately south of the main entrance has a platted preserve area. This preserve is used as justification for the deviation (#1e) to allow no buffer. This platted preserve provides adequate screening from Lexington Avenue. North of the main entrance is a 8.4 acre parcel that is under the same ownership (but different name) and is part of the North Trail RV Center located on the east side of Lexington Avenue. This parcel is a required preserve for the North Trail RV Center development which will provide a 340 wide buffer from the Lexington Avenue right-of-way.

On the east side of Lexington Avenue is the 45+ acre North Trail RV Center campus. This property will be used for RV sales and service. The proposed RVPD complements and will be used in conjunction with the North Trail RV Center – making this I-75 quadrant an RV destination. South of the North Trail RV Center, also adjacent to I-75, is a commercial subdivision (Lexington Commerce Center) that is zoned C-2 and is developed with the Tice Fire Station and a variety of commercial, light manufacturing and warehouse uses. As discussed above, the RVPD also provides an appropriate interface between existing residential uses, located north, west and south of the subject property, and the more intense commercial and industrial uses that are located east of the subject property.

West West of the subject property is AG-2 and TFC-2 zoning, with single-family homes, mobile homes, vacant county land and land for a borrow pit owned by the State of Florida. The applicant is proposing (Deviation #1d) a 20-foot wide landscape buffer with an 8 foot tall screening wall, as depicted on the MCP Section D-D, adjacent to the vacant County owned property and borrow pit. Where the property abuts single-family residences the minimum required 40 foot wide buffer will be provided.

The applicant has proposed buffers and design features that address potential concerns with compatibility with the surrounding neighborhood. The project internalizes the group recreation area into the center portion of the site and away from south, north and west residential areas, incorporates a solid 8-ft. buffer wall in lieu of buffer landscape, and uses existing native wetland areas for additional separation.

As discussed above, and as conditioned, the proposed RVPD is compatible with the surrounding neighborhood and is therefore **consistent with the Lee Plan Objectives 23.2 and 23.3 and Policies 5.1.5, 6.1.6 and 135.9.5:**

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

POLICY 6.1.6: *The land development regulations will require that commercial development provide adequate and appropriate landscaping, open space, and buffering. Such*

development is encouraged to be architecturally designed so as to enhance the appearance of structures and parking areas and blend with the character of existing or planned surrounding land uses.

POLICY 135.9.5: *New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character.*

OBJECTIVE 23.2: COMMERCIAL LAND USES. *Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions must recognize the unique conditions and preferences of the Palm Beach Boulevard Community to ensure that commercial areas maintain a unified and pleasing aesthetic/visual quality in landscaping, architecture, lighting and signage and provide for employment opportunities. Uses that are not compatible with adjacent uses or those that have significant adverse impacts on natural resources will be discouraged.*

OBJECTIVE 23.3: RESIDENTIAL USES. *Lee County must protect and enhance the residential character of the Palm Beach Boulevard Community by strictly evaluating adjacent uses, natural resources, access, and recreational or open space, and requiring compliance with enhanced buffering requirements.*

Although several deviations are requested from the landscaping and buffering requirements, the applicant has provided alternatives and justifications that show that the proposed landscaping and buffers will meet the intent of the code requirements. The RVPD's buffers are discussed in the Environmental Sciences section of this report and in Exhibit D where the deviation requests are provided. The deviations will not result in a reduction of landscaping or buffering and the project will comply with minimum signage guidelines and architectural standards at time of development. The request is **consistent with Policy 23.1.2:**

POLICY 23.1.2: Lee County is discouraged from approving any deviation that would result in a reduction of landscaping, buffering, signage guidelines, or compliance with architectural standards.

The applicant conducted a public informational session within the Palm Beach Boulevard Corridor Community. As a result of this meeting, the applicant worked with a group of community members in developing the Tice Street Wall Special Treatment Buffer Plan to provide an alternative buffer along the property's frontage on Tice Street. The application is **consistent with Objective 23.5 and Policy 23.5.2** of the Lee Plan:

OBJECTIVE 23.5: PUBLIC PARTICIPATION. *Lee County will encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.*

POLICY 23.5.2: *The owner or agent for any Planned Development request within the Palm Beach Boulevard community must conduct one public informational session where the agent will provide a general overview of the project for any interested citizens. Lee County encourages zoning staff to participate in such public workshops. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed.*

Fort Myers Shores Planning Community

The subject property is located in the Fort Myers Shores Planning Community. The Planning Communities Map and Acreage Allocation Table provide information regarding existing and available land uses:

POLICY 1.7.6: *The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded.*

According to the 2030 acreage allocation calculations, 400 acres of commercial acreage is allocated in the Fort Myers Shores Planning Community. There are currently still 164 acres available for commercial development within the planning community. The proposed RVPD zoning which is **consistent** with **Lee Plan Policy 1.7.6, Map 16 and Table 1(b)**.

Urban Services

Urban services are defined by the Lee Plan as: the requisite services, facilities, capital improvements, and infrastructure necessary to support growth and development at levels of urban density and intensity. The applicant has provided an Urban Services Map, attached as Exhibit O.

Public sewer and water: Development must connect to potable water and sanitary sewer service (Condition 15). The applicant has obtained a letter from Lee County Utilities (Exhibit P) that potable water service will be provided through the Olga Water Treatment Plant and that sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. As conditioned, the proposed development is consistent with Standards 11.1 and 11.2 of the Lee Plan:

STANDARD 11.1: WATER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 17-22, F.A.C.).*

STANDARD 11.2: SEWER. *Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.*

Paved streets and roads: The MCP proposes two driveways on Lexington Avenue and one emergency access driveway on Tice Street. Tice Street is a collector road and Lexington Avenue is a local road. Both roads are maintained by Lee County. Palm Beach Boulevard (SR 80) can be accessed from either Tice Street or Lexington Avenue. Palm Beach Boulevard connects Downtown Fort Myers (east) to I-75 (west).

Public transit: The subject property is located near Lee Tran Route 15. This route intersects Tice Street at Ortiz Avenue and at Nuna Avenue.

Parks and recreation facilities/Community facilities: Victor Yingst Library, Schandler Hall Community Park and Terry Park Sports Complex are located on Palm Beach Boulevard and Tice Community Pool is located on Glenwood Avenue.

Urban levels of police, fire, and emergency services: The subject property will be provided urban levels of police, fire and emergency services. Fire protection and EMS is provided by the Tice Fire District that has a station on Workman Way, approximately 650 feet from the

subject property. The property will be served by the Lee County Sheriff and is within Sheriff District Echo – E6. The Sheriff's station is located at 1770-754 Ben C Pratt/Six Mile Cypress.

Urban surface water management: Surface water management will be required to comply with the LDC and staff is proposing Condition 21 specific to stormwater drainage. The applicant has provided a Surface Water Management Plan and Hydrology Exhibit (Exhibits G and H) that were reviewed by Lee County Environmental Sciences and Natural Resources staff.

Schools: The subject property is served by the School District of Lee County as is located in East Choice Sub Zone 1. This request should have no impact on classroom needs. A letter from the School District of Lee County is attached as Exhibit Q.

Employment, industrial, and commercial centers: The subject property is surrounded by existing commercial and industrial uses that provide employment opportunities. This includes the SR 80 commercial corridor, the Billy Creek industrial park, and the Goodwill Outlet located on Tice Street.

Institutional, public, or administrative facilities: The Goodwill L.I.F.E Academy, Opportunity Center and Outlet is located at 5100 Tice Street. The Tice Fire Protection and Rescue District is located at 9351 Workmen Way.

Goal 2 of the Lee Plan is to coordinate the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources. Objectives 2.1 and 2.2 and Policies 2.2.1 specifically relate to the request:

OBJECTIVE 2.1: DEVELOPMENT LOCATION. *Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

OBJECTIVE 2.2: DEVELOPMENT TIMING. *Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county's Concurrency Management Ordinance.*

POLICY 2.2.1: *Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.*

POLICY 6.1.4: *Commercial development will be approved only when compatible with adjacent existing and proposed land uses and with existing and programmed public services and facilities.*

The proposed RVPD zoning will allow the property to be used in a manner that promotes contiguous and compact growth patterns as it would allow for development within an urban area of Lee County, where existing growth is occurring and where services and infrastructure are

available to serve the project. The availability of urban services, as outlined above, make the request, as conditioned, **consistent with Objectives 2.1 and 2.2 and Policies 2.2.1 and 6.1.4 of the Lee Plan.**

Conclusion

The request to rezone from RPD and IPD to RVPD is appropriate for the subject property and meets the standards for approval of a planned development (DCI) rezoning. The proposed RVPD is consistent with the multiple future land use designations of the subject property and the applicable goals, objectives and policies of the Lee Plan. As conditioned, the uses permitted in the RVPD and the proposed buffers make the request compatible with the zoning and uses of surrounding properties. Staff recommends approval, with conditions (Exhibit C) and deviation (Exhibit D) of the request to rezone the subject property to RVPD.

Exhibits:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Recommended Conditions
- D. Deviation Requests, Justifications and Recommendations
- E. Master Concept Plan
- F. Applicant's Request Statement and Schedule of Deviations
- G. Bermuda Lakes RVPD Surface Water Management Plan (Applicant's Exhibit 25)
- H. Hydrology Exhibit
- I. Z-07-053
- J. Z-07-077
- K. Tice Street Wall Special Treatment Buffer Plan
- L. Environmental Sciences Staff Report
- M. LCDOT Memo
- N. Development Services Memo
- O. Urban Service Map
- P. Lee County Utilities Potable Water and Wastewater Availability Letter
- Q. School District of Lee County Letter
- R. Legal Description
- S. Boundary Survey

cc: Applicant
County Attorney
Zoning File

Exhibit A

LEE COUNTY STAFF EXPERT WITNESS INFORMATION PROVIDED PURSUANT TO AC-2-6, SECTION 2.2.b(5)(f)3.

Mikki Rozdolski, Senior Planner, Zoning, 1500 Monroe Street, Fort Myers

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan, zoning, and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

Susie Derheimer, Planner, Environmental Sciences, 1500 Monroe Street, Fort Myers

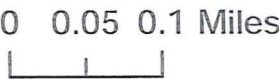
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
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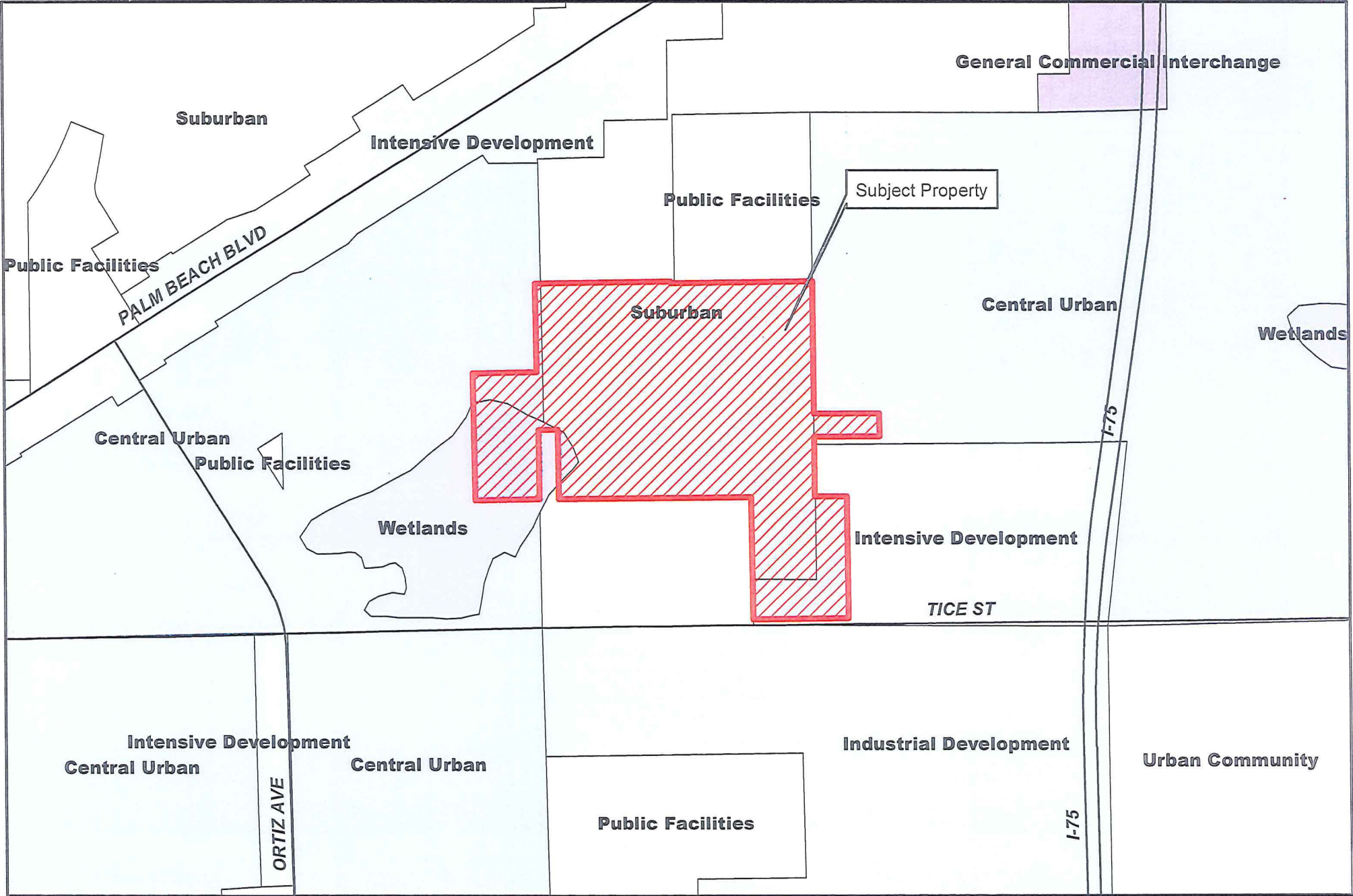
Robert Price, PE, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in Traffic Engineering and Transportation Planning.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.

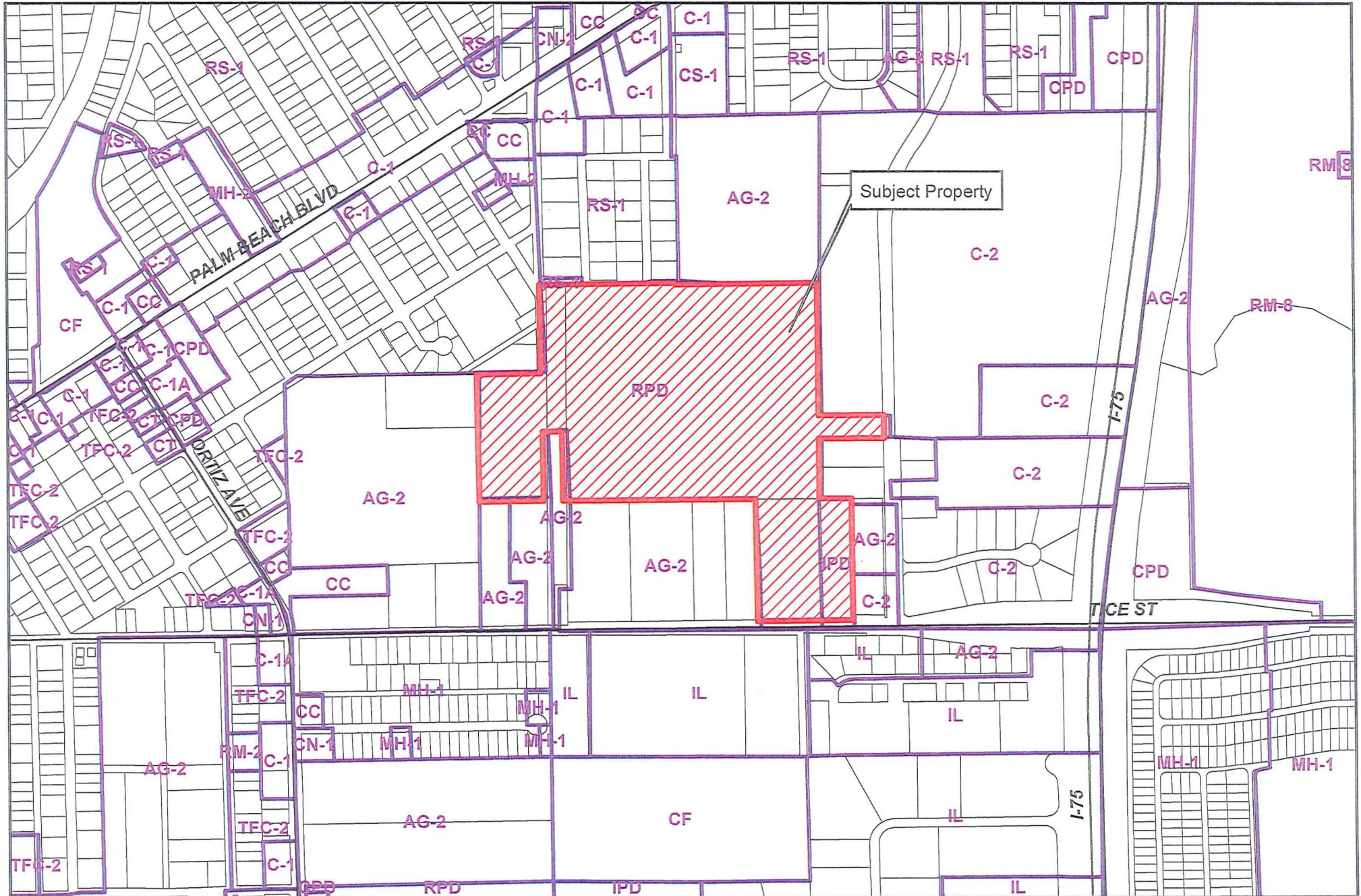
Sam Lee, PhD, PE, Engineering Manager, Natural Resources Division, 1500 Monroe Street, Fort Myers

- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness.
- Report and documents are submitted with the Staff Report for this case. Additional documents that may be relied upon and used as evidence during the hearing include: the Lee County Land Development Code; the Lee Plan; and documentation submitted by the applicant as part of the subject application.





0 0.05 0.1 Miles



0 0.05 0.1 Miles

Exhibit C

RECOMMENDED CONDITIONS OF APPROVAL

1. Master Concept Plan/Development Parameters:

The development of this project must be in substantial compliance with the one page Master Concept Plan (MCP) entitled THE BERMUDA LAKES RV RESORT PLANNED DEVELOPMENT, stamped RECEIVED OCT 07 2014 COMMUNITY DEVELOPMENT, last revised October 6, 2014, except as modified by the conditions below. The MCP is attached as Exhibit E.

2(a). Schedule of Uses:

Accessory uses, buildings and structures (not permitted on RV lots)
Administrative offices
Caretaker residence
Community gardens
Entrance gates, gatehouses
Essential services
Essential service facilities, Groups I and II
Excavation: Water Retention
Fences and Walls
Parking Lot, Accessory
Recreational Vehicles (limited to a maximum of 200 transient units)
Signs, in compliance with Chapter 30
~~Storage Sheds, unattached~~
Vehicle and Equipment Dealers, Group IV (limited to RV's)

The following uses are limited to the Indoor/Outdoor Recreation Area:

Accessory uses, buildings, and structures
ATM
Boat ramps and Dockage (limited to one)
Clubs, Private*
Consumption on premises, subject to Condition 4
Day care center, adult or child*
Food and Beverage Service, limited*
Food Stores, Group I* - limited to the sale of convenience items including groceries, tobacco products, novelties, sundries, and parts and supplies for recreational vehicles for RV park users
~~Indoor and Outdoor Recreation Area~~
Laundry or Dry Cleaning, Group I*
Non-roofed accessory structures (limited to recreation decks, recreation group gathering areas and similar passive recreational uses)
Personal Services, Group I*
Place of Worship*
Recreation facilities, Private On-site*
Rental of Leasing Establishment, Group I*

The following uses are limited to the Maintenance, Operations and Storage Area:

Accessory uses, buildings, and structures

Storage, open and indoor* (limited to RV's, trailers, boats and other vehicles and goods belonging to park users)

* Limited to use by people staying at the RV park.

2(b). Site Development Regulations:

Minimum Park Perimeter Setback: 40 feet

Recreational Vehicle Unit Lots:

Minimum Lot Area 2,500 square feet

Minimum Lot Width 30 feet

Minimum Lot Depth 80 feet

Minimum Setbacks

Internal Street 10 feet

Between RV's 10 feet (5 feet & 5 feet)

Waterbody 25 feet

Side Yard 5 feet

Rear Yard 10 feet

Indoor and Outdoor Recreation Area:

Minimum Lot Area 32,000 square feet

Minimum Setbacks

Internal Street 25 feet

Side Yard 15 feet

Rear Yard 25 feet

Rear Yard/Water Body 25 feet

RV Site 25 feet

Maximum Height* 35 feet

Maximum Lot Coverage 50%

Minimum setbacks for accessory structures and uses

Internal Street 20 feet

RV Site 25 feet

Side Yard 5 feet

Rear Yard 5 feet

Minimum Required Parking: 3.5 spaces per 1,000 square feet of building area

Maintenance Building and Operations/Open Storage Area:

Maximum Lot Area 43,560 square feet

Minimum Setbacks

Internal Street 20 feet

RV Site 25 feet

Side Yard	10 feet
Rear Yard	10 feet
Maximum Height*	35 feet
Maximum Lot Coverage	80%
Minimum setbacks for accessory structures and uses	
Internal Street	20 feet
RV Site	25 feet
Side Yard	5 feet
Rear Yard	5 feet

*Buildings that exceed 35 feet in height must maintain additional building separation in accordance with LDC Section 34-2174(a).

3. **Compliance to LDC:** This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
4. **Consumption on Premises:** Consumption on premises is limited to the Indoor and Outdoor Recreation Area shown on the MCP. An application for administrative approval of consumption on premises is required prior to issuance of an alcoholic beverage license. The application must provide a detailed site plan of the Indoor and Outdoor Recreation Area that demonstrates that the location for the sale or service of alcoholic beverages for consumption on the premises when measured in a straight line to the property line of Orange River Elementary School is not closer than 500 feet. If the location for the sale or service of alcoholic beverages for consumption on the premises is located within 500 feet of Orange River Elementary School's property line, a special exception must be approved.
5. **Transient Units:** The development may only be developed and used as a transient park for short term (less than six months) emplacement of recreational vehicles (transient units). The recreational vehicle must be removed from the park at the end of each user's visit or six months, whichever is less. Non-transient use of the development is prohibited.
6. **Hurricane Conditions:** An emergency evacuation plan for the project must be reviewed by Lee County Emergency Management prior to local development order approval for any vertical development.
7. **Alligators and Listed Wading Bird Species:** American alligator and listed wading bird species management plans meeting the requirements of Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences staff at the time of local development order. The management plans must also include an informational brochure to be provided to patrons on living with alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. Also, the development order plans must include the location and details of signage around the existing lake

which state: Alligators may be present. It is dangerous and illegal to feed or harass alligators.

8. **Open Space:** Development order plans must delineate at minimum 15.5 acres of common open space in conceptual compliance with the approved MCP.
9. **Indigenous Preservation:** Development order plans must depict a minimum 9 acres of preserves in conceptual compliance with the approved MCP. The LDC Required Indigenous Management Plan for the 9 acre preserves must also include the following: any required mitigation for other jurisdiction agencies; and development order plans to depict proposed wildlife crossings where the roadway bisects Preserve Areas 2 and 3 to include signage and/or speed calm devices.
10. **Buffer (Preserve #1 and #2):** Development order landscape plans must depict the site to provide a minimum 40-foot wide perimeter buffers as per LDC Section 34-939(b)(3) to include Preserve #1 and #2 and at locations depicted on the approved MCP. The existing indigenous habitat and the individual oaks preserved within the 40-foot wide buffer must be protected as per LDC Section 10-420(j)(3) protected credit tree requirements.
11. **Buffer (Section A-A):** Development order landscape plans must depict the north property buffer consistent with the MCP Section A-A to provide:
 - an 8-foot in height wall located 20-feet off the perimeter property line; and
 - a 20-foot wide planted landscape buffer containing five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall; and
 - a 20-foot wide lake maintenance access drive located on the interior side of the wall.
OR
 - If a wall is not proposed then LDC Section 34-939(b)(3) plantings must be provided within the 20-foot wide planting area.
12. **Buffer (Section B-B):** Development order landscape plans must depict the north property buffer consistent with the MCP Section B-B to provide:
 - a 20-foot wide landscape buffer planted as per 34-939(b)(3) requirements with the option to use mid-story trees as per the FDOT Easement Agreement Instrument #2009000074398; and
 - a 30-foot wide FDOT access drive for drainage maintenance and a portion of the internal road cul-de-sac as depicted on the MCP North Boundary Buffer Detail;
OR
 - If written authorization is obtained from FDOT to allow an 8-foot in height wall within the existing FDOT easement then the buffer plantings, wall, and access drive as depicted in MCP Section A-A and conditioned in Deviation 1a along with the cul-a-sac can be provided.

13. **Buffer (Section D-D) and Tice Street Wall Special Treatment Buffer Plan:** Development order landscape plans must depict the perimeter buffer at specified locations consistent with the MCP Section D-D to provide:

- an 8-foot in height wall located a minimum 15-feet off the perimeter property line; and
- a planted landscape buffer to be located on the exterior of the wall, containing five trees per 100 linear feet per LDC Section 34-393(b)(3) planting standards and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches; AND

The Tice Street right-of-way buffer segment consistent with the "Tice Street Wall Special Treatment Buffer Plan" Exhibit (See 2-Page Exhibit K) to provide:

- either an 8-foot in height combination wall and fence with 5-trees per 100 linear feet per LDC Section 34-939(b)(3) planting standards except that the buffer will have a single continuous hedge exterior to the combination wall/fence planted at 3-feet maintained at a minimum 5-feet and a have a single continuous hedge interior to the combination wall/fence planted at 3-feet maintained at a minimum 8-feet; OR
- an alternative wrought iron fence with the 20-foot buffer planted as per LDC Section 34-393(b)(3) planting standards. The required buffer vegetation may be located on the interior of the wrought iron fence consistent with Deviation #12.

14. **Perimeter Fence and Buffer Location:**

- a. Development order plans must depict the location and material details of the proposed privacy fence along the perimeter of the property. The proposed privacy fence material must not be opaque and must allow for the required buffer vegetation to be visible through the fence.
- b. A Vegetation Removal Permit is required from Lee County Environmental Sciences staff for clearing for the installation of the privacy fence along the perimeter of the property. Prior to vegetation permit approval, the location of the fence abutting Preserves #1 & #2 and the 40-foot existing native vegetation buffer, including the buffer with individual oaks tree preservation, must be stake in the field and verified by ES staff and an on-site meeting with ES staff and the fence contractor must be held to discuss how the fence will be installed to minimize impacts to the existing native vegetation. There must be no mechanical clearing for the fence installation along the property line immediately abutting Preserves #1 & #2 and the 40-foot existing vegetation buffer.

15. **Water and Sewer:** Development of this project must connect to public water and public sewer service. Letter(s) of availability, based on the proposed capacity, will be required at time of local development order.

16. **Vehicular/Pedestrian Impacts:** 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.

17. **Lee Plan Consistency:** Approval of this zoning request 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 other applicable Lee Plan provisions.
18. **Concurrency:** Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
19. **Solid Waste Management:** As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Section 10-261 and Solid Waste Ordinance # 11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application.
20. **Development Permits:** Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the county for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertake actions that result in a violation of state or federal law.
21. **Stormwater Drainage Conditions:** During the Development Order process, the detailed drainage design must be submitted for review and approval of followings:
 - a. The existing offsite flows and drainage patterns shall be preserved or improved (see the Hydrology Exhibit H, 9/9/2014).
 - b. The 40 foot Lee County Department of Transportation drainage easement at the southeast corner needs to be tied into the proposed offsite drainage system. The design shall cause no adverse impact to the existing drainage capacity and hydraulic gradient.
 - c. The existing hydrologic conditions at the two interior wetlands, one at the center and the other at the south, shall be preserved or improved. The hydrologic conditions to be considered include; hydroperiods, range of water level variations, and interconnectivity (among the existing lake/borrow pit, inflows from east, and effluent discharge).
22. **Platting Requirement:** If the development is subdivided, a subdivision plat in accordance with Florida State Statute Chapter 177 will be required.

Exhibit D

DEVIATION REQUESTS, JUSTIFICATION AND RECOMMENDATIONS

The applicant has requested 11 deviations and has provided a written justification for each deviation (see Exhibit F). The Deviations are depicted on the MCP with the corresponding Deviation number.

The following deviations, with the exception of Deviation #11, as conditioned, enhance the planned development and preserve and promote the general intent of the LDC to protect the public health, safety and welfare:

Deviation #1a (D.1.(a)): Deviation from LDC Section 34-939(b)(3); to allow the 40-foot wide buffer as depicted on the MCP Section A-A to include:

- an 8-foot in height wall located 20-feet from the property line; and
- a 20-foot wide planted landscape buffer containing five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall; and
- a 20-foot wide lake maintenance access drive located on the interior side of the wall.

ES staff reviewed the deviation request and provided the following justification: LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, the proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer. In addition, during the site inspection staff observed that the existing lake shoreline contains mature native oaks trees along the lakes north shoreline which can assist in meeting the screening requirement above the 8-foot high wall.

Staff recommends APPROVAL of Deviation #1a and recommends that Condition #11 also be approved in support of this deviation to ensure the buffer, as proposed by the applicant, is provided.

Deviation #1b (D.1.(b)): Deviation from LDC Section 34-939(b)(3); to allow a 50-foot wide buffer as depicted on the MCP Section B-B to include:

- a 20-foot wide landscape buffer planted as per 34-939(b)(3) requirements except with the option to use smaller trees as per the FDOT Easement Agreement Instrument #2009000074398; and
- a 30-foot wide FDOT access drive for drainage maintenance and a portion of the internal road cul-de-sac as depicted on the MCP North Boundary Buffer Detail; OR
- to allow the option that if written authorization is obtained from FDOT to allow an 8-foot in height wall within the existing FDOT easement then the buffer plantings, wall, and access drive as depicted in MCP Section A-A to be provided.

ES staff reviewed the deviation request and provided the following justification: LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, the proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer. The proposed

location of the 20-foot wide buffer planting area also minimizes conflicts with the existing FDOT drainage pipe that is located 25-feet south of the north property line. The code allows for the use of mid-story canopy trees to meet the tree requirement; therefore, the code required installed tree height of 14-feet can be met with mid-story canopy trees and palms that are smaller at maturity. In addition, during the site inspection staff observed that the existing lake shoreline contains mature native oaks trees and native wax myrtle and saw palmetto understory along the lakes north shoreline which can also assist in meeting the screening requirement for a portion of the buffer.

Staff recommends APPROVAL of Deviation #1b and recommends that Condition #12 also be approved in support of this deviation to ensure the buffer, as proposed by the applicant, and with the tree heights recommended by staff are provided:

Deviation #1c has been withdrawn.

Deviation #1d (D.1.(d)): Deviation from LDC Section 34-939(b)(3); to allow a 20-foot wide landscape buffer, as depicted on the MCP Section D-D, adjacent to the vacant, single family lot and borrow pit to the northwest, existing agriculture operation to the south, and vacant commercial to the southeast. The buffer is proposed to include:

- an 8-foot in height wall located 15-feet off the perimeter property line; and
- five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall.

And to allow for the Tice Street right-of-way buffer segment to permit the 20-foot width consistent with the "Tice Street Wall Special Treatment Buffer Plan" Exhibit- see attached to the overall staff report (2 pages) to provide:

- either an 8-foot in height combination wall and fence with 5-trees per 100 linear feet per LDC Section 34-939(b)(3) planting standards except that the buffer will have a single continuous hedge exterior to the combination wall/fence planted at 3-feet maintained at a minimum 5-feet and a have a single continuous hedge interior to the combination wall/fence planted at 3-feet maintained at a minimum 8-feet; OR
- an alternative wrought iron fence with the 20-foot buffer planted as per LDC Section 34-393(b)(3) planting standards.

ES staff reviewed the deviation request and provided the following justification: The area adjacent to the vacant, single family lot and borrow pit to the northwest, existing agriculture operation to the south, and Tice Street right-of-way there is either minimal to no existing native vegetation (non-indigenous FLUCCS codes) and where large native oaks do exists along the southeast property line preserving the trees with large sprawling canopies may not be compatible with the abutting RV lots which will park RVs exceeding 10-13 feet in height.

As stated previously, LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers be planted in a minimum width area equal to one-half the required width of the buffer; therefore, the proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer.

Staff recommends APPROVAL of Deviation #1d and recommends that Condition #13 also be approved in support of this deviation to ensure the buffer provides adequate screening of the RV use.

Deviation #1e (D.1.(e)): Deviation from LDC Section 34-939(b)(3); to allow no buffer along the east perimeter property line where the site abuts the required preserve areas of the adjacent commercial developments (North Trail RV Center Preserve which is under the same ownership of this site and Lexington Commerce Center) and the Lexington Ave right-of-way.

The MCP indicates that although no code required buffer is proposed along Lexington Avenue, the applicant is proposing a special entrance feature at both access drives off Lexington Avenue. The main entrance is between two off-site preserve areas that will provide adequate screening to the interior of the property. The special entrance features will be reviewed at time of local development order for consistency with the LDC.

Since the interior of the site will be buffered by existing off-site preserves, Staff recommends APPROVAL of Deviation #1e to allow no buffer along the east perimeter property line.

Deviation #2 and #3 have been withdrawn.

Deviation #4 (D.4): Deviation from LDC Section 10-418(1) which requires shorelines of surface water management lakes must be sinuous in configuration; to allow approximately 290 linear feet of lake's east shoreline to be linear bulkhead.

ES staff reviewed the deviation request and provided the following justification: LDC Section 10-418(3) allows up to 20 percent of the individual lake shoreline to be hardened structure. Given the lake shoreline is 2,900± linear feet, the bulkhead will only encompass 10±% of the lake shoreline.

Since the lake is existing and the proposed configuration of the bulkhead follows a similar configuration, staff recommends APPROVAL of Deviation #4 to allow approximately 290 linear feet of lake's east shoreline to be linear bulkhead.

Deviation #5 (D.5): Deviation from the street pavement width requirements within LDC §10-296(i)(1) which require a pavement width for Category A roadways of 24-feet for two-way streets and 16-feet for one-way streets; to allow a two-way street with 22-feet of width (two 11-foot lanes) and a one-way street with one 12-foot lane.

The roadway details provided on the MCP indicate additional pavement that will be provided as a walkway on both sides of the two-way street and on one side of the one-way street. Therefore, the actual pavement widths will be 30-feet on the two-way streets and 16-feet on the one-way street.

Since the use is an RV park, and these developments typically do not have heavily traveled roadways, Staff recommends APPROVAL of Deviation #5 to allow reduced pavement widths on the streets within the development.

Deviation #6 (D.6): Deviation from LDC Section 10-258 that requires RV developments provide an emergency shelter; to allow no on-site emergency shelter.

LDC Section 10-258 requires a 9,600 square foot on-site emergency shelter. The subject property is not within the 100-year flood zone or the Coastal High Hazard Zone. It is located in Evacuation Zone C. Access to I-75, one of the County's primary evacuation routes is accessed from the property via Lexington Avenue to Palm Beach Boulevard.

Because of the transient use of the property, staff recommends APPROVAL of Deviation #6 and recommends that Condition #6 also be approved to ensure that an emergency evacuation plan for the project is in place prior to local development order approval for any vertical development.

Deviation #7 (D.7): Deviation from LDC §34-1748(5) on only the northern driveway to Lexington Avenue which requires that a paved turn-around be provided in advance of the gate with a sufficient turning radius; to allow a single unit truck to safely turn around if they enter the access in error.

The northern access will be the secondary access to the development even though it will be open to traffic. However, this driveway will be provided within an existing easement on the north side of the site of limited width. If the Applicant had to provide the necessary turn-around, it would need a larger easement, and it could also impact the preserve area on the south side of the proposed driveway.

Since this driveway will not serve as the main entrance to the site, Staff recommends APPROVAL Deviation #7 in an effort to lessen off-site impacts of the development.

Deviation #8 has been withdrawn.

Deviation #9 (D.9): Deviation from LDC Section 10-416(d)(6) which requires if roads, drives, or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet (i.e. Type C buffer plantings) or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property; to allow a 20-foot wide buffer Type F buffer where the cul-a-sac is located adjacent to the Underwood platted single-family residential subdivision to the north and the 8-foot in height wall to be located 15-feet from the perimeter property line with an enhanced single hedge row where the internal road is within 100-feet of the property line adjacent to the TFC-2 single family residential lots to the northwest and agriculture zoned large lot residential to the south.

ES staff reviewed the deviation request and provided the following justification: Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, the proposed 20-foot wide planting area for the Type F buffer plantings and 15-foot planting area for the enhanced Type C buffer plantings meets the code requirements.

Staff recommends APPROVAL of Deviation #9 and recommends that Conditions #12 and #13 be approved in support of this deviation.

Deviation #10 has been withdrawn.

Deviation #11 (D.11): Deviation from LDC §10-355(a)(1) that requires a 10-foot public utility easement located on both sides of a roadway; to allow a public utility easement to be located on one side of the project entrance roads and spine road consistent with the MCP.

The Applicant notes that an area of particular concern is the north access roadway that is to be constructed through an easement and through a piece of property that is a preserve. Staff recognizes that this area presents unique design challenges. However, Staff also consistently requires that this deviation be withdrawn at the zoning stage. This deviation can be processed as a part of the Development Order review on the site when more details are available. Of particular concern to Staff is that the requested deviation is not accompanied by letters of no objection from the affected private utility companies that these easements are intended to serve. As long as the letters of no objection can be obtained as a part of the Development Order review, Staff will approve the deviation at that time. It is premature to approve the deviation without the assurance that the private utilities have no objection. Therefore, Staff recommends Deviation #11 be WITHDRAWN.

Deviation #12 (D.12): Deviation from LDC Section 10-421(a)(8) which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall or fence and the abutting property or street right-of-way) of the wall or fence; to allow for a privacy/security fence to be installed along and/or immediately adjacent to the property boundary line with the required buffer plantings to be installed on the interior side of the privacy fence. The fence is proposed along the perimeter of the property at locations where a wall is not proposed.

ES staff reviewed the deviation request and provided the following justification: The proposed fence should not be opaque and must allow for the required buffer vegetation to be visible through the fence. In addition, where the fence is proposed along the property line immediately abutting Preserves #1 & #2 and the 40-foot existing vegetation buffer there must be no mechanical clearing for the fence installation. These preserve areas contain dense wetland and upland habitat and any use of mechanical equipment would require further impacts to the preserve. Therefore, in order to ensure there is minimal impact to existing native vegetation a vegetation removal permit for the fence installation should be required. Prior to construction of the fence abutting Preserves #1 & #2 and the 40-foot existing native vegetation buffer, including the buffer with individual oaks tree preservation, must be staked in the field and verified by ES staff. In addition, an on-site meeting with ES staff and the fence contractor should be required to discuss how the fence will be installed to minimize impacts to the existing native vegetation.

Staff recommends APPROVAL of Deviation #12 and recommends that Condition #14 be approved in support of this deviation to ensure the intent of the buffer required by Section 34-939(b)(3) is met and there is minimal impact to existing native vegetation during fence installation.



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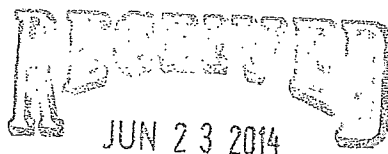
Exhibit 15 Request Statement - The Bermuda Lakes RV Resort RVPD

revised 06/14/14

The 48.73 acre Bermuda Lakes Recreational Vehicle Planned Development project is consists of the former 46.2 acre Bermuda Lakes Residential Planned Development Z-07-077. The submittal RVPD adds strap # 03-44-25-00-00015.0000 (5201 Tice Street FM) to the Bermuda Lakes RPD strap numbers 03-44-25-00-00013.0000, 03-44-25-00-00016.0000, 03-44-25-00-00010.0030 and 04-44-25-00-00018.0000. The Bermuda Lakes (BL) project is bounded to the east by Lexington Ave., and to the south by Tice Str. and seven 2.5 acre to 5 acre AG-2 residential lots. To the north the project adjoins Orange River Elementary School and the Horace Ln. and Underwood Dr. quarter acre lot single family subdivision. To the west BL adjoins the Garcia Ave. quarter acre lot single family subdivision and 22 acres +/- of Lee Co./TIFF lake and conservation lands.

The Bermuda Lakes RPD is permitted for 330 three story multi-family units; equal to a density of 7.1 units per acre. The current request is for 200 recreational vehicle pads at a density of 4.1 units per acre, and other uses, to support a recreational vehicle resort focused on transient users. The 200 RV unit request is 62% of the 8 unit per acres/319 units allowed (48.7 acres minus 8.83 wetland acres @ 8 per ac.). The owner/applicant, Exit 24 LLC has common ownership with the currently expanding North Trail RV Center's Lexington Blvd. LLC ownership. The underlying project goal is to development a first class RV resort directly proximate to the new North Trail RV campus so as to compliment and support North Trail RV business goals, activities and recreational vehicle users.

The requested recreational vehicle resort will generate far less impacts than the approved 330 MF residential project. Rather than permanent residents with associated public facilities and services demands, the RV park use is transient with fewer facility and service demands. Socio-economic impacts are significantly lessened by the RVPD. When compared to MF residential, the project does not generate demand for classrooms, libraries, parks, and social/judicial services. The project's site environmental impacts are far less than the approved 330 unit project. This is because the site will not require as much fill when compared to residential finished floor fill requirements. Furthermore, RV environmental impacts are more limited in that the 4.1 unit per acre RV park is more open compared to MF, with a greater degree of tree preservation construction stake out flexibility. General long term environmental impacts are less in that it is easier for environmental maintenance and site management under a unified commercial project as contrasted to a multiple ownership MF condo project. The RVPD demands less central water and sanitary sewer service



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when compared to the current 330 unit project. The RVPD generates less traffic when compared to MF uses and typical RV traffic is non-peak. When compared to the approved RPD, the RVPD will have reduced County's roadway system impacts.

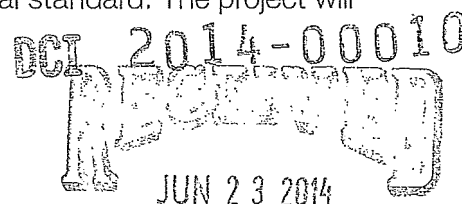
On 21 April, 2008, the Lee County BOCC found that the 330 unit Bermuda Lakes RPD, DCI2005-00096, met or exceeded performance and location standards, was consistent with the densities and uses as per the Lee Plan, was compatible with existing and planned uses, and will not place undue infrastructure burdens. Therefore, facts and logic dictate that a less intensive use, in this case a RVPD, will have identical findings.

The site is generally comprised of 28.8 acres of altered lands, pine, palm and mixed hardwood forests with varying degrees of exotic infestation, 11.2 acres of lake/other surface waters (OSW) and 8.9 acres of wetlands. BL is required to have 14.6 acres of open space of which a minimum 7.3 acres must be indigenous. The project provides 14.84 acres of total open space, of which 8.3 acres is native. These open space totals exclude any portion of the two plus acre recreation area, the large dry surface water management area located in the south portion of the property and the large native parcel adjoining the east side of the south wetland preserve area. Finally, the 2-ac. +/- recreation area far exceeds 34-939 (b)(5) recreation requirement of 250 SF of recreational facilities per acre; the code required recreational facilities is 12,183 SF.

The site is within the Billy Creek watershed; no flow ways or floodways bisect the site. The site is outside the 100 yr. flood zone. The project has direct access to central water and sewer utilities, is across the street from the Tice Fire Station and is within a neighborhood characterized by it's diverse mix of uses (commercial, industrial, interstate commercial, educational, single family and AG single family). The property is well suited and well located for the proposed use.


The Bermuda Lakes RV Resort Master Concept Plan has two access connections onto Lexington; both are owned fee simple by the underlying owners, albeit in two different LLC's. The North Trail RV Center is owned by the Lexington Blvd. LLC by which will be granting access via an existing and a new easement to the Applicant, Exit 21 LLC (see Sunbiz Doc. # L1200002270). To advance residential compatibility, no Tice Street access connection is provided. The project will feature large pads for Class A RV's (35-ft. to 70-ft. +), perimeter walks and lake paths, nature preserves, a central recreation area and clubhouse, and an operations and maintenance area.

The 200 RV pad development project meets and/or exceeds Sec. 34-761 and 34-939 RV Park standards and other LDC standards. As per TDC Table 34-792, no recreational vehicle or enclosed appurtenance shall be placed closer than 25 feet to any common use accessory building; the minimum setback is 15-ft. The project is requesting a deviation from Standard Eight (40-ft. perimeter buffer with vegetative screen). The deviation is for a 20-ft. landscape buffer with a solid 8-ft. wall. It will functionally exceed the 40-ft. vegetation standard; solid walls are superior in buffering, sound attenuation and overall privacy. The Bermuda Lakes typical two-way paved street section will be 28-ft., exceeding Standard Nine's 20-ft. dimensional standard. The project will adopt most LDC 34-939 Development Standards.





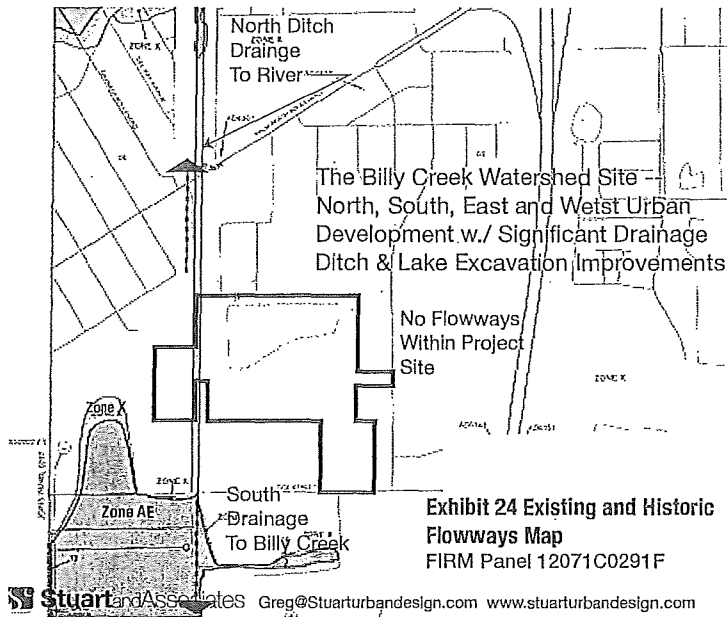
**Exhibit 24 Existing and Historic
Flowways Map Air Photo**

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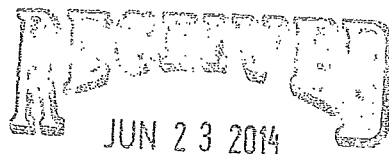
COMMUNITY DEVELOPMENT



The project complies with LDC 34-939(b)(1) and 34-145(d)(3) compatibility requirements. The site plan internalizes the group recreation center to create spatial separation with surrounding residential neighborhoods. This acoustic design approach reduces potential impacts. The plan has direct access onto Lexington Ave while prohibiting access onto Tice St. with it's residential uses. The project utilizes drainage areas and site plan features for additional buffering and separation. For example a drainage basin within the south RVPD area creates additional buffering. The MCP utilizes large wetland systems to the west and south for additional buffering to further compatibility. The MCP maintains west site south to north drainage ditch while improving it's conveyance by new required cleaning/maintenance typically required by the SFWMD. Consequently the MCP advances drainage compatible. Finally, the project incorporates a solid wall for buffering and to improve compatibility; this approach is superior to a 40-ft. wide vegetated screen.

The project meets or exceeds LDC rules, exemplified by, but not limited to, the following:

- * 34-145(d)(3)a; the applicant has proved entitlement to the rezoning by demonstrating compliance with the Lee Plan and the proposed 2035 New Horizon Plan.
- * 34-145(d)(3)c; the request is compatible with existing small lot and AG-2 residential uses, the elementary school and County/State conservation lands in that the RVPD is an open space oriented, transient non-residential uses.
- * 34-145(d)(3)d; approval of the request will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development. As per the 05/01/14 TIS by JMB Transportation Engineering, Inc. it was determined that Bermuda Lakes RV Resort will not



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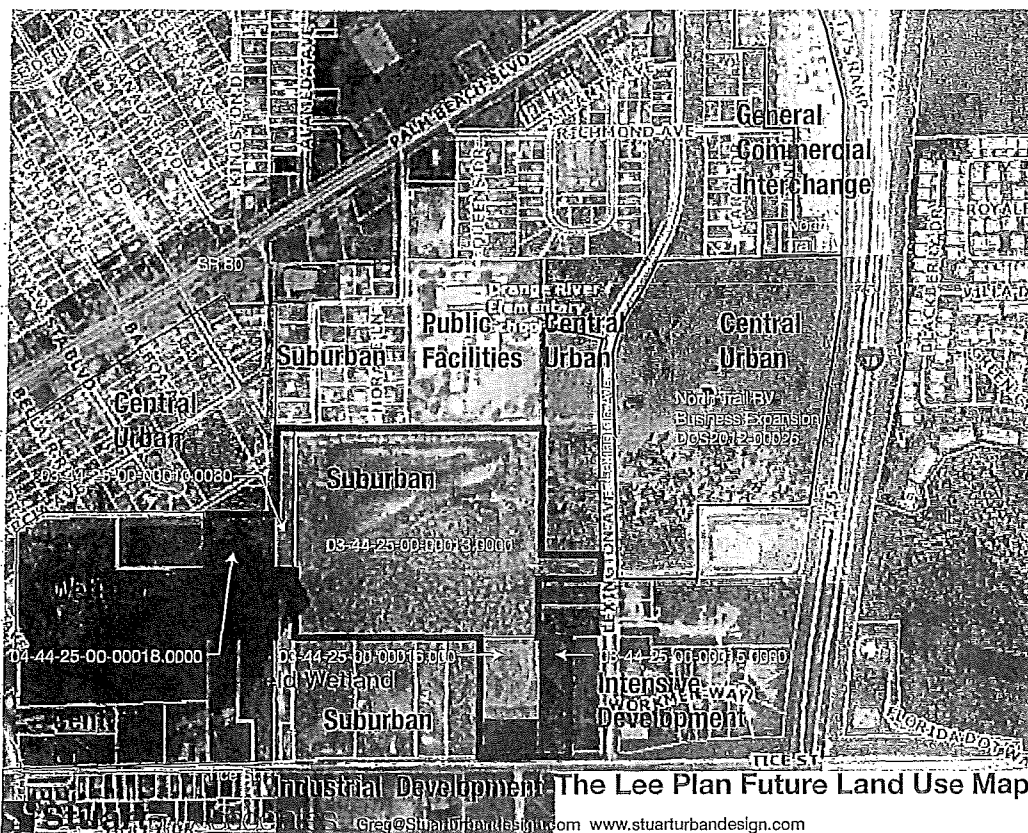
have a significant impact upon the surrounding road network. All roadways within the project's area of influence currently have a surplus of capacity and can accommodate the additional traffic associated with the proposed recreational vehicle resort, and the network will continue to operate at acceptable levels of service for 2016/2017 traffic conditions (Palm Beach Blvd. and Tice St.). The report concludes that the project will not create any transportation deficiencies that need to be mitigated

- * 34-145(d)(3)e; the RVPD request will not adversely affect adjoining environmentally critical areas and natural resources; the project has limited, unavoidable internal roadway wetland impacts at 1.9 acres; the project's impacts are equal to 9.5% total OSW and Wetlands or 21.6% of total Wetland areas. The RVPD features 6.9 acres of preserved wetlands.
- * 34-145(d)(3)i; that the level of access and traffic flow (i.e. median openings, turning movements etc.) is sufficient to support the proposed development intensity with no additional roadway improvements.
- * General Requirements 34-411(c) - *"The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally.* The project site is well separated from the public elementary school by a large lake and proposed solid 8-ft. wall. Residential uses to the south and west are separated by existing forested areas and conserved wetland areas.
- * General Requirement 34-411(f) requires - *"Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants."* The project is located outside of the 100-yr. storm zone and inherently presents a lower degree of impacts when compared to the approved 330 unit RPD MF project.
- * General Requirement 34-411(i) requires - *"Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses."* Relying on contemporary acoustic site planning principles the requested MCP internalizes group gathering and recreation areas and utilizes natural features (lakes, wetlands) to provide for separation and buffering. The proposed 8-ft. solid wall provides for superior sound, light and visual screening to adjoining properties.
- * General Requirement 34-411(k) requires - *"Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential*

density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs." The requested MCP internalizes group gathering and recreation areas and utilizes natural features (lakes, wetlands) to provide for separation and buffering and relies on an 8-ft. solid wall for physical screening.

- * 373(a)(6)(b) and (d); the MCP depicts the general location of the proposed internal street access drive and location, configuration of buildings and parking areas.
- * 373(a)(6)e; the MCP depicts the general location of service and storage areas.
- * 373(a)(6)i; the MCP depicts the location and type of buffers and screening.

The current Lee Plan designates the project as predominantly Suburban, accompanied by Intensive Development and Wetland Conservation land uses. Central Urban and Intensive Development adjoin the project's east boundary, Public Facilities (Orange River Elementary) and Suburban adjoin the project's north boundary, Central Urban land uses adjoin the west boundary, and Suburban land uses to the south. Opposite Tice St. is Industrial Development, and opposite Lexington Ave. is Central Urban, that includes the North Trail RV expansion project (DOS 2012-00026).



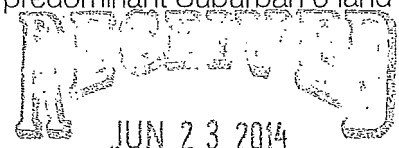
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The Bermuda Lakes RVPD is consistent with key Lee Plan residential compatibility policy requirements, including 5.1.2, 5.1.5, 135.9.5 and 135.9.6., along with other goals, policies and objectives:

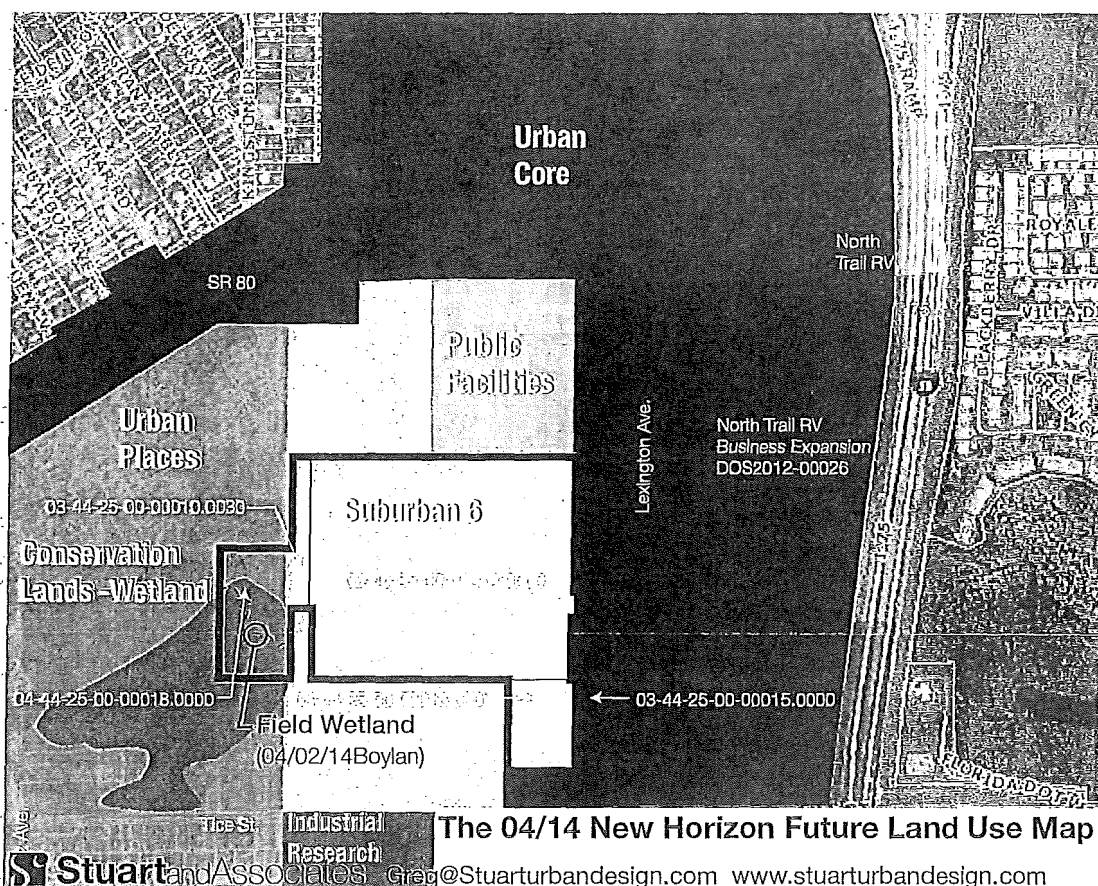
- * Lee Plan Policy 2.0 Development Location -The project is located within a highly mixed use commercial, interstate commercial, industrial and residential area. The MCP has been professionally designed based upon accepted planning practices that reflect thoughtful consideration as to impacts, compatibility and integration into the existing urban form and natural environmental.
- * Policy 4.1.1 Integrated and Functional Development -The development design takes into consideration the natural features located on site and surrounding uses. It utilizes lake and conservation areas for screening, separation and buffering.
- * 5.1.5 Staff Report Neighborhood Compatibility - The RVPD project is consistent with 5.1.5 *"Protect existing and future residential areas from an encroachment of uses that are potentially destructive to the character and integrity of the residential environment"*. It protects residential areas by lowering density from 7.1 units per acre to 5 units per acre (39.81 acres), by restricting access onto Lexington Ave., internalizes the group recreation area into the center portion of the site and away from south, north and west residential areas, incorporates a solid 8-ft. buffer wall in lieu of buffer landscape, and uses existing native wetland areas for additional separation.
- * Policy 5.1.2 requires - *"Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly"*. The project is located in an area outside flood zones and flow ways, utilizes altered portions of the site while preserving three wetland systems, features a density and is 62% less than what can be requested for the site (319 RV pads).
- * Policy 135.9.5 requires - *"New development adjacent to areas of established residential neighborhoods must be compatible with or improve the area's existing character"*. The project is functionally separated from surrounding residential areas by lakes, drainage conveyance systems, wetlands and land configuration. The RVPD will improve the area's existing character by eliminating an area used for dumping and such. It will improve the community by significantly increasing the lands tax value and base, while demanding very few services and infrastructure.

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The project will be consistent with the proposed 2035 New Horizon Plan. The proposed density is at 5 units per acre. This new plan designates the project as a predominant Suburban 6 land



use, accompanied by Urban Core land uses to the east and south, and Urban Places and Conservation Lands to the west. Future 2035 Land Uses that will adjoin the RVPD are Suburban 6 to the north and south, Public Facilities (the elementary school) to the north, Urban Places and Conservation Lands to the west and Urban Core land uses to the east. The new 2035 Future Land Use Plan by policy and design increases densities and intensities, with particular focus on Urban Core, Urban Places and Urban Lands, to further mixed uses, desirable places and efficient urban services. The project's Urban Core area will have a base to standard density of 15 to 25 units per acre. The project's Urban Places area will have a base to standard density of 8 to 18 units per acre. The project's Suburban 6 area(s) will have a base to standard density of 4 to 6 units per acre.



The proposed RVPD will support and implement the new 2035 land use plan. The Bermuda Lakes RVPD is consistent with key 2035 New Horizon Plan compatibility policy requirements, relating to encouraging and supporting infill urban development including but not limited to:

- * Policy 1.1.2 - Promote the character of Urban Land Use Areas through planning and development practices that:
 - a. Identify and enable incentive density and higher intensity within these Urban and Suburban Land Use Categories -- Urban Core, Central Urban Place, Urban Neighborhoods, and

Suburban Six.

- b. Utilize higher range densities in the Urban Land Use categories to promote transit, walkability, complete streets and the integration of mixed uses;*
- c. Employ good urban design to foster compatibility and diversity of uses between urban, suburban, and rural places;*
- d. Support the development of mixed-use centers within Urban Areas that connect urban and suburban places and support redevelopment of commercial corridors;*
- e. Establish a multi-modal transportation that connect Urban Areas with a variety of walk, bike, transit, and vehicular options;*
- f. Provide for greater levels of public services, infrastructure, and park resources within Urban Areas; and*
- g. Facilitate higher levels of employment and economic activity within the Urban Areas—particularly within mixed-use centers and Urban, Economic Development, and Interstate Highway Land Use Categories.*

The RVPD project is consistent with Subparagraphs (a) thru (g), with particular focus on facilitating higher levels of economic activity via the project's nexus with North Trail RV.

- * Policy 1.1.3 - *"The existence of lower density developments in proximity to proposed projects within the Urban Areas will not be used as the sole reason to lower the proposed project's density and intensity of use."*
- * Policy 1.3.1: Suburban Six - *"The Suburban Six Land Use Category allows the development of moderate density suburban land use areas that are characterized by a mixture of residential neighborhoods, commercial shops and services, civic uses, and park and recreational facilities."*

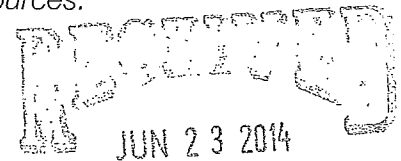
The RVPD project is consistent with 1.3.1 with particular focus on having moderate density (4.1 unit per acre) and introducing a mixture of different uses that are recreational in character.

- * Policy 1.2.1 Urban Core - *"The development of mixed use centers within Urban Core areas will enable the county to develop a better connected, more diverse land use pattern with a variety of economic, residential, and recreational opportunities."*

The RVPD project is consistent with 1.3.1 with particular focus on creating a more diverse land use pattern with significant economic and recreational opportunities.

- * Policy 1.2.2 Urban Places - *"Areas within Lee County and are intended to have the greatest range and highest level of urban infrastructure. Urban Places include an integrated variety of residential, commercial, retail, office/professional, public and quasi-public, and limited light industrial land uses, civic spaces, and park and recreational resources."*

The RVPD project is consistent with 1.2.2.



COMMUNITY DEVELOPMENT

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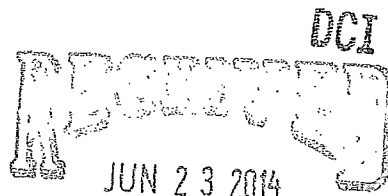
Request Statement Addendum #1 The Lee Plan

The Bermuda Lakes RVPD is consistent with the Lee Plan's Goals, Objectives and Policies in the following manner:

- * Policy 1.7.6 Planning Communities Acreage Allocation requires that, in this case, the Fort Myers Shores Planning Community has adequate acreage to accommodate the project. The RVPD is a commercial, not a residential project. When evaluating the Fort Myers Shores area there exists 400 acres for 2030 commercial land uses. Total Lee County commercial land use allocation is 12,793 acres. Consequently the 48.7 acre project is not limited by area allocations and is consistent with 1.7.6.
- * Lee Plan's Goal Policy 1.5.1 Wetlands states that permitted land uses in wetlands will consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. The RVPD is a recreational use; the Development Order and District ERP will insure no adverse significant ecological impacts.
- * Objective 2.1 requires the promotion of contiguous and compact growth patterns; the project is located immediately west of I-75 between SR 80 and Tice Street. It's surrounding community is heavily urbanized and thus the project is infill by nature. The the more intense Bermuda Lakes RPD was found to be consistent with 2.1. The amended RPD to a new and less intensive RVPD is consistent with 2.1.
- * Objective 2.2 Development Timing directs new growth to urban areas with adequate and concurrent public facilities. The project currently has available and concurrent urban services to support the project (see TIS and Utility Service Availability Exhibits). The the more intense Bermuda Lakes RPD was found to be consistent with 2.2. The amended RPD to a new and less intensive RVPD is consistent with 2.2.
- * Policy 2.1.1 Development Location and Urban Services requires that most commercial development is expected to occur within designated Future Urban Areas. The RVPD is within the Suburban and Intensive Development Future Urban Areas.
- * Policy 2.2.2 Development Timing and Urban Services requires the following. First, whether a project will further burden an overwhelmed public facility. In this case and referring to the revised Traffic Impact Statement, Ex. 36 Utility Service Letter and Ex. 15's accompanying

Urban Services Map, the project has more than adequate services and public facilities to support the project and that roads and utilities are not currently nor projected to be overwhelmed. Second, whether the project is located beyond existing development patterns in a manner that does not encourage compact growth. In this case the RVPD presents itself as an urban infill project. Third, whether there exists acreage allocations to support the project as per Lee Plan's Table 1(b). The RVPD is a commercial, not a residential project. When evaluating the Fort Myers Shores area there exists 400 acres for 2030 commercial land uses. Total Lee County commercial land use allocation is 12,793 acres. Consequently the 48.7 acre project is not limited by area allocations. From this assessment, the project is consistent with 2.2.2.

- * Traffic Policy 11.3 requires the submittal and review of a Traffic Impact Statement for the RVPD. A revised TIS is being submitted. It demonstrates that the project exceeds the established traffic thresholds and will not negatively impact the surrounding traffic network based on Lee County standards.
- * Goal 23 and Objective 23.1 are primarily oriented towards the interface of commercial and residential uses around and along the SR 80 corridor in a manner the promotes redevelopment. The purpose of the redevelopment is to generate a more vibrant urban community, both functionally and visually. Though the RVPD is not located around the SR 80 corridor and that the community plan is absent any specific language pertaining to the project, the RVPD is consistent with the plans overall objectives and policies. This is primarily based on the fact that the project serves to redevelop a significant portion of the Lexington Ave. corridor; it will do so in a first class manner. Again, though not located along or around the Palm Beach Blvd. corridor, the RV resort serves to create a more vibrant quasi-commercial area. It does so in that the use itself is inherently oriented towards enhanced landscaping, open space and pedestrian facilities. As it is now, the subject property is used for illegal dumping, vagrancy and the homeless.
- * Policy 39.1.1 Development Regulations and Impacts requires have adequate on-site parking, have public road access and fund off-site work and mitigate all project related impacts. The RVPD will not request any parking space standard deviations and thus will provide code required on-site parking. The project will have two required public road connections, in this



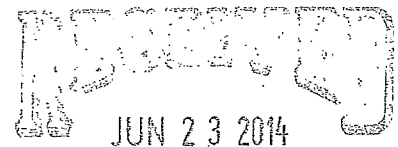
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case onto Lexington Ave. The project will fund all off-site road improvements required by the project. Hence the RVPD will be consistent with 39.1.1.

- * Goal 23 The Palm Beach Corridor Plan and Objective 23.2 requires commercial areas to have a pleasing aesthetic quality in landscaping, architecture, lighting and signage, while advancing employment opportunities. From a review of Goal 23, the LDC's Chapter 33, and the Palm Beach Corridor Community Plan (Vanasse Daylor) there are no specific rules policies, rules and/or standards that pertain to RV developments. It appears that this type of use was not envisioned both for the Lee Plan's Goal 23 and the LDC Ch.33. Objectives 23.2 Commercial Land Uses, 23.3 Residential Land Uses and 23.6 Community Facilities, are not relevant to the PD request. It is noted that the inherent open space and recreational character will provide for a pleasing visual environment, and that this type of use practically mandates that the developer have quality landscaping, architecture and lighting for the proposed resort. It is further noted that the project will create jobs for the community. Hence the project is consistent with Goal 23 and 23.2. The Applicant will meet in July with the Palm Beach Blvd. Planning Council. In so doing the project will comply with Policy 23.5.2.
- * Goal 77 Development Design (Open Space) requires development projects to provide for adequate open space for various aesthetic, visual relief, buffering, and environmental quality(s) and projection. The inherent function and character of an RV resort is primarily a leisure oriented open space facility with both passive and active recreational facilities and uses. The RVPD will provide more than ample open space while advancing tree and plant community preservation. When factoring in the total lake area (10.2 acres), the Indoor and Outdoor Recreation Area (2.3 acres) and Dry Detention Drainage Area (1 acre), combined with 8.36 acres of native open space, 2.79 acres of site perimeter buffering and 1.16 acres of lake buffer, the project incorporates a true 25.81 acres of open space, equal to 53% of the total site area. Furthermore, unlike residential or commercial projects that typically require more fill and site work, an RV resort does not require as much fill and can be field staked in a more flexible manner to advance tree and plant community preservation. Consequently the project is consistent with Goal 77.
- * Policy 77.3.1 encourages development projects to have one-half it's required open space as native indigenous vegetation. The project provides 8.36 acres native within a regulatory consistent 14.63-acre requirement; it is consistent with Policy 77.3.1. The project is consistent with Policy 77.3.2 through the preservation of three large but differently sized and

located wetland systems. In so doing the project will also be consistent with Policy 77.3.3 and 77.3.4. The project's proposed open space plan is the submitted MCP, with it's very specific and delineated open space areas and numeric take-offs.

- * Goal 107 and it's Policies 107.1 through 107.12 instructs Staff to undertake specific actions, be they research, inventory, acquisition, plan development and/or plan implementation. Goal 107 does not instruct the private sector and/or applicant. Goal 107 is not specifically relevant for policy consistency assessment. However, from a review of the Boylan Environmental FLUCCS maps and Protected Species Survey, approximately one-half of the RV development footprint will be within the Cropland and Pasture Areas (210E1 @ 12.49 acres). Less than one-half of the development footprint will be within the Pines Flatwoods area, which is the second largest non-lake FLUCCS community (411E2 @ 7.19 acres). Both FLUCCS 210 and 411 are not environmentally significant as a matter of policy. The 8.92 acres of onsite wetlands will be slightly, and unavoidably impacted by the project's internal access road. Wetland impacts are not very significant, at 1.9 acres +/- . From these facts the project is generally consistent with Goal 107 and it's policies 107.1, 107.2 Plant Communities (over one half the required regulated open space is native), 107.3 Wildlife (over one half the required regulated open space is native; including the lake area the project will contain over 25 out of 48 total acres as open space and preserve area), 107.6 Southern Bald Eagles (none on site), 107.8 Gopher Tortoises (none on site), 107.9 Red-Cockaded Woodpecker (none on site) and 107.11 FL Panther and Black Bear (non-on site).



COMMUNITY DEVELOPMENT

Request Statement Addendum #2 The LDC

The Bermuda Lakes RVPD is consistent with the Land Development Code in the following manner:

- * LDC 34-411(d) requires that a development project has access to existing roads with sufficient existing traffic carrying capacity based upon Lee County concurrency standards as per Exhibit 16 the Traffic Impact Statement (JMB Transportation Engineering, Inc.) the project's adjoining Lexington Ave. and adjacent Tice Street have adequate traffic carrying capacity compliant with Lee County LOS standards.
- * LDC 34-935 requires the RVPD's be a minimum 20 acres in size, that setbacks will be provided as per Chapter 10 (for RVPD perimeter buffer code is 40-ft.; the project is requesting a deviation to 20-ft.) and other Code requirements. The project is 48.78 acres and meets the specified PD requirements with the exception of the 40-ft. buffer and 34-935(b)(2) Internal Road setbacks. The Applicant is requesting deviations from these two standards (D.1 and D. 10).
- * LDC 34-939 RVPD requires a non-barrier island or CHHZ location, surrounding property compatibility, central utility availability, buffers (40-ft.), street width (2-way ROW @ 50-ft.), recreational facilities (250 SF per acre), density (max. 8 per site), RV unit size (min. 5,000 SF), separation of structures (40-ft. perimeter and 25-ft. from RV site and 10-ft. RV separation. The project is designed to insure compatibility (see Ex. 15 Request Statement page 7, Policies 5.1.2, 5.1.5 and 135.9.5.). Utilities are available (see Ex. 36 Service Availability Letter). Density is at 5 units per acre (200/39.81 acres), and unit size is a min. 5,000 SF (see Development Standards. Deviations are being requested for the 40-ft. buffer and road buffer proximity. The pending rule change(s) to 34-939 do not substantially impact the project buffering approach and proposed deviation to the 40-ft. width requirement. The Applicant requests a deviation from 40-ft. to 20-ft. width and to include an 8-ft. tall screening wall with landscaping. It is noted that the proposed rule change deletes the 8-ft. vegetative height standard, keeps the 40-ft. buffer width and adds new landscape planting standards (14-ft. tall trees at installation, 66 shrubs per 100 LF, shrubs maintained at 60 inches, palms @ 3:1 and cluster at 14 to 18 tall). The requested deviation will provide superior 8-ft. solid wall screening with an outside single hedge, grasses and ground covers, and 5 trees per 100 LF as per current code (see D.1 revised Deviation Schedule).

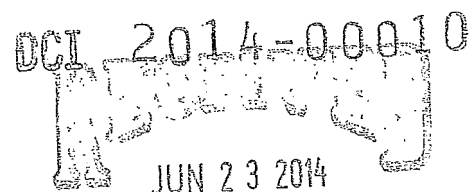


Exhibit 19 Bermuda Lakes RVPD Deviation Schedule

Revised 10/09/14

Deviation 1.(a) LDC Property Development Regulation 34-939(b)(3), that RV parks shall provide a 40-ft. perimeter buffer area with existing vegetation around the site boundary and, if existing vegetation is lacking, shall provide a vegetative visual screen within the 40-foot buffer with 10 14-ft. at-planting trees and 66 three foot shrubs at-planting per 100 LF; roads are prohibited. To have the option to permit a 40-ft. landscape buffer with an 8-ft. tall wall with 5 trees per 100 LF and a single continuous hedge located on the wall's outside and a 20-ft. wide maintenance access way, as per MCP Cross Section A:A.

The basis of the request is that the proposed 40-ft. buffer with an optional 8-ft. tall wall standard is functionally superior to the the 40-ft. vegetation standard in regard to screening potential Orange River Elementary School noise impacts and providing privacy and security to both the school and RV resort. The second reason relates to a complete absence of native and non-native vegetation within the subject area. Solid walls are superior when compared to vegetative screening for visual buffering, sound attenuation, and general security and privacy concerns. The project will benefit from reduced light, noise and sound impacts and phenomena originating from the Orange River Elementary School. The access way will be for lake and boundary buffer maintenance and will consist of a stabilized ground cover. As such the deviation will benefit the project. Other than the schools students, visual impacts to the public are highly insignificant, if such impacts occur. Landscaping will be provided outside the wall and facing the school (see MCP Cross Section A:A). Landscaping will be 5 trees per 100 LF with a single continuous native hedge located on the wall's outside. The landscaping will feature with native and non-native grasses and ground covers; 75% of new trees will be native. Code required trees must be #1 or better in quality, be a min. 10-ft. in height with 2-inch caliper at the time of installation; palms much have a min. 10-ft. of clear trunk at planting. Code required shrubs must be #1 or better in quality, a minimum height of 2-ft. at planting, a minimum 3-ft. from 1 year after planting, and maintained a minimum 3-ft. Finally, having the option of a screening wall is the minimum deviation necessary given the need to provide for school noise attenuation, privacy and security needs.

Deviation 1.(b) LDC Property Development Regulation 34-939(b)(3), that RV parks shall provide a 40-ft. perimeter buffer area with existing vegetation around the site boundary and, if existing vegetation is lacking, shall provide a vegetative visual screen within the 40-foot buffer with 10 14-ft. at-planting trees and 66 three foot shrubs at-planting per 100 LF; roads are prohibited. To permit a 20-ft. wide FDOT utility maintenance access way and a portion of the project's northwest cul-de-sac within the 50-ft. wide buffer as per MCP

Cross Section B:B and the North Boundary Cul-de-sac Buffer Wall detail; landscaping will be consistent with 34-939(b)(3) albeit trees are to be restricted to small trees as per FDOT Easement Agreement I.N. 20090000074398.

The basis of the request is that the proposed 50-ft. buffer with vegetation screening incorporates a recorded FDOT drainage maintenance access way. The access way is dictated by the FDOT easement and is the minimum deviation necessary to comply with the LDC and the FDOT Perpetual Easement. A copy of the easement is provided attached to the 23 July Sufficiency Response memo to Mikki Rozdolski. The deviation specifies that only small landscape trees will be planted as per the FDOT easement. Landscape plantings will be installed in a sinuous manner so as to avoid planting over the FDOT drainage pipe. The north cul-de-sac slightly encroaches the 50-ft. FDOT easement, is allowed under the FDOT Easement Agreement (N. 20090000074398) and grants the project suitable RV pad area and depth. The FDOT access way and north portion of the north boundary cul-de-sac are sited in a manner that allows for a 20-ft. deep landscape buffer planting area. In doing so it provides for LDC 34-939(b)(3) RV perimeter buffering and screening. The deviation is the minimum necessary given FDOT and private drainage maintenance access and circulation requirements. Finally, the Developer has the option of replacing the 34-939(b)(3) planting standards with the standards specified in Cross Section A:A, subject to obtaining approval in writing from FDOT.

Deviation 1.(d) LDC Property Development Regulation 34-939(b)(3), that RV parks shall provide a 40-ft. perimeter buffer area with existing vegetation around the site boundary and, if existing vegetation is lacking, shall provide a vegetative visual screen within the 40-foot buffer with 10 14-ft. at-planting trees and 66 three foot shrubs at-planting per 100 LF; roads are prohibited. To permit a 20-ft. landscape buffer with 8-ft. tall screening wall and 5 trees per 100 LF with a single continuous hedge located on the wall's outside as per MCP Cross Section D:D. For the Tice Street buffer segment, Deviation 1.(d) is to permit a 20-ft. landscape buffer with an 8-ft. tall combination wall and fence, or an alternative Wrought Iron fence, consistent with the "Tice Street Wall Special Treatment Buffer Plan". The landscape buffer will be consistent with LDC 34-939(b)(3) standards as of 10/2014. The landscape buffer will include a continuous interior wall/fence native shrub hedge planted at 3-ft. and maintained at 8-ft.

The basis of the request is that the proposed 40-ft. buffer is unwarranted for the project's eastern boundary. It is noted that commercial properties adjoin the RV resorts east boundary while also fronting Lexington Ave. In essence the situation is a commercial to commercial abutting land use. The Land Development Code specifies a minimum Type A Commercial to Commercial buffer at 5-ft. wide, 4 trees per 100 LF and no wall. The Applicant is requesting the use of an augmented Type C Residential to Commercial Standard of 15-ft. wide, 5 trees and 18 shrubs per

100 LF., and an 8-ft. solid wall. The proposed augmented Commercial to Commercial buffering standard increases the width to from 5-ft. to 20-ft. and features a greater number of shrubs being planted in a continuous hedge. The proposed deviation standard is more than appropriate given LDC requirements. It will serve to minimize any commercial to RV compatibility issues while providing the applicant with a more efficient use of the land. The site's boundary is internalized. As such there are no public views from Lexington; no potential related visual impacts and commercial compatibility will occur from the proposed standard. As such it is the minimum deviation needed for the east boundary area.

The basis of the 20-ft. Tice Street request is that the proposed 40-ft. buffer is unwarranted due to a lack of existing vegetation and it's excessive depth when compared to the typical 15-ft. Type C ROW buffer. A 15-ft. buffer along Tice Street is the norm, given the function and character of the collector road.

The request's justification for the use of a combination 8-ft. tall wall/fence or optional wrought iron fence consistent with the *Tice Street Wall Special Treatment Buffer Plan* is based on meetings and discussions with the Tice Historic District Community Planning panel. The community planning panel has expressed a vision to maintain a more open, public "window" visual corridor along Tice Street. This vision is underpinned by a desire to not have continuous solid 8-ft. screening walls along the areas of public and private interface. Therefore the applicant has designed a combination wall/fence, with an alternative wrought iron type fence, to provide for project security and privacy. The solid wall component may not exceed 5.5-ft. in height, with the remaining portion of the screening wall consisting of a fence (see the Tice Street Wall Special Treatment Buffer Plan). This approach will limit negative street views while advancing public aesthetics and private project security. Landscaping will adhere to LDC 34-939(b)(3) standards. The deviation includes mandatory interior wall shrub plantings, using a continuous native hedge planted at 3-ft. and maintained at 8-ft. standard. The public interest in establishing a better Tice Street corridor and aesthetics will be advanced by the deviation in that a specific wall, fence and landscaping design has been developed in accordance with direct public participation vis-a-vis the Tice Community Planning Panel. By having a specific design, visual impacts to the public are expected not to occur and the applicant will obtain much needed privacy and security while avoiding setting aside an extra 20-ft. to meet the 34-939(b)(3) requirement.

The basis of the 20-ft. buffer and wall deviation along the project's west and northwest boundary is that the proposed 40-ft. buffer is unwarranted due to it's excessive depth, the lack of existing native and non-native vegetation and adjoining land uses. The west property line is adjacent to a drainage lake (O.R.2114, PG 3894). The northwest property line is adjacent to the triangular shaped Balboa/Garcia Ave. subdivision drainage easement area (04-44-25-12-00016.0020). No

residential uses actually about the project's subject west site areas. The two subject project area are better served by having a 20-ft. wide landscape buffer and screening wall as contrasted to the 40-ft. vegetative planting standard. Not only do solid walls perform better in nuisance prevention, but they eliminate the initial ineffectiveness of vegetative barriers brought about due to the time needed for plantings to growth and development. Given the lack of significant residential homes, a 20-ft. buffer and wall will still ensure compatibility. The project will benefit by obtaining a more efficient use of the land and, as such, is the minimum deviation necessary.

The basis of the 20-ft. buffer and wall deviation along the project's south boundary corresponding to parcel 03-44-25-00-00010.0010 is that the proposed 40-ft. buffer is unwarranted due to it's excessive depth and the adjoining agricultural property. According to the Lee County Property Appraiser the subject parcel is non-residential with the principle structure a warehouse/barn. The closest residential structure is approximately 490-ft. distant from the proposed 20-ft. buffer an wall. This area is better served by having a 20-ft. wide landscape buffer and screening wall as contrasted to the 40-ft. vegetative planting standard. The wall will perform better in nuisance prevention between the two land uses. The project will benefit by obtaining a more efficient use of the land and, as such, is the minimum deviation necessary.

For the proposed 20-ft. landscape and wall buffer standard, landscaping will be 5 trees per 100 LF with a single continuous native hedge located on the wall's outside (towards the public area). The landscaping will feature with native and non-native grasses and ground covers; 75% of new trees will be native. Code required trees must be #1 or better in quality, be a min. 10-ft. in height with 2-inch caliper at the time of installation; palms much have a min. 10-ft. of clear trunk at planting. Code required shrubs must be #1 or better in quality, a minimum height of 2-ft. at planting, a minimum 3-ft. from 1 year after planting, and maintained a minimum 3-ft.

Deviation 1.(e) LDC Property Development Regulation 34-939(b)(3), that RV parks shall provide a 40-ft. perimeter buffer area with existing vegetation around the site boundary and, if existing vegetation is lacking, shall provide a vegetative visual screen within the 40-foot buffer with 10 14-ft. at-planting trees and 66 three foot shrubs at-planting per 100 LF; roads are prohibited. To not provide any perimeter landscape buffer adjacent to the project's east boundary adjoining Preserve areas depicted on the MCP.

The basis of the deviation request to eliminate the buffer requirement for the project's east boundary that adjoins parcels 03-44-25-12-00000.0010 and 03-44-25-12-00000.0020. The use and function for these adjoining parcels is Open Space Preservation. Given that fact that there are no compatibility issues due to the preserved open space area, no buffer is needed. The approximate 330-ft.

depth of the two east boundary adjoining parcels leads to a finding of no public impacts, be they views or overall compatibility. The same is true for parcel 03-44-25-00-00013.0040. The parcel is not only owned by the Applicant, albeit within a different LLC, but it too is an Open Space Preserve tract. Again, given the approximate 330-ft. depth of the parcel, along with common ownership, compatibility is not an issue. Consequently the request to not have any buffering is fully warranted. The project will benefit by obtaining a slightly greater use of the land and avoiding unnecessary buffering costs. There will be no external impacts based on current conditions.

DELETED Deviation Two LDC 34-939(c) Accessory Structures and Additions

DELETED Deviation Three LDC 10-418(2)(a, b, c, d) Planted Littoral Shelf

Deviation 4 LDC 10-418(1), Shoreline Configuration, that requires a surface water management lake to have a sinuous shoreline; to not require a sinuous shoreline for the approximate 290 LF of east lake shoreline that will be bulkheaded.

The basis of Deviation Four is that the limited east lake bulkhead does not require a sinuous shoreline for functional and/or economic reasons. The existing lake itself is a quasi-natural system with a somewhat sinuous shoreline. Hence the overall lake shoreline complies with 10-418(1). It is important to note that the rule's focus is on new drainage lakes, not existing lakes. A very small portion of the existing lake is being proposed for a bulkhead. Due to these reasons, it is unnecessary and unwarranted to force the applicant to design a curved bulkhead. The deviation will grant the Applicant land development cost savings. The existing lake will fundamentally not change, nor will it's current ecological function(s). Thus there will be no external impacts based on current conditions.

Deviation 5 LDC 34-939(4)(b)(a) and LDC 10-296 Table Two RVPD Street Widths, and Illustration 10-710, that requires a minimum local street 50-ft. ROW and 20-ft. Paved Section; to allow for One-way Streets with a typical 16-ft. wide Paved Section.

The basis of the deviation is that one-way streets are a typical RV resort circulation design feature. Referring to the MCP, the project features an internal loop road with one-way streets. The deviation is needed in that the LDC does not include one-way road standards. A the proposed typical 16-ft. paved section, with accompanying 2-ft. valley curb, will provide for a total 20-ft. street width. This new standard is wide enough to allow for adequate RV site access and emergency access. In effect the loop road will generally act like private one-way commercial

access street, though in this case with RV sites adjoining the street. The project will benefit from the deviation by incorporating a more functional and cost effective internal circulation pattern. This internal road standard will not lead to external impacts.

Deviation 6 LDC 10-258 Emergency Shelters, that requires recreational vehicle developments to provide for the construction of a shelter based on # units by 2.4 times 20 square feet; to not provide for the construction of an on-site emergency shelter.

The requirement to provide for a 9,600 SF emergency shelter is not warranted. The project is a commercial transient RV resort that is located outside of the 100-yr. flood zone and the Coastal High Hazard Zone. It is expected that the transient RV park will not be subject to storm surge. For heavy weather events such as hurricane, one can logically expect that park users will leave prior to a storm hitting. The users will more than likely drive away rather than ride it out. Hence there is no practical needed for an on-site shelter. Furthermore, due to insurance and liability issues, it is not realistic to expect the Developer to allow local residents to use the RV resort facilities for emergency shelter. The deviation will grant the Applicant significant vertical development cost savings. The developer will initiate an educational program in conjunction with Lee Co. Emergency Management pertaining to hurricane awareness and the like. The developer will formulate an emergency evacuation plan for the project, which will be subject to review and approval by Lee Co. Emergency Management.

Deviation 7 LDC 10-296(u) Street Design Roundabouts, that require roundabout designs for project entrance roads; to require only the south Lexington Ave. entrance road to include a roundabout in it's design.

Referring to the MCP, the project features two Lexington Ave. entrance roads, with the south road being the primary access. The deviation is needed for the north access road in that it reduces the potential need for additional offsite access easement land to accommodate the road geometry needed to incorporate an roundabout. The deviation advances the project in that the RV resort will be adequately served by having one internal roundabout. This is roundabout is located within the southern Lexington access road. A comprehensive loop road system is designed to facilitate internal and external vehicle movements, both from Lexington and the secondary access onto Tice Street. The project will benefit from the deviation by incorporating a more function and cost effective internal circulation pattern and by potential reducing the amount of land needed of the north offsite access easement. The deviation road standard is internal to the project and will not lead to external impacts.

DELETED Deviation Eight LDC 34-1264(b)(1)(a) COP Setback

Deviation 9 LDC 10-416(d)(6), that requires a 25-ft. buffer with an 8-ft. wall and landscaping for roads located within 125-ft. of a SF neighborhood, to permit a 40-ft. and 50-ft. landscape buffer with 10 trees and 66 shrubs per 100-ft. consistent with the MCP's Section C:C and the 20-ft. buffer and eight feet wall with 10 trees per 100 LF and a single continuous hedge consistent with the MCP's west and northwest property boundary area.

The Deviation pertains to the west site boundary area associated with the projects north/south cul-de-sac road. It is noted that the approximate distance from the project's north/south cul-de-sac road to the three west boundary single family homes is approximately 120-ft. For the 40-ft. west site buffer the project is approximately 5-ft. shy of exceeding the 125-ft. standard. Hence the deviation is de minimis in function and character. The distance from the project road to the two homes located along Underwood Dr. is approximately 55-ft. These off-site residences will be buffered by a 40-ft. and 50-ft. buffer with 10 trees and 66 shrubs per 100 LF. Consequently, given the very limited number of adjoining homesites, greater buffer width and new and enhanced planting standards, the 10-416(d)(6) wall is not warranted.

The proposed 20-ft. buffer and eight feet wall with 10 trees per 100 LF and a single continuous hedge facing the outside is an appropriate standard for the MCP's west and northwest property boundary area. This is so in that the offsite and adjoining neighborhood area is comprised of a large drainage lake and a vacant, unimproved tract of land. The slight reduction of the 25-ft. standard to 20-ft., is justified by the fact that there are no residences immediately adjoining the subject site boundary and that the functional intent of 10-416(d)(6) is met by the 8-ft. solid screening wall.

The project will benefit by obtaining a greater land use efficiency. The deviation is the minimum needed given the apparent conflict between LDC 10-416(d)(6) and LDC 34-939(b)(3). The 40-ft. and 50-ft. ,vegetative buffer and the 20-ft. vegetative buffer and wall, will more than adequately serve to prevent deleterious impacts to the surrounding neighborhood.

DELETED Deviation Ten LDC 34-939(b)(6)(a), Minimum RV Lot Size

Deviation 11 LDC §10-355(a)(1) that requires a 10-foot public utility easement located on both sides of a roadway; to allow a public utility easement to be located on one side of the projects entrance roads and spine road consistent with the MCP.

The basis of the deviation is that one PUE is more than adequate for the project's entrance roads and spine road. north entrance road. The deviation will serve to minimize the land area needed for the spine road and the north off-site access easement that slightly cuts through the North Trail RV Center's Preserve tract. The project will benefit from the deviation by incorporating a more functional and cost effective internal easement pattern. The PUE deviation is internal to the project and, as such will not create any deleterious negative impacts to the public.

Deviation 12 LDC §10-421(a)(8) that requires buffer plantings to be installed on the exterior side of fence or wall; to allow for privacy wire mesh and chain link fencing to be installed along and/or adjacent to the property boundary line and with landscape buffer materials to be planted on the inside project privacy fencing.

The basis of the deviation is to advance privacy and security interests for the RV resort project. By having privacy fencing along the property boundary and outside of the landscape buffer area, better security is advanced. The deviation will still allow for non-walled, vegetation oriented views in that fencing will be open wire mesh and/or chain link. The privacy fence deviation will not impact the viability and maintenance of the various proposed landscape planting areas within the 20-ft. and 40-ft. + buffers. Reflecting that fact, there are no deleterious impacts to the public interest. The deviation to have security fencing on the projects perimeter is logical and is the minimum necessary for the project for property and personal protection and privacy.

EXHIBIT G



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SEP 09 2014

COMMUNITY DEVELOPMENT

Professional Engineers, Planners & Land Surveyors

Exhibit 25 Bermuda Lakes RVPD Surface Water Management Plan

The project's Surface Water Management Plan is as follows:

The existing site runoff characteristics reflect the degree and character of the site's surrounding urbanized land uses. Previous grading activities such as excavation for highway fill, ditching for community drainage and berming have all occurred on site. The existing 10 +/- acre lake on the north side of the site is the predominant existing drainage feature. There is also a north-south oriented ditch located within the project's western portion. This conveys waters from the site and adjacent properties southward to the Tice Street drainage ditches and northward to the Caloosahatchee River. To the east of the site is Lexington Avenue and the North Trail RV Center Native Off-Site Preserve (not a part of this development). Drainage from these areas enters the eastern portion of the site through depressional areas and unmaintained ditches. The inflow generally flows towards Preserve Area 2 and then towards the western ditch. This flow pattern will be preserved in the post development condition.

In general terms, the project's drainage concept is based upon attenuation for a 25 year/3 day storm event. The primary hydrological concern for the site will be the management and storage of its surface waters as determined by FAC 17-3, 17-40, 17-301 and 40E-4. An Environmental Resource Permit (ERP) from the South Florida Water Management District will be sought. The ERP permit will adhere to the criteria that there will not be a net increase in storm water run off quantity nor diminished water quality, as measured from existing, pre-development conditions. Furthermore, the ERP permit will assure the continuation of off-site/thru-site drainage flows with no impacts to upstream facilities and properties. Particular focus will be placed on east to west drainage, along with the properties west site drainage ditch.

The project will feature perimeter site berming and the large 10 acre lake will be utilized for surface water attenuation and water quality treatment. A detention area located within the south east portion of the site will also be used for water quality treatment and attenuation with discharge into the existing lake. The existing north-south oriented ditch will be maintained as a drainage conveyance with a portion being piped and a portion remaining as an open ditch. The necessary flow capacity will be preserved. The project is located outside the 100-year flood plain. The project's surface water management system also considers the three existing wetland systems on site which will be predominately conserved and surrounded with upland or structural buffers. The central wetland will be used for attenuation as it is immediately adjacent to the existing 10 acre lake. The two wetlands along the perimeter of the site are not included in the site water management system as they extend to and possibly beyond the property and berming them would be an impact. They will continue to function as they do today, and no on-site development drainage will be directly routed to them.

• SERVING THE STATE OF FLORIDA •

DCI 2014-00010

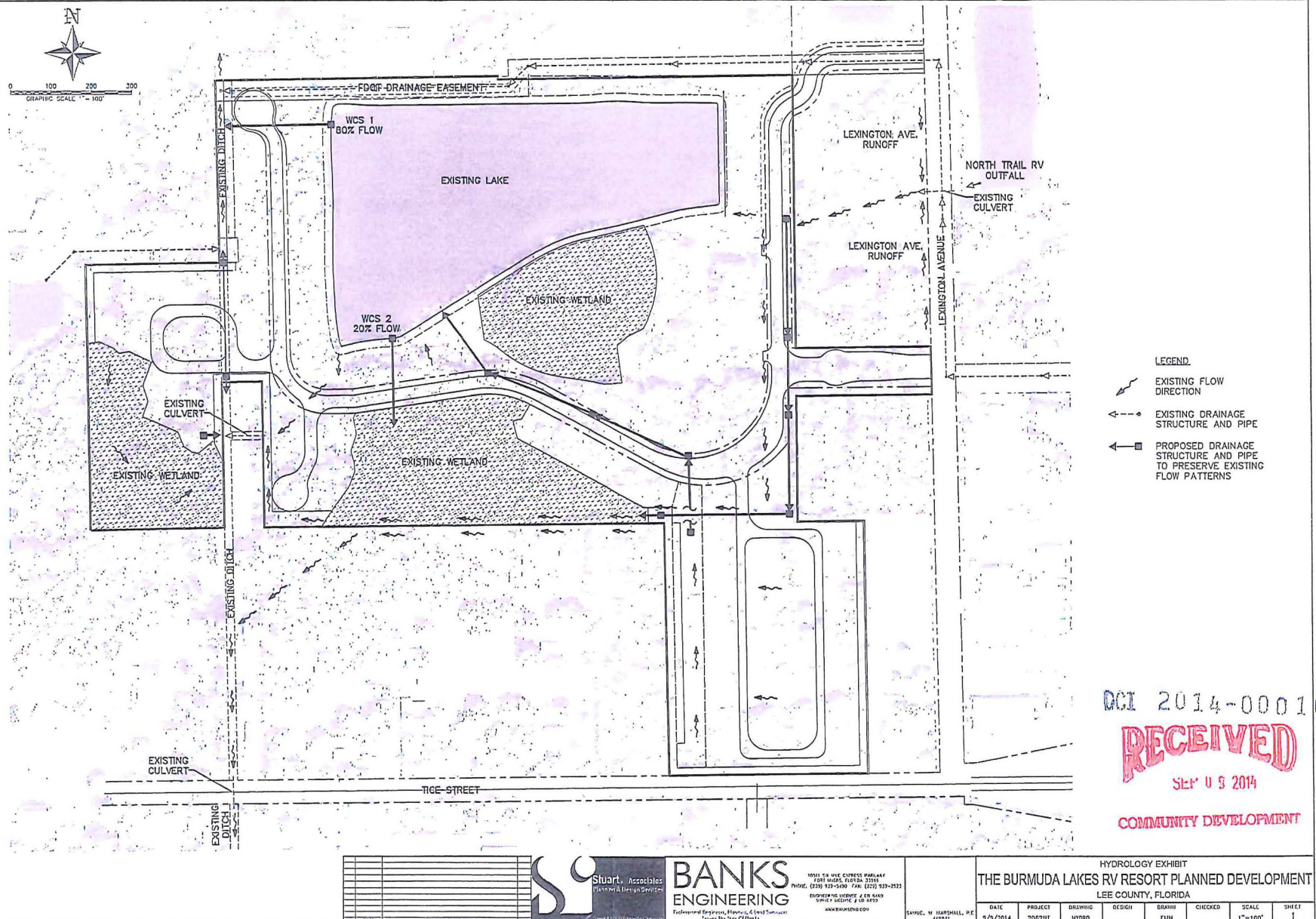


EXHIBIT I

RESOLUTION NUMBER Z-07-053

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

WHEREAS, Quattrone & Associates, filed an application on behalf of the property owner, Tice Property, LLC, to rezone a 2.39±-acre parcel from Commercial (C-2) and Agriculture (AG-2) to Industrial Planned Development (IPD) in reference to Tice Street Industrial; and

WHEREAS, a public hearing was advertised and held on October 3, 2007, before the Lee County Zoning Hearing Examiner, Diana M. Parker, who gave full consideration to the evidence in the record for Case #DCI2007-00009; and

WHEREAS, a second public hearing was advertised and held on November 19, 2007, 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 2.39±-acre parcel from C-2 and AG-2 to IPD, to allow a maximum of 27,500 square feet of industrial uses, including but not limited to: Manufacturing, Automobile Service Station and Building Material Sales. The proposed development will be connected to central potable water and sanitary sewer utilities. Maximum height of 35 feet. No development blasting is proposed. The property is located in the Intensive Development Future Land Use Category and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. The development of this project must be consistent with the single-page Master Concept Plan (MCP) entitled "Master Concept Plan, Tice Industrial Building," date-stamped "Received DEC 04 2007 Community Development," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

COPY

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

a. Schedule of Uses

Accessory uses and structures
Administrative offices
Automobile service station (no fueling facilities)
Automobile repair and service (all groups)
Building material sales
Business services: Group I only - See Condition 10
Cleaning and maintenance services
Cold storage, pre cooling, warehouse and processing plant
Communication facility, wireless (attached to building)
Computer and data processing services
Contractors and builders: Groups I and II - See Condition 10
Crematorium
Essential services
Essential service facilities: Group I only
Fences, walls
Insurance companies
Laundry or dry cleaning: Groups I and II - See Condition 10
Manufacturing of:
 Apparel products
 Electrical machinery and equipment
 Fabricated metal products: Group I only
 Furniture and fixtures
 Machinery: Group II only
 Measuring, analyzing and controlling instruments
 Novelties, jewelry, toys and signs, all groups
 Stone, clay, glass and concrete products: Group I only
Parcel and express services - See Condition 10
Paint, glass and wallpaper
Parking lot: Accessory
Photofinishing laboratory
Printing and publishing - See Condition 10
Processing and warehousing
Repair shops: Groups I, II and III
Research and development laboratories: Groups I, II, and IV
Retail and wholesale sales, when clearly incidental and subordinate to a permitted principal use on the same premises
Signs (in accordance with chapter 30)
Storage, Indoor only - See Condition 10
Warehouse, Private
Wholesale establishments: Group III

b. Site Development Regulations

Minimum Area Dimensions:

Min. Lot Size	103,950 sq. ft. (2.39 acres)
Min. Depth	600 ft.
Min. Width	160 ft.
Maximum Height	35 ft.
Maximum Lot Coverage	40%
Minimum Open Space	10% (0.24 acres)
Minimum Setbacks:	
Public Road (Tice Street)	25 ft.
Development Boundary (property line)	15 ft.
Building Separation	25 ft.
Accessory Structures	5 ft.

3. Prior to local development order approval, all development order plans must:
 - a. Delineate a minimum of 0.24 acres of common open space in substantial compliance with the approved MCP; and
 - b. Depict potential preservation of five live oak trees along the east and north property lines by illustrating preservation area to three quarter drip line of tree canopy.
4. The western facades of the proposed structures must comply with the primary facade requirements of §10-600 of the LDC.
5. At the time of local development order approval, the applicant must provide connections to central water and sanitary sewage systems.
6. Retail and wholesale sales may be permitted, when clearly incidental & subordinate to a permitted industrial principal use on the same premises.
7. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.
8. Approval of this zoning request 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), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

9. Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
10. Principal or accessory uses involving the on-site, overnight parking of commercial or industrial vehicles or equipment in operating condition are restricted to the northernmost area of the subject property. The principal uses must be located in the northernmost building, and the outside "storage" or display must comply with the pertinent buffering, screening and setback requirements of the LDC.

SECTION C. DEVIATION:

Deviation (1) seeks relief from the LDC §10-285 requirement to provide a 330-foot intersection separation on a collector road, to allow:

- a. a 136-foot intersection separation between access to the subject property and the main entrance to the property to the east;
- b. a 293-foot intersection separation between access to the subject property and the entrance to the west; and
- c. a 245-foot intersection separation between the project entrance and the Tice Street/Lexington Avenue intersection.

This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan

The applicant has indicated that the STRAP number for the subject property is:
03-44-25-00-00015.0000

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC and any other applicable code or regulation.
2. The rezoning, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request; and,

- b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning satisfies the following criteria:
- a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan are available and adequate to serve the proposed land use.
5. The approved deviation, as conditioned, enhances achievement of the planned development objectives, and preserves and promotes the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 19th day of November, 2007.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: Ray Judah
Ray Judah, Chair



Approved as to form by:

Robert Spickerman
Robert Spickerman
County Attorney's Office

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2007 DEC 13 AM 9:54


PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, IN TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE RUN N.89°21'25"E ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 1585.00 FEET; THENCE RUN N.00°58'58"W. A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TICE STREET (RIGHT-OF-WAY VARIES) AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°58'58"W. ALONG THE EAST LINE OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 630.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE S.89°21'25"W ALONG THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 165.00 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.00°58'58"E ALONG THE WEST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 630.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TICE STREET; THENCE N.89°21'25"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

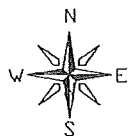
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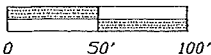

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
DATED: JANUARY 29, 2007

SHEET 2 OF 2

SCALE: 1" = 50'	DRAWING: CONDOLEGAL	DRAWN BY: KAS	JOB#: CONDOLEGAL	A PARCEL OF LAND LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	KRIS A SLOSSER P.S.M. 4650 VILLA CAPRI LN. BONITA SPRINGS FLORIDA 34134 (239) 947-1915
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SCALE: 1" = 100'



LEGEND

P.O.B. POINT OF BEGINNING
P.O.C. POINT OF COMMENCEMENT
O.R. OFFICIAL RECORDS BOOK
D.E. DRAINAGE EASEMENT

LOT 2
(VACANT)
LEXINGTON COMMERCE CENTER
PLAT BOOK 63 PAGE 99

10' INGRESS-EGRESS,
ROADWAY & P.U.E.

PLATTED LINE
0.5' NORTH OF
DEED LINE

40' D.E. N89°21'25"E 10.00'
N89°21'25"E 165.00'

S89°21'25"W 165.00'

0.50' GAP
BETWEEN PLAT
& ORIGINAL DEED
DESCRIPTION

UNPLATTED

(OCCUPIED)
O.R. BOOK 4241 PAGE 4820

UNPLATTED

(OCCUPIED)
O.R. BOOK 1903 PAGE 4588
PARCEL CONTAINS
2.39 ACRES+/-

UNPLATTED

(OCCUPIED)
O.R. BOOK 1872 PAGE 0442

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FEB 01 2007

PERMIT COUNTER

DCI 2007-00009

P.O.C.

S.W. CORNER SECTION
3-44-25

1420.00'

N00°58'58"W
30.00'

N89°21'25"E 1585.00'

TICE STREET

RIGHT-OF-WAY VARIES

30' 165.00'

SOUTH LINE
SECTION 3-44-25
BEARING BASIS

P.O.B.

N00°58'58"W
30.00'

N89°21'25"E 205.00'

N89°21'25"E 10.00'

10' INGRESS-EGRESS,
ROADWAY & P.U.E.

LEXINGTON AVENUE

60' RIGHT-OF-WAY

LEXINGTON COMMERCE CENTER
PLAT BOOK 63 PAGE 99

N00°58'58"W 610.50'

N00°58'58"W 610.50' P 610.00'D

30'

30'

SHEET 1 OF 2

NOTES:

- 1.) BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, AS BEING A ASSUMED BEARING OF N.89°21'25"E.
- 2.) THIS PROPERTY IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS OF RECORD.
- 3.) DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.

SKETCH TO ACCOMPANY PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN
SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA
SEE ATTACHED LEGAL DESCRIPTION

KRIS A SLOSSER P.S.M.

4650 VILLA CAPRI LN. BONITA SPRINGS

FLORIDA 34134 (239) 947-1915

SCALE: 1" = 100'

DRAWING: KAS

JOB: TICELEGAL

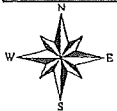
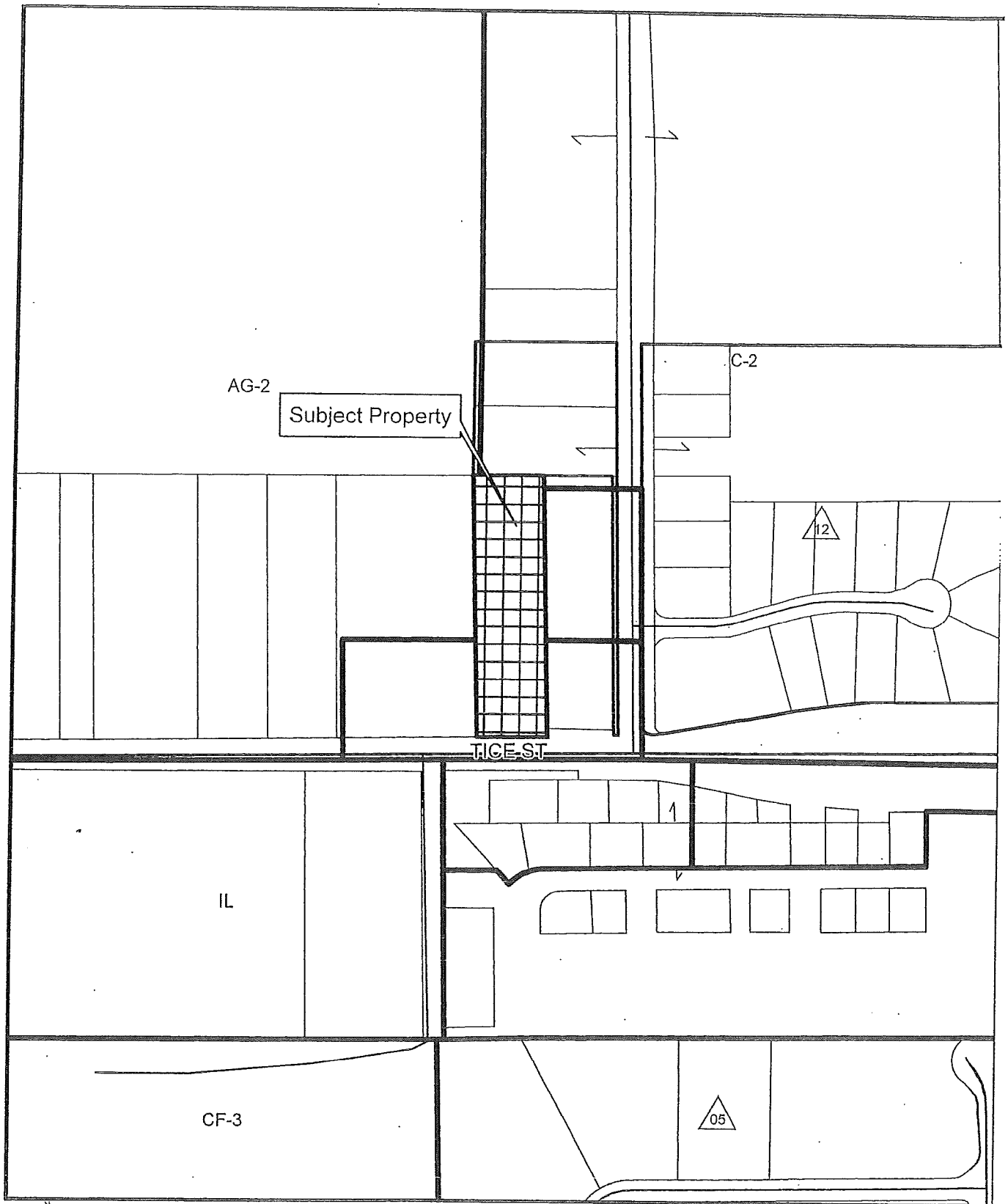
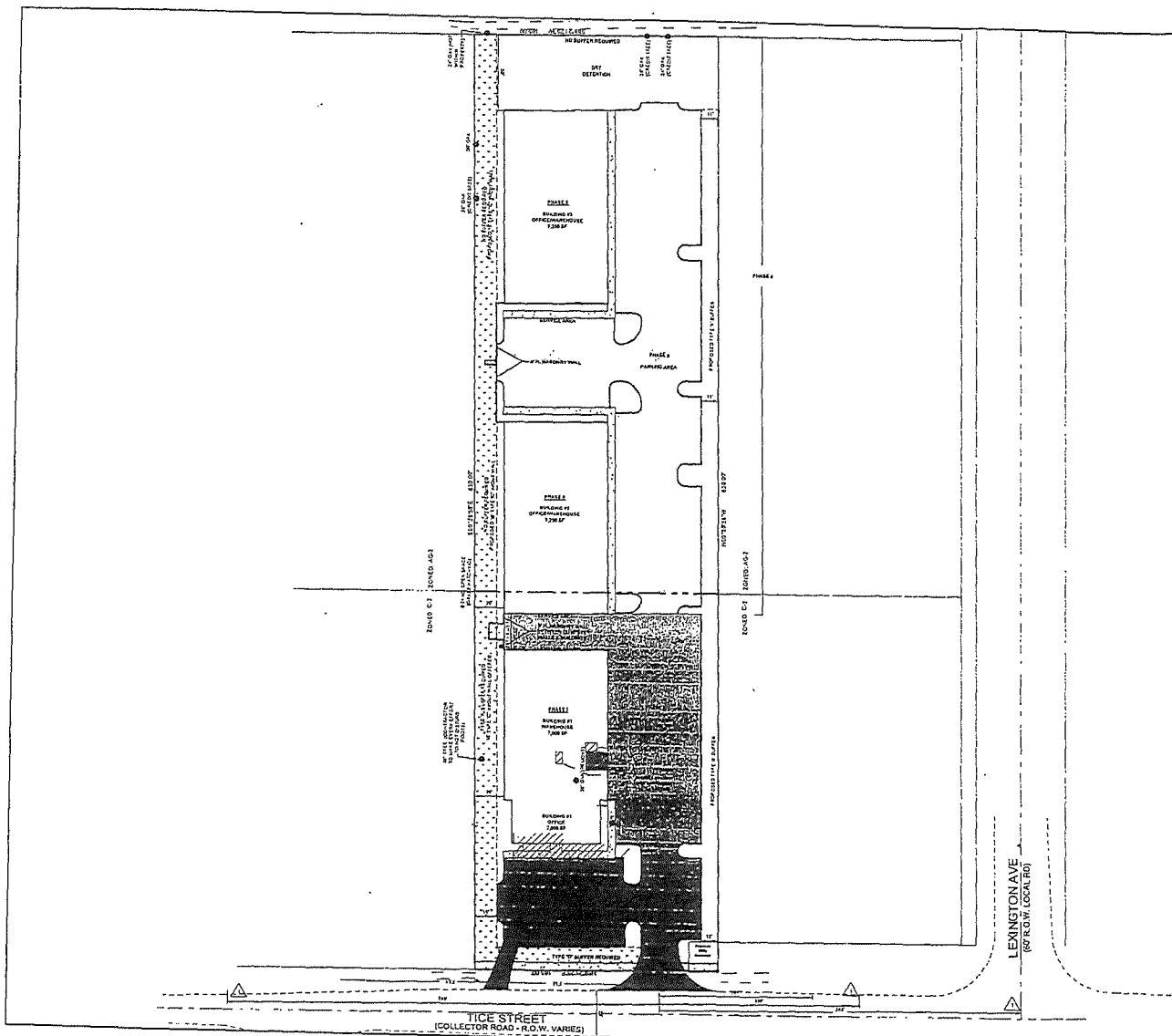


Exhibit B





MASTER CONCEPT PLAN "TICE INDUSTRIAL BUILDING"

PROJECT SUMMARY:

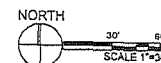
1. OVERALL PROJECT ACREAGE: 12.9 AC. (165,344 SQ FT)
2. BUILDING AREA (TOTAL FLOOR AREA): 640 AC. (17,536,000 SQ FT)
3. OPEN SPACE: 10% OPEN SPACE REQUIRED FOR SMALL INDUSTRIAL DEVELOPMENTS:
REQUIRED: 165,344 SQ. FT. "0.10" = 6.26 AC. (16,344 SQ FT)
4. BUFFER REQUIREMENTS:
NORTH: NONE
EAST: NONE
WEST: NONE
SOUTH: 16-FOOT TYPE "D"
5. ACCORDING TO LDC TRAM, SUBJECT PROPERTY IS NOT LOCATED CLOSE TO ANY EXISTING OR PLANNED ROUTES.
6. IMPEDIMENTS: 1.75 MILES MAXIMUM
7. DEVIATIONS:

DCI 2007-00009

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DEC 04 2007

COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-07-053



Quattrone & Associates, Inc.
Engineers, Planners & Development Consultants
11000 Metro Parkway, Suite 201, Port Mabel, FL 32068 | 321.676.0222 | QA@acnet

EXHIBIT C

ADMINISTRATIVE AMENDMENT (PD) ADD2008-00040

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, AlQuattrone, P.E., Agent for Owner, filed an application for administrative approval to a Industrial Planned Development on a project known as Tice Street Industrial to allow :

1. An alternate Master Concept Plan; and
2. the addition of Mini-Warehouse to the schedule of uses listed in Condition 2. a. of Lee County Zoning Resolution Z-07-053,

on property located at 5201 Tice Street, described more particularly as:

LEGAL DESCRIPTION: In Section 03, Township 44 South, Range 25 East, Lee County, Florida:

See legal description attached hereto as Exhibit A;

WHEREAS, the property was originally rezoned in case number DCI2007-00009; and

WHEREAS, the subject property is located in the Industrial Development Future Land Use Category as designated by the Lee County Comprehensive Plan ; and

WHEREAS, the applicant has requested an Alternate Master Concept Plan to allow for the indoor storage of Recreational Vehicles, Boats, and similar vehicles; and

WHEREAS, Private Warehouse is a permitted use approved in Lee County Zoning Resolution Z-07-053; and

WHEREAS, due to the requirement of overhead doors for larger vehicles to access the building the storage units are defined as Mini-Warehouses; and

WHEREAS, the applicant has proposed adding Mini-Warehouses to the schedule of uses listed in Condition 2.b. of Lee County Zoning Resolution Z-07-053; and

WHEREAS, the individual Mini-Warehouse units will be limited to the storage of large vehicles with no accessory office or restroom facilities; and

WHEREAS, the storage units must be a minimum of 750 square-feet in size; and

WHEREAS, at the time of Certificate of Compliance for development of the property in conjunction with a Development Order the Master Concept Plan which was not relied on for development will vacate; and

WHEREAS, the development of the property in accordance with the Alternate Master Concept Plan will only be permitted for Mini-Warehouse and ancillary uses required to support the development; and

WHEREAS, at the time of Certificate of Compliance in conjunction with a Development Order in accordance with the Master Concept Plan approved in Lee County Zoning Resolution Z-07-053 the Alternate Master Concept Plan and Mini-Warehouse use will vacate; 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 Industrial Planned Development is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the Master Concept Plan stamped received by the Permit Counter on March 21, 2008, OR Alternative Master Concept Plan, stamped received by the Permit Counter on March 21, 2008. The reduced copies are attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **The Mini-warehouse use is limited to the Alternate Master Concept Plan. Each mini-warehouse unit must be a minimum of 750 square-feet. No restroom or office facilities are permitted in conjunction with the individual mini-warehouse units.**
4. **At the time of Certificate of Compliance in conjunction with a Development Order for the Alternate Master Concept Plan approved herein the Master Concept Plan**

and Schedule of Uses approved in Lee County Zoning Resolution Z-07-053, and use will automatically vacate. Mini-warehouse and related uses will be the only permitted uses on the subject property.

5. At the time of Certificate of Compliance in conjunction with a Development Order for the Master Concept Plan approved in Lee County Zoning Resolution Z-07-053 the Alternate Master Concept Plan, and Mini-Warehouse use will automatically vacate.

DULY SIGNED this 9th day of May, A.D., 2008.

BY: _____



Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

PROPERTY DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 3, IN TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE RUN N.89°21'25"E ALONG THE SOUTH LINE OF SAID SECTION 3, A DISTANCE OF 1585.00 FEET; THENCE RUN N.00°58'58"W. A DISTANCE OF 30.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF TICE STREET (RIGHT-OF-WAY VARIES) AND THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE RUN N.00°58'58"W. ALONG THE EAST LINE OF THE LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, FOR A DISTANCE OF 630.00 FEET TO THE NORTHEAST CORNER OF SAID PARCEL OF LAND; THENCE S.89°21'25"W ALONG THE NORTH LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 165.00 FEET TO THE NORTHWEST CORNER OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.00°58'58"E ALONG THE WEST LINE OF A PARCEL OF LAND AS DESCRIBED IN OFFICIAL RECORDS BOOK 1903 PAGE 4588 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 630.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID TICE STREET; THENCE N.89°21'25"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 165.00 FEET TO THE POINT OF BEGINNING.

RECEIVED
MAR 21 2008

PERMIT COUNTER

ADD 2008-00040

KRIS A. SLOSSER, STATE OF FLORIDA, (P.S.M. #5560)
DATED: JANUARY 29, 2007


SHEET 2 OF 2

SCALE: 1" = 50'	DRAWING: CONDOLEGAL	DRAWN BY: KAS	JOB#: CONDOLEGAL	STATE OF	KRIS A SLOSSER P.S.M.
				A PARCEL OF LAND LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA	4650 VILLA CAPRI LN. BONITA SPRINGS FLORIDA 34134 (239) 947-1915

Applicant's Legal Checked
by EG 3/24/08

LOCATED IN SECTION 03, TOWNSHIP 44 SOUTH, RANGE 25 LEE COUNTY, FLORIDA

PROJECT SUMMARY:

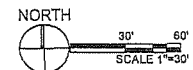
- 1.) OVERALL PROJECT AREA: 2.29 AC. (160,660 SF)
BUILDING AREA: (TOTAL FLOOR AREA) 0.83 AC. (57,830 SF)
- 2.) OPEN SPACE: 10% OPEN SPACE REQUIRED FOR SMALL INDUSTRIAL DEVELOPMENTS:
REQUIRED: 165,856 S.F. - 0.16 = 0.24 AC. (19,303 SF)
- 3.) SUFFER REQUIREMENTS:
NORTH: NONE
EAST: NONE
WEST: NONE
SOUTH: 14-FOOT TYPE "D"
- 4.) ACCORDING TO LETA, SUBJECT PROPERTY IS NOT LOCATED CLOSE TO ANY EXISTING BUS STOPS/ ROUTES.
- 5.) IMPERVIOUS: 1.76 acres maximum
- 6.) DEVIATIONS: 

MAR 21 2008

PERMIT COUNTER

APPROVED
 Amendment to
 Master Concept Plan
 Subject to Case # ADD 2008-00040
 Date 5/8/2008

ADD 2008-00040




Q Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 301, Fort Myers, FL 33966 • (239) 936-5222 • QAINcnet.

ALTERNATE MASTER CONCEPT PLAN "TICE INDUSTRIAL BUILDING"

LOCATED IN SECTION 26, TOWNSHIP 34N, RANGE 21E, LEE COUNTY, FLORIDA

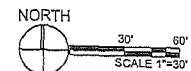
PROJECT SUMMARY:

- OVERALL PROJECT ACREAGE: 2.39 AC. (103,854 SF)
BUILDING AREA (TOTAL FLOOR AREA) 0.83 AC. (37,390 SF)
- OPEN SPACE: 18% OPEN SPACE REQUIRED FOR SMALL INDUSTRIAL DEVELOPMENTS;
REQUIRED: 163,858 S.F. * 0.18 = 29,494 S.F. (1.3 AC. (58,345 SF))
- BUFFER REQUIREMENTS:
NORTH: NONE
EAST: NONE
WEST: NONE
SOUTH: 15-FOOT TYPE "D"
- ACCORDING TO LEE TRAN, SUBJECT PROPERTY IS NOT LOCATED CLOSE TO ANY EXISTING BUS STOPS/ROUTES.
- IMPERVIOUS: 1.75 acres maximum
- DEVIATIONS: 

RECEIVED
MAR 21 2008

PERMIT COUNTER

ADD 2008-00040



Quattrone & Associates, Inc.
Engineers, Planners, & Development Consultants
11000 Metro Parkway, Suite 301, Fort Myers, FL 33956 | 239.536.6222 | QAI@qai.net

APPROVED
Amendment to
Master Concept Plan
Subject to Case # **ADD 2008-00040**
Date **5/8/2008**

EXHIBIT J

RESOLUTION NUMBER Z-07-077

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

WHEREAS, an application was filed by the property owner, B.E. Devco, LLC, to rezone 46.42 ± acres from Agricultural (AG-2) and Commercial (C-2) to Residential Planned Development (RPD), and participate in Lee County's Housing Bonus Density Program ("Site-specific Density Bonus (Option 1)"), in reference to Bermuda Lakes, RPD; and,

WHEREAS, a public hearing was advertised and held on December 20, 2007, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case #DCI2005-00096 & REZ2007-00002; and

WHEREAS, a second public hearing was advertised and held on April 21, 2008, 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 46.42 ± acres from AG-2 and C-2 to RPD to permit a mix of up to 330 duplex, two-family attached, townhouse, and multiple-family dwelling units with a maximum height of three stories/50 feet. No development blasting is proposed. The project will connect to public potable water and to public sanitary sewer system as part of any development of this property. Applicant is also requesting participation in Lee County's Housing Bonus Density Program under the provisions of the Lee County Land Development Code (LDC) §34-1518. The Applicant is seeking to utilize the "Site-specific Density Bonus (Option 1)" to develop 28 bonus density dwelling units. The total project proposes 330 duplex, 2-family attached townhouse, and multiple-family dwelling units on approximately 46.42 ± acres. The applicant is requesting a total of approximately 7.1 dwelling units per acre on the subject site.

The property is located in the Suburban, Wetlands, Central Urban and Intensive Development Future Land Use Categories and is legally described in attached Exhibit "A". The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

COPY

0421082

SECTION B. CONDITIONS:

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

1. PROJECT REZONING APPROVED: The development of this project must be substantially consistent with the 1-page Master Concept Plan (MCP), entitled "Master Concept Plan, Bermuda Lakes, Lee County, Florida," dated 07/19/2007, last revised 03/27/08, and date-stamped "Received APR 22 2008 Community Development," and attached hereto as Exhibit "C," except as modified by the conditions below.

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

BONUS DENSITY CONTRACT APPROVED: Development is approved for a maximum density of 330 multi-family dwelling units/townhouse units, up to 28 of which are on-site bonus density units, to be located as shown on the MCP:

Tract B - up to 10 bonus density units (in the Central Urban Future Land Use Category); and

Tract E - up to 18 bonus density units (in the Intensive Development Future Land Use Category).

Development of the bonus density units under the Lee County Housing Bonus Density Program, "Site-specific Density Bonus (Option 1)," must be consistent with the term and conditions of the approved Development Contract with Lee County, a copy of which is attached as Exhibit "D". See also Lee County Administrative Code (AC) §13-12.

2. SCHEDULE OF USES AND SITE DEVELOPMENT REGULATIONS: The following limits apply to the project and uses:
 - a. Schedule of Uses
ACCESSORY USES AND STRUCTURES
ADMINISTRATIVE OFFICES
CLUBS, CLUBHOUSES, PRIVATE
DWELLING UNITS - TOWNHOUSE, MULTIPLE-FAMILY
ENTRANCE GATE AND GATEHOUSE
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

MODEL UNITS
PARKING LOT, ACCESSORY
REAL ESTATE SALES OFFICE
RECREATION FACILITIES, PERSONAL, PRIVATE, ON SITE
RESIDENTIAL ACCESSORY USES
SIGNS IN ACCORDANCE WITH LDC CHAPTER 30
TEMPORARY USES - CONSTRUCTION TRAILER

b. Site Development Regulations

Townhouse:

Minimum Unit Areas and Dimensions:

Size:	1,600 square feet
Width:	16 feet
Depth:	50 feet

Minimum Setbacks:

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet (0 feet for common wall unit)
Rear	20 feet
Water body	20 feet
Accessory	Per the LDC

Minimum Building Separation: 25 feet.

Minimum Perimeter Principal Building Setbacks: 25 feet.

Minimum Perimeter Accessory Building Setbacks: 15 feet

Maximum Height: 3 stories/45 feet
2 stories/35 feet (northerly two buildings of Tract "C" only)

Maximum Lot Coverage: 45%

Multiple-Family:

Minimum Lot Areas and Dimensions:

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

Minimum Setbacks:

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Accessory Per the LDC

Minimum Building Separation: 25 feet.

Minimum Perimeter Principal Building Setbacks: 25 feet.

Minimum Perimeter Accessory Building Setbacks: 15 feet

Maximum Height: 3 stories / 45 feet
2 stories/ 35 feet (Northerly two buildings of Tract "C" only)

Maximum Lot Coverage: 45%

Recreational Areas:

Minimum Lot Areas and Dimensions

Lot Size:	3,600 square feet
Lot Width:	50 feet
Lot Depth:	70 feet

Minimum Setbacks

Street (public)	25 feet
Street (private)	20 feet
Side	10 feet
Rear	20 feet
Water body	20 feet

Accessory Per the LDC

Minimum Building Separation: 25 feet.

Minimum Perimeter Setbacks: 25 feet.

Maximum Height: 3 stories /35 feet

Maximum Lot Coverage: 45%

3. **NO BLASTING:** 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 HOMES, UNITS/REAL ESTATE SALES: The number of model units will be limited to no more than three within the development at one time.
 - A. Any model units must be developed within the area identified as "Model/Sales Office" on the approved MCP.
 - B. Models cannot be of the same floor plan and each must be a distinctly different design.
 - C. Real estate sales are limited to model units, club house, or recreation center.
 - D. Real estate sales will be limited to the sale of lots or units within the development only.
 - E. 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.
5. TRAFFIC: 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.
6. LEE PLAN ALLOCATION: 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), be reviewed for, and found consistent with all other Lee Plan provisions.
7. WATER AND SEWER: Development of this project must connect to both public water and public sewer service. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle the proposed level of development.
8. CONCURRENCY: Approval of this zoning request does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.
9. TICE DITCH: During the development order process, the roadway culvert crossing plan at Tice Ditch shall be submitted for review and approval by Lee County Natural Resources prior to development order approval.
10. EXISTING RESIDENTIAL STRUCTURES: Existing residential units and accessory uses must be removed in compliance with all applicable requirements of the LDC.

11. SIDEWALKS: Development must include internal sidewalks as depicted on the approved MCP. In addition, sidewalks are required along the project frontage on Tice Street and Lexington Avenue as a site-related improvement, in order to achieve a safe means of connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.
12. PEDESTRIAN PATH: Development must include an internal walkway or pedestrian path (paved or unpaved) north of Lake A connecting the stubout from Tract D to the stubout of Tract C. Such walkway or path must be added to the MCP and be included in local development order as part of construction of the project's infrastructure.
13. BIG CYPRESS FOX SQUIRRELS:
 - A. Prior to local development order approval, the property must be surveyed for the presence of Big Cypress fox squirrel and field verified by Lee County Division of Environmental Sciences (ES) staff. If any nest structures are located, the nests must be monitored for 5 days to determine if the nests are being 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 Lee County 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 ES staff.
 - B. Prior to local development order approval, if Big Cypress fox squirrels or evidence thereof is documented on the site, a management plan meeting the requirements of LDC §10-474 must be submitted for Lee County Division of Environmental Sciences staff review and approval.
14. ALLIGATORS AND LISTED WADING BIRD SPECIES: Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10-474 must be submitted for review and approval by the Lee County Division of Environmental Sciences staff. The management plans must include an informational brochure for residents on living with alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. Also, the development order plans must include the location and details of signage between the lake and residential buildings which state: Alligators may be present. It is dangerous and illegal to feed or harass alligators.
15. OPEN SPACE: Prior to local development order approval, the development order plans must delineate a minimum of 18.57 acres as open space.

16. INDIGENOUS PRESERVATION: Prior to local development order approval, development order plans must depict a minimum of 10.84 acres of total preserve area consisting of a minimum of 8.15 acres of existing indigenous wetlands labeled as Indigenous Wetland Preserve, 2.32 acres of existing indigenous uplands labeled as Indigenous Upland Preserve, and 0.37 acres of exotic wetland hardwoods labeled as Indigenous Wetlands Restored.
17. WILDLIFE CONNECTION: Prior to local development order approval, development order plans must depict, at minimum, a 3-foot-high by 6-foot-wide culvert or series of 3-foot-high by 3-foot-wide culverts in order to provide a wildlife connection between the two central preserves.
18. LAKE DESIGN: Prior to local development order approval, development order plans must delineate the stormwater management lake (Lake B) and the regraded shorelines of existing Lake A. Per LDC §10-418, shorelines must be sinuous in configuration and mimic a natural system.
19. DESIGN ELEVATIONS: Developer shall construct all residential structures within the project substantially in accordance with one of the two elevations, attached hereto and labeled as Exhibit "E".

SECTION C. DEVIATIONS:

1. BUILDING SEPARATION: Deviation (1) seeks relief from the LDC §34-935(e)(4) requirement of a minimum of 20 feet of building separation or one-half the sum of their heights, whichever is greater, when there are two or more principal buildings on a development tract. Applicant is requesting a building separation of 25 feet. This deviation is APPROVED.
2. MINIMUM PARKING: Deviation (2) seeks relief from the LDC §34-2020(1)c.4.(c) requirement that multiple-family buildings provide a minimum of 1.75 parking spaces per 2-bedroom unit, to allow a minimum of 1.6 parking spaces for 2-bedroom unit. This deviation is APPROVED, SUBJECT to the following condition:

The Developer must provide a minimum of 1.66 parking spaces for each 2-bedroom unit, plus 10% guest parking per the LDC.

3. EXCAVATION SETBACK: Deviation (3) seeks relief from the LDC §10-329(d)(1)a.3. requirement that new excavations for water retention and detention be set back 50 feet from any private property line under separate ownership, to allow Lake B to be set back 25 feet from the west property line. This deviation is APPROVED, SUBJECT to the following condition:

The deviation is limited to a water management area consistent with the approved MCP.

4. PROJECT ACCESS: Deviation (4) seeks relief from the LDC §10-291(3) requirement that residential development of five acres or more provide more than one means of ingress and egress for the development, to allow the access to Tice Street to be permitted as either a gated exit only (emergency access) or full access with a gate. This deviation is APPROVED, SUBJECT to following conditions:
 1. The local development order must depict a divided entrance on Lexington Avenue that must include a median and lanes on both sides in accordance with the approved MCP.
 2. The installation of any access gates must comply with all applicable regulations pertaining to emergency equipment that are in effect at the time of installation.
5. CONNECTION SEPARATION: Deviation (5) seeks relief from the LDC §10-285(a) requirement of a minimum access connection separation of 330 feet for collector roads, to allow an access connection separation of 245 ± feet on Tice Street between the project's proposed access and an access point for Tice Street Industrial IPD to the east. This deviation is APPROVED.
6. CONNECTION SEPARATION: Deviation (6) seeks relief from the LDC §10-285(a) requirement of a minimum access connection separation of 330 feet for collector roads, to allow a driveway to the west on Tice Street with only 304 feet of separation. This deviation is APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

- Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan (MCP)
Exhibit D: Proposed Development Contract - Lee County Housing Bonus Density Program, "Site-specific Density Bonus (Option 1)"
Exhibit E: Building Design Elevations

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

03-44-25-00-00010.0010;
03-44-25-00-00013.0000;
03-44-25-00-00016.0000; and
04-44-25-00-00018.0000

SECTION E. FINDINGS AND CONCLUSIONS:


1. The applicant has proven entitlement to the rezoning and the requested 28 bonus density units by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.
2. The rezoning and the requested 28 bonus density units, as approved:
 - a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;
 - c. is compatible with existing or planned uses in the surrounding area;
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The rezoning, including the requested 28 bonus density units, satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location;
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use, including the requested bonus density units.
5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.
6. The subject property is located within a Category 3 Storm Surge Zone and is not required to provide storm shelter or hurricane impact mitigation.
7. The provisions of the proposed Bonus Density Contract are consistent with the intent of LDC §34-151, et seq., and with the requirements set forth in LDC §34-1516.

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


Robert P. Janes	Nay
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Nay

DULY PASSED AND ADOPTED this 21st day of April 2008.

ATTEST:
CHARLIE GREEN, CLERK

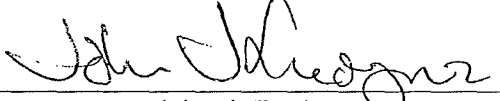
BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Ray Judah, Chair



Approved as to form by:


John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE

2008 MAY -5 AM 9:43

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS

Fort Myers ♦ Naples ♦ Sarasota ♦ Port Charlotte ♦ Holmes Beach

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO AN INTERSECTION WITH THE BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183; THENCE S.00°58'12"E. ALONG SAID BOUNDARY FOR 630.46 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY AND SAID NORTH LINE FOR 329.99 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAIN 46.42 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N.89° 22' 25"E. THE AVERAGE SCALE FACTOR IS 0.999946104.

DESCRIPTION PREPARED 09-15-05

Applicant's Legal Checked

by Lgm 3/03/2006

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATE NO. 30099

S:\Jobs\2006\2062 SURVEY\DESCRIPTIONS\2062_BOUNDARY_SKT.DOC
S:\Jobs\2006\2062 SURVEY\DESCRIPTIONS\2062_BOUNDARY_SKT.DWG

PERMIT COUNCIL

SHEET 1 OF 2

10511 Six Mile Cypress Parkway - Suite 101 Fort Myers, Florida 33912 • (941) 939-5490 • Fax (941) 939-2523

DCI 2005-00096

EXHIBIT "A"

(Page 1 of 2)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 930-5400

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



1" = 300'

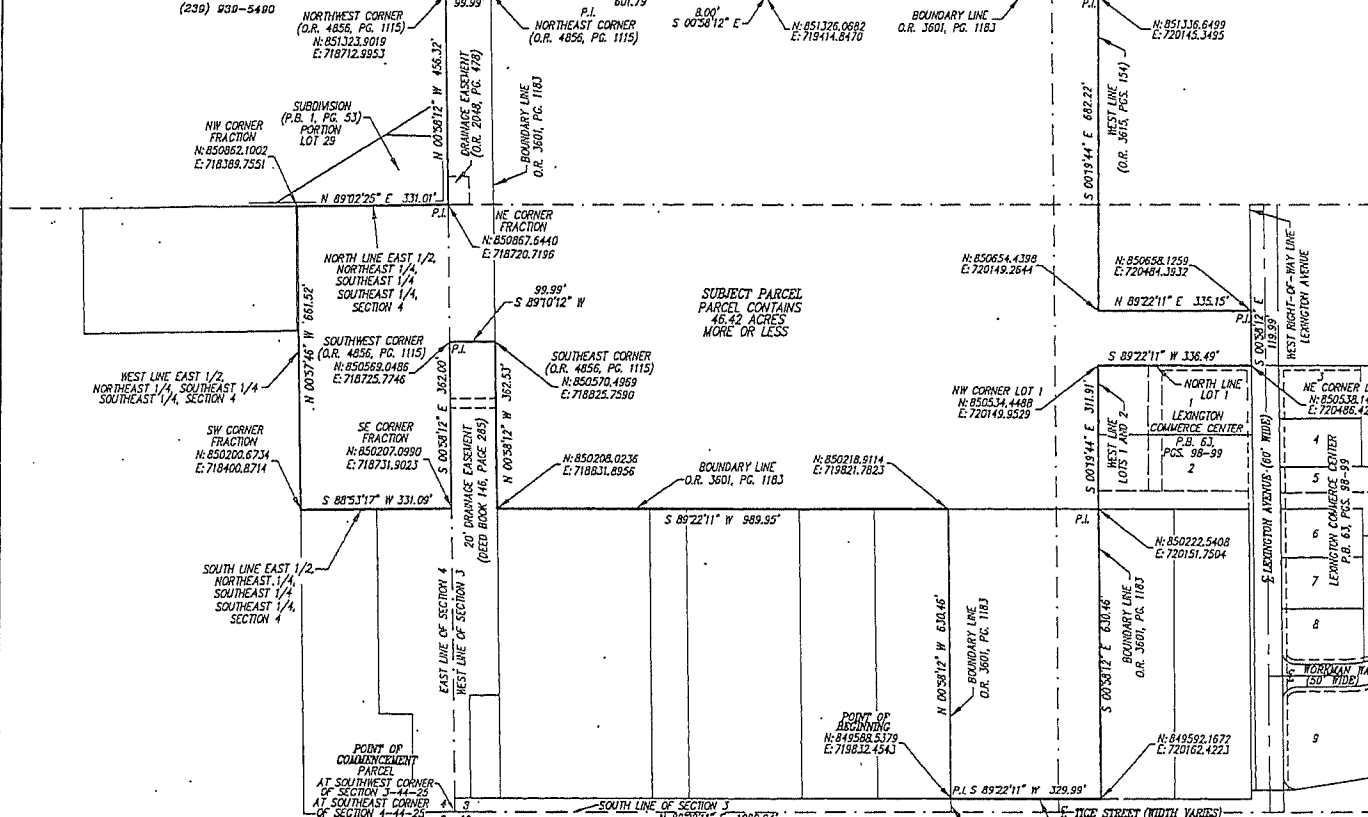
LEGEND:

PG. INDICATES PAGE
PGS. INDICATES PAGES
P.B. INDICATES PLAT BOOK
P.I. INDICATES POINT OF INTERSECTION
O.R. INDICATES OFFICIAL RECORDS BOOK

Applicant's Legal Checked
by Lgm 3/03/2006

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.
THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

RICHARD M. RITA
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 10081
- DATE SIGNED: 03-15-2006
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.



NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARING, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N 89°22'25" E

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S:\JOBS\20XX\2062\SURVEYING\DESCRIPTIONS\2062_BOUNDARY_SKT.DWG

PREPARED 09-15-05
SHEET 2 OF 2

EXHIBIT "A"
(Page 2 of 2)

DCI 2005-00096

DCI2005-00096 BERMUDA LAKES RPD Zoning Map

DCI2005-00096

10/24/2006

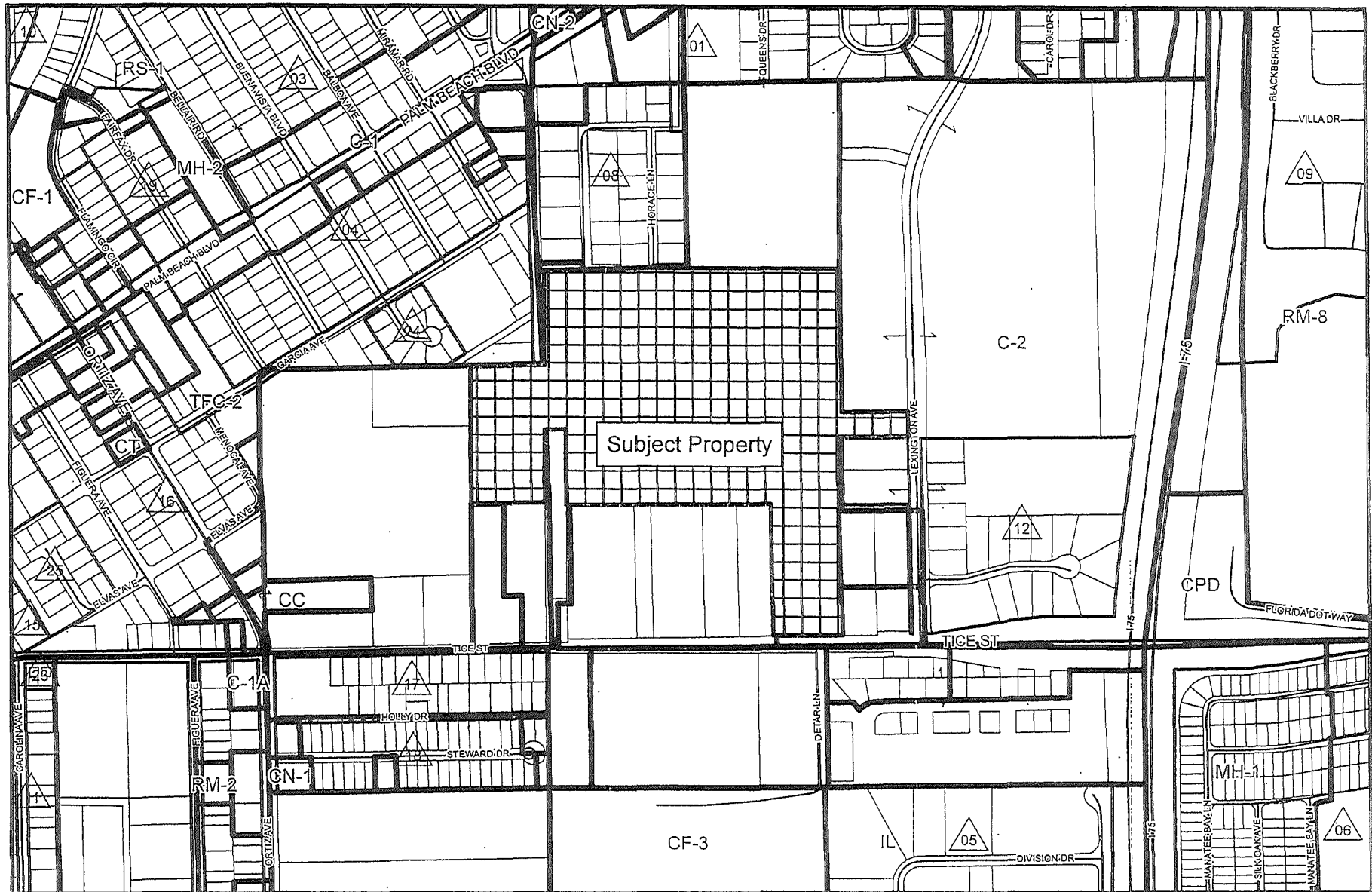


EXHIBIT "B"



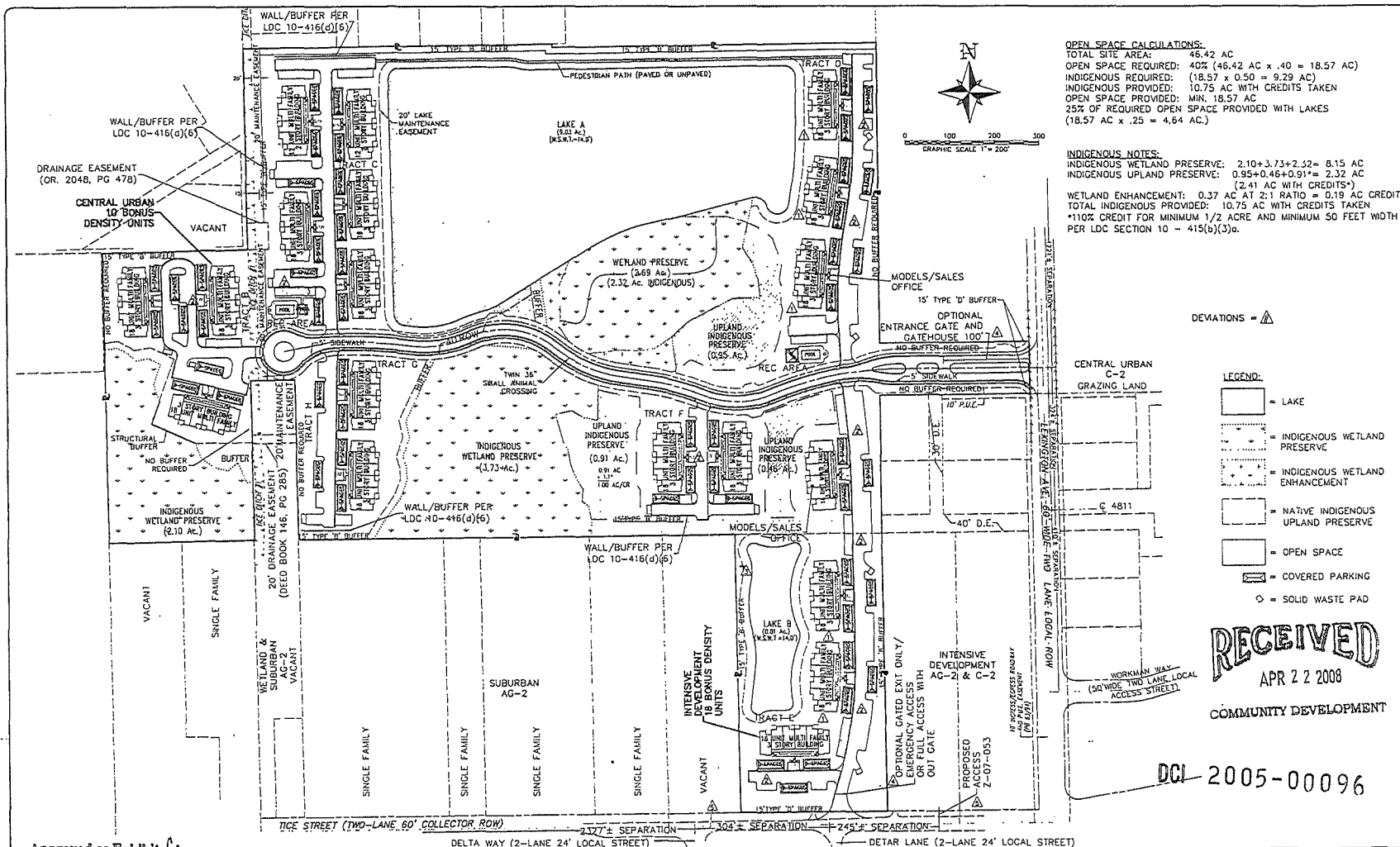


EXHIBIT "C"
(The Master Concept Plan)

Approved as Exhibit C
 MCP Page 1 of 1
 Resolution # 7-07-077

SOUTHWEST QUALITY HOMES
 2130 SAC BLVD.
 NAPLES, FL 34109
 PH: (239) 581-0105
 FAX: (239) 581-8288

NO.	DATE	DESCRIPTION	BY	CHKD
1	10/1/2007	PREPARED FOR	SWQH	SWQH
2	10/1/2007	DESIGN	SWQH	SWQH
3	10/1/2007	DESIGN	SWQH	SWQH
4	10/1/2007	DESIGN	SWQH	SWQH
5	10/1/2007	DESIGN	SWQH	SWQH
6	10/1/2007	DESIGN	SWQH	SWQH
7	10/1/2007	DESIGN	SWQH	SWQH
8	10/1/2007	DESIGN	SWQH	SWQH
9	10/1/2007	DESIGN	SWQH	SWQH
10	10/1/2007	DESIGN	SWQH	SWQH

Banks Engineering
 Professional Engineers, Planners & Land Surveyors
 1801 S.W. 11th Avenue
 Fort Myers, Florida 33906
 PHONE: (239) 938-5400 FAX: (239) 938-5222
 ENGINEERING LICENSE # 68 8468
 SURVEY LICENSE # 10 8909

MASTER CONCEPT PLAN									
BERMUDA LAKES									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	BOARD	CHECKED	SCALE	SHEET	OF	FILE NO. (S-10-0)
07/19/2007	2052	MCP11	SDH	SDH	SDH	1"=200'	1	1	(03-44-25)

EXHIBIT "D"
(Development Contract)

Prepared by:

Lee County Attorney's Office
P. O. Box 398
Fort Myers, FL 33902-0398

STRAP Numbers: 03-44-25-00-00010.0010;
03-44-25-00-00013.0000;
03-44-25-00-00016.0000 &
03-44-25-00-00018.0000

DEVELOPMENT CONTRACT

between

**THE BOARD OF COUNTY COMMISSIONERS
Lee County, Florida**

and

B. E. Devco, LLC, a Florida Limited Liability Company

The Site Specific Density Option

of the

Lee County Housing Bonus Density Program

This Development Contract ("*Agreement*") is made and entered into this _____ day of _____, 200__, between Lee County, a political subdivision of the State of Florida, ("*County*") and B.E. Devco, LLC, a Florida Limited Liability Company, whose mailing address is 2190 J&C Boulevard, Naples, Florida 34109 ("*Developer*").

WHEREAS, the Developer has sought permission to construct 28 bonus density units for a total of 330 multi-family units of housing in the Fort Myers Shores area of Lee County, on real property legally described in attached Exhibit "A";

WHEREAS, the Lee County Hearing Examiner considered the request for bonus density at a public hearing held on December 20, 2007, and recommended approval of the request for 28 bonus density units; and

WHEREAS, the Board of County Commissioners considered the request and the Hearing Examiner's recommendation at a public hearing held on April 21, 2008, and voted to enter into this Agreement with the Developer.

NOW THEREFORE, in consideration of the terms, conditions, promises, covenants and payment set forth below, County and the Developer hereby agree as follows:

ARTICLE I

- 1.1 For the purpose of this Agreement and the various covenants, conditions, terms and provisions which follow, the definitions set forth in this Agreement will be consistent with those set forth in the Lee County Land Development Code ("*LDC*"), as amended.

ARTICLE II

- 2.1 In order to establish the background, context and frame of reference for this Agreement, and to manifest the objectives and the intentions of the respective parties herein, the following statements, representations and explanations are set forth. These statements, representations and explanations will be accepted as predicates for the undertakings and commitments included within the provisions which follow, and may be relied upon by the parties as essential elements of the mutual considerations upon which the Agreement is based.
- 2.2 The County adopted a Comprehensive Plan pursuant to Chapter 125, Florida Statutes by Lee County Ordinance 89-02, as amended.
- 2.3 The Housing Element of the Comprehensive Plan includes a Goal that requires the County to develop mechanisms to encourage the provision of very low, low and moderate income housing.

- 2.4 The County created a Housing Bonus Density Program ("*Program*") to stimulate the construction of very low, low and moderate income housing in Lee County. One option under the Program is for developers to obtain bonus density through the construction of dwelling units designed for very low, low and moderate income families. The details of this Program are set forth in Chapter 34 of the LDC, in §§34-1511, *et seq.*
- 2.5 The Developer desires to construct a 330-unit multiple-family project that will include 28 bonus density units reserved for very low, low or moderate income households on a 46.42±-acre parcel zoned residential planned development ("*RPD*") located in the Fort Myers Shores area of Lee County, Florida, and legally described in attached Exhibit "A."
- 2.6 The County desires to authorize the development of 28 bonus density units, provided the Developer agrees to satisfy the conditions set forth in this Agreement.

ARTICLE III **Implementation**

- 3.1 No development activity may begin until a Lee County local development order ("*Development Order*") is approved and permits are issued.
- 3.2 The Developer must complete the project in accordance with the time frames for construction set forth in the Development Order.

ARTICLE IV **Assurances**

- 4.1 The Developer enters into this Agreement as a condition for issuance of a Development Order that will authorize the construction of 28 bonus density units on the property legally described in attached Exhibit "A." The Developer must comply with the terms and conditions of the Development Order.
- 4.2 The Developer agrees to fulfill all pre-contract conditions as a pre-requisite for participating in the Program.
- 4.3 The Developer agrees to comply with all other legal requirements imposed by current or future federal, state or local laws and regulations.
- 4.4 The County authorizes the development of 28 bonus density units, provided the conditions set forth in this Agreement are fully satisfied by the Developer.
- 4.5 The Developer agrees to construct 28 bonus density units for rental or sale to very low, low and/or moderate income families, as defined in the Program provisions of the LDC. The Developer and his successors are bound by the following conditions:

- (a) Development of the property legally described in attached Exhibit "A" must be consistent with the single-page Master Concept Plan ("MCP") entitled "Master Concept Plan, Bermuda Lakes, Lee County, Florida," dated 07/19/2007, last revised 03/27/2008, date-stamped "Received APR 22 2008 Community Development, a copy of which is attached hereto as Exhibit "B."
 - (b) Development must comply with all requirements of the LDC at time of Development Order approval. If changes to the plan of development are desired, appropriate approvals will be necessary in accordance with the LDC.
 - (c) This Agreement is not a building permit or Development Order. It does not vest development rights other than an increase in density by 28 units. No variances or deviations from LDC open space, buffering, landscaping or preservation areas have been granted by virtue of this Agreement. Furthermore, the Developer will not seek variances or deviations from those specific provisions of the LDC in the future.
- 4.6 The Developer agrees to rent or sell the bonus density units to eligible households as defined in the Program provisions of the LDC in accordance with the following requirements:
- (a) Monthly payments for rent are limited to the terms set out in LDC §34-1518(e).
 - (b) The Developer acknowledges and waives all objections to remedies reserved to the County in LDC §34-1518(d) of Housing Bonus Density Program regulations.
 - (c) The Developer agrees to comply with all federal, state and local fair housing laws, rules, regulations or orders applicable to the development.
 - (d) All bonus units will be exclusively restricted to use by very low, low and moderate income families for a minimum of 7 years from the date the Certificate of Occupancy is issued for the unit. A covenant must be recorded in the Public Records of Lee County, Florida, stating that there is an obligation to rent or sell only to eligible households, as defined in LDC §34-1512, for a period of seven years after the Certificate of Occupancy is issued. The Developer will provide a draft copy of the proposed covenant for recording for

review and approval by the Lee County Division of Planning and the Lee County Attorney's Office prior to the first Development Order approval. Subsequent to this review and approval, the Developer must provide a copy of the recorded covenant to the Lee County Division of Planning and the Lee County Attorney's Office.

- (e) Unless waived for non-profit sponsors of very low, low or moderate income housing, in addition to the above terms, the Developer must also agree to deliver a bond to the County to assure performance of the terms and conditions listed herein.
 - (1) The bond must equal 100% of the cash contribution per unit as required by the Housing Bonus Density Program regulations set forth in the LDC.
 - (2) The bond must guarantee the Developer's performance, even if the Developer should become bankrupt, sell, assign or transfer the property, or in the event of the Developer's death.
 - (3) The surety must be a recognized company and will direct payment to Lee County, Florida.
 - (4) The Bond will provide that payment will be in the amount of the contribution rate as set forth in the LDC, plus cost of litigation, including attorney's fees and interest.

- 4.7 The COUNTY is entitled to bring an action for legal or equitable relief to invalidate attempted transfers of legal or equitable real property ownership or possessory rights that would violate Paragraphs 4.6(d) and (e).

ARTICLE V **Assignability**

- 5.1 The bonus density approved by virtue of this Agreement is limited to the development plan shown on the MCP attached as Exhibit "B." This plan was submitted and approved by the County concurrent with the request for bonus density units. This Agreement may be assigned and will bind all successors in interest and future owners to the terms and conditions stated herein.

ARTICLE VI

Breach

- 6.1 Enforcement of this Agreement will be governed by Lee County Ordinances. Waiver by the County of a breach of any provision of this Agreement will not be construed to be a modification of the terms of this Agreement.

ARTICLE VII

Miscellaneous Provisions

- 7.1 The Developer agrees to indemnify and hold harmless the County from or on account of injuries, damages, omissions, commissions, actions or causes of action accruing as a result of this Agreement. The Developer will be liable for all claims, suits, judgments or damages arising from the services or lack of services provided pursuant to this Agreement. In addition, the Developer acknowledges and waives objection to the remedies reserved to the County in Paragraph 4.7 of this Agreement.
- 7.2. This document incorporates all prior negotiation, correspondence, conversation, or understanding applicable to the authorization to construct 28 bonus density units on the property described in attached Exhibit "A." There are no commitments, agreements or understandings that are not contained in this Agreement. Accordingly, no deviation from the terms hereof will be predicated upon prior representations or agreements, whether oral or written.

ARTICLE VIII

Amendments

- 8.1 This Agreement may be amended upon the mutual acceptance thereof, in writing, by both parties. The Chair of the Lee County Board of County Commissioners, or his designated representative, will act on behalf of the County in accepting amendment(s) to the Agreement. The Developer, by its managing member, may act in accepting amendment(s) to the Agreement. In the event of conflicts between the requirements, provisions or terms of the Agreement and written amendment(s), the requirements, provisions or terms of the latest executed amendment(s) will take precedence.
- 8.2 Changes in the terms of this Agreement are subject to the approval of the Lee County Attorney.

IN WITNESS WHEREOF, the parties hereto, by their duly authorized representatives, have executed this Agreement effective the day and year first written above.

ATTEST:
CLERK OF CIRCUIT COURT

LEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

By: _____
Charlie Green, Clerk

BY: _____
Ray Judah, Chair

APPROVED AS TO FORM

John J. Fredyma
Assistant County Attorney
Office of the Lee County Attorney

B.E. Devco, LLC
A Florida Limited Liability Company.

[Signature - 1st Witness]

[type or print name]

[Signature - 2nd Witness]

[type or print name]

BY: _____
Steven J. Mullersman
Its Sole Managing Member

State of _____

County of _____

The foregoing contract was acknowledged before me this _____ day of _____, 200____, by Steven J. Mullersman, in his capacity as the Sole Managing Member of B.E. Devco, LLC, a Florida Limited Liability Company, on behalf of the Company. He is personally known to me or has produced _____ as identification.

[stamp or seal]

(Signature of Notary)

(Name typed, printed, or stamped)
(Title or Rank)
(Serial Number, if any)

Attached Exhibits:

Exhibit "A" - Legal Description

Exhibit "B" - Master Concept Plan

S:\LU\BONUS DENSITY\Bermuda Lakes\Bonus Density Contract.wpd

[043008/0800]

Banks Engineering, Inc.
PROFESSIONAL ENGINEERS, PLANNERS & LAND SURVEYORS
Fort Myers ♦ Naples ♦ Sarasota ♦ Port Charlotte ♦ Holmes Beach

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE POINT OF BEGINNING; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO AN INTERSECTION WITH THE BOUNDARY OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183; THENCE S.00°58'12"E. ALONG SAID BOUNDARY FOR 630.46 FEET TO AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY AND SAID NORTH LINE FOR 329.99 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAIN 46.42 ACRES MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N.89° 22' 25"E. THE AVERAGE SCALE FACTOR IS 0.999946104.

DESCRIPTION PREPARED 09-15-05

Applicant's Legal Checked

by Lgm 3/03/2006

RICHARD M. ANTON
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

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SHEET 1 OF 2

PERMIT COUNCIL

10511 Six Mile Cypress Parkway - Suite 101 Fort Myers, Florida 33912 • (941) 939-5490 • Fax (941) 939-2523

DCI 2005-00096
EXHIBIT "A"
(Page 1 of 2)

Banks Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6890
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(238) 838-5490

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



1" = 300'

LEGEND:

PG. INDICATES PAGE
PGS. INDICATES PAGES
P.B. INDICATES PLAT BOOK
P.I. INDICATES POINT OF INTERSECTION
O.R. INDICATES OFFICIAL RECORDS BOOK

Applicant's Legal Checked
by lgm 3/03/2006

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

RICHARD M. BANKS
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 40094
DATE SIGNATURE 06-14-06
THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

NOTES:

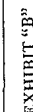
- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARING, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N 89°22'25" E

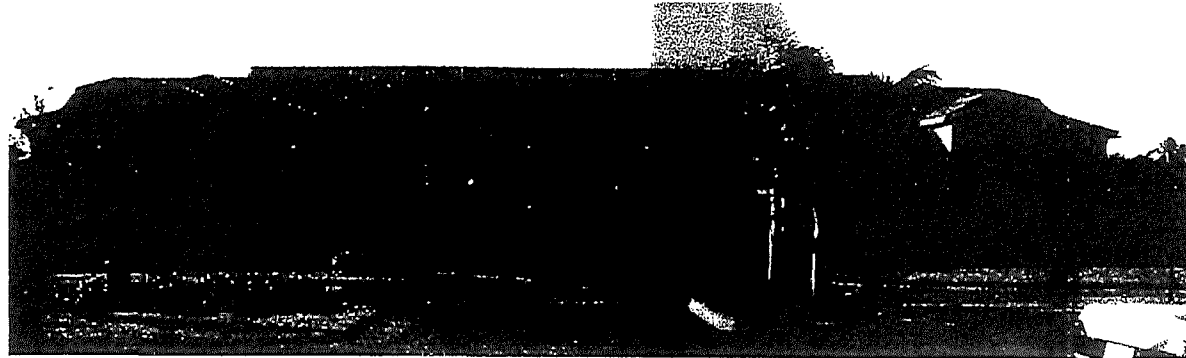
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PREPARED 09-15-05
SHEET 2 OF 2

EXHIBIT "A"
(Page 2 of 2)

DCI 2005-00096





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COMMUNITY DEVELOPMENT

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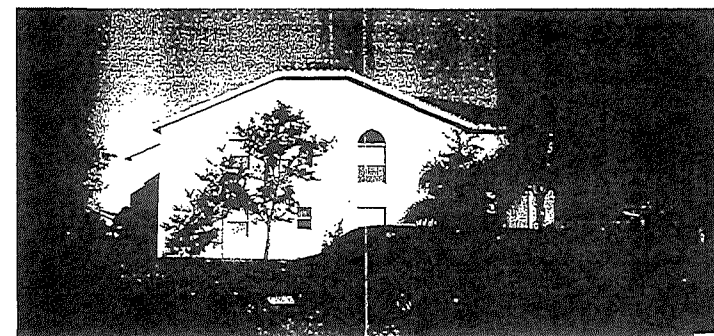
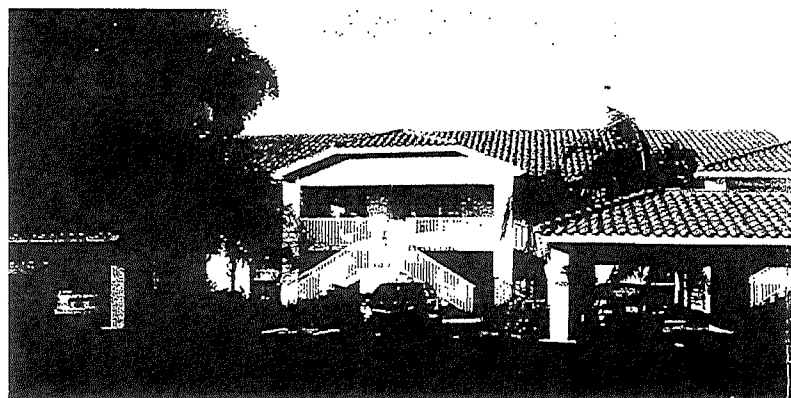
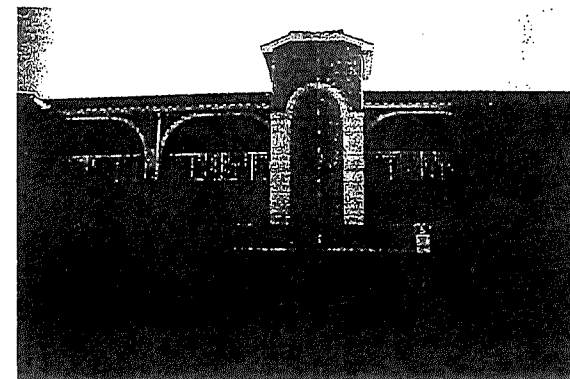
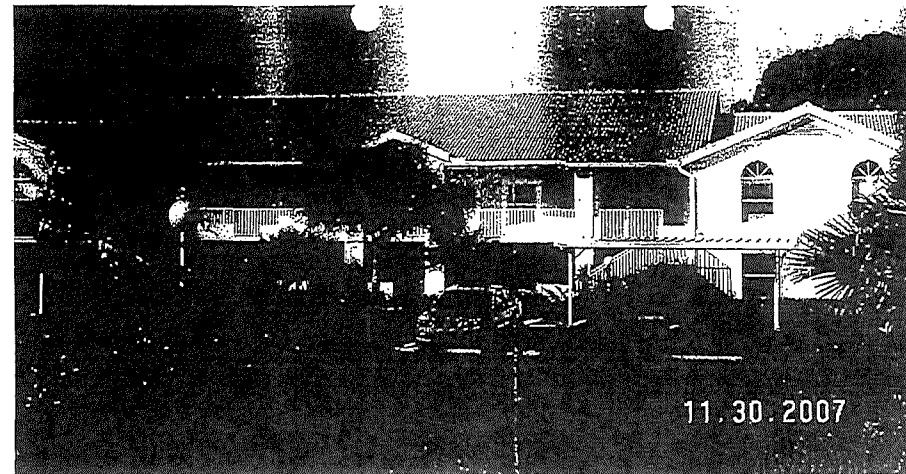
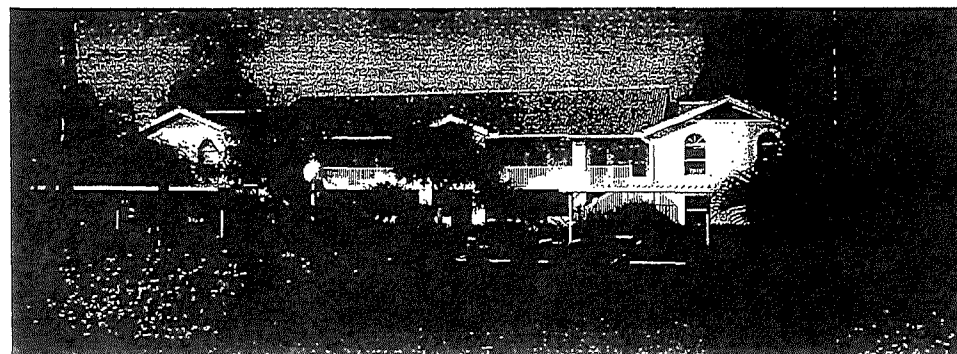


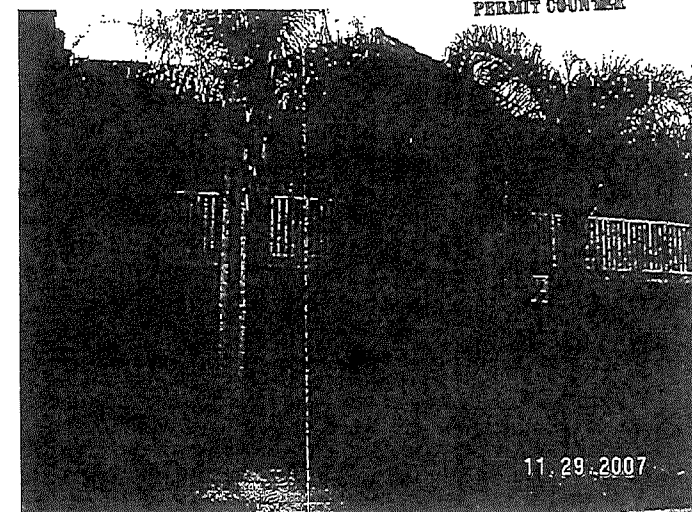
EXHIBIT "E"
(Page 1 of 2)



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DEC 17 2007

PERMIT COUNTER



11.29.2007

DCI 2005-00096 EXHIBIT "F"
(Page 2 of 2)

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OCT 07 2014

RV SITES

Landscape Standards:

- * Native and Non-native Grasses & Ground Covers
- * Trees @ Min. 14-ft. @ Planting; Palms Staggered Clusters @ 14-ft. to 18-ft. As Per 34-939(b)(3)(d.)
- * Native Shrubs @ Min. 3-ft. Planting On Wall Exterior/Maintained @ 5-ft.; Interior Wall Shrubs Planted @ 3-ft. & Maintained @ 8-ft.

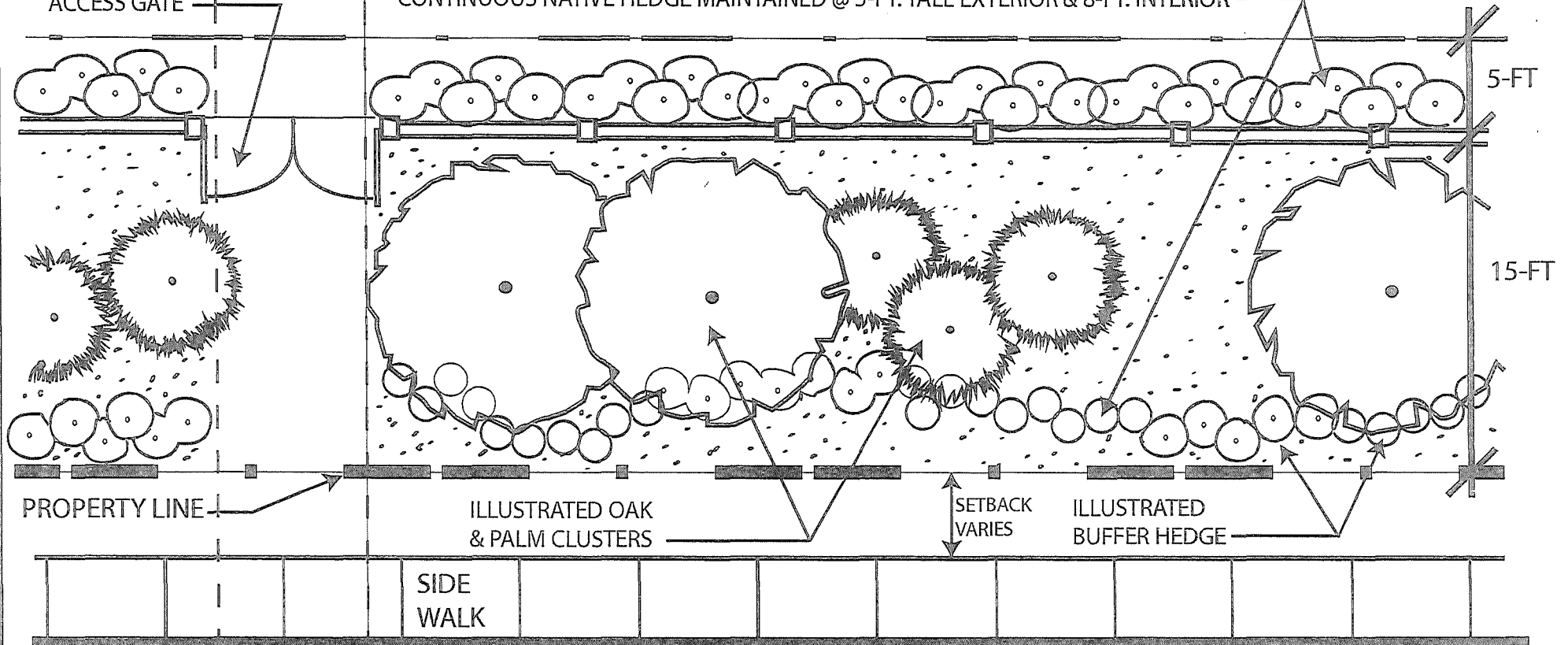
Wall Design Standards:

- * 8-ft. Height Solid Wall As Per LDC, Deviation D.1(d) & Sec. D:D
- * Or Combination Wall & Fence Design; Wall Component Not To Exceed 5.5-ft. In Height w./34-939(b)(3)(d.) Shrub Hedge On Interior Side Of Wall
- * Or Alternative Wrought Iron Perimeter Fencing As Per D.12 & Cross Section D:D

COMMUNITY DEVELOPMENT

WALL/FENCE W./
EMERGENCY
ACCESS GATE

20-FT. BUFFER W./COMBINED WALL/FENCE (8-Ft. Tall), 5 TREES PER 100 LF (75% Native),
CONTINUOUS NATIVE HEDGE MAINTAINED @ 5-FT. TALL EXTERIOR & 8-FT. INTERIOR



The Tice St. Wall Special Treatment Buffer Plan

For The Bermuda Lakes RVPD

DCI 2014-00010

TICE STREET

Landscape Standards:

- * Native and Non-native Grasses & Ground Covers
- * Trees @ Min. 14-ft. @ Planting; Palms Staggered Clusters @ 14-ft. to 18-ft. As Per 34-939(b)(3)(d.)
- * Native Shrubs @ Min. 3-ft. Planting On Wall Exterior/Maintained @ 5-ft.; Interior Wall Shrubs Planted @ 3-ft. & Maintained @ 8-ft.

Wall Design Standards:

- * 8-ft. Height Solid Wall As Per LDC, Deviation D.1(d) & Sec. D:D
- * Or Combination Wall & Fence Design; Wall Component Not To Exceed 5.5-ft. In Height w./34-939(b)(3)(d.) Shrub Hedge On Interior Side Of Wall
- * Or Alternative Wrought Iron Perimeter Fencing As Per D.12 & Cross Section D:D

8-ft. MAINTAINED REAR FENCE &
COMBINATION WALL/FENCE SHRUB HEDGE



EMERGENCY ACCESS
GATE

ILLUSTRATED SABLE
PALM CLUSTERS

ILLUSTRATED
OAK TREE PLANTINGS

ILLUSTRATED HEDGE
PLANTINGS

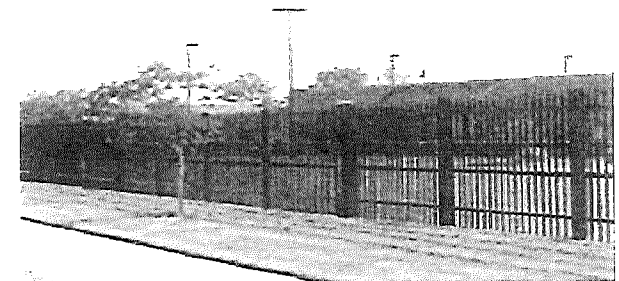
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DCI 2014-00010

COMMUNITY DEVELOPMENT

The Tice St. Wall Special Treatment Buffer Plan For The Bermuda Lakes RVPD

 **Stuart and Associates** Greg@Stuarturbandesign.com www.stuarturbandesign.com



ALT. WROUGHT IRON PERIMETER
FENCING ILLUSTRATION (Deviation 12)

S.2

EXHIBIT L

STAFF REPORT FROM DEPARTMENT OF COMMUNITY DEVELOPMENT DIVISION OF ENVIRONMENTAL SCIENCES

Date: October 13, 2014

To: Mikki Rozdolski, Senior Planner

From: Susie Derheimer, Environmental Planner

Phone: (239) 533-8158

E-mail: sderheimer@leegov.com



Project: Bermuda Lakes RVPD

Case: DCI2014-00010

STRAP: 03-44-25-00-00013.0000 & others (see legal description)

The Division of Environmental Sciences (ES) staff has reviewed the proposed Bermuda Lakes Recreational Vehicle Planned Development (RVPD) and offer the following analysis and recommended conditions:

VEGETATION:

A habitat assessment was performed by Boylan Environmental Consultants and a corresponding Florida Land Use Cover and Forms Classification System (FLUCFCS) map was provided (See the habitat assessment located within ES Attachment A-Protected Species Survey and ES Attachment B-Aerial FLUCFCS Map).

The 48.7± acre site contains 28.6 acres uplands, 8.92 acre potential jurisdictional wetlands, and 11.2± acres other surface waters (OSWs), of which 17.67 acres meet the criteria for indigenous habitat as defined per the land development code LDC Section 10-2. To date the wetlands have not been verified by jurisdictional agencies.

ES staff field verified the habitat on August 8, 2014. During the field inspections ES staff observed that although FLUCFCS'ed at 422 Brazilian Pepper, the perimeter of the existing lake also contains existing native vegetation including numerous canopy trees-oak species (*Quercus* species), sabal palms (*Sabal palmetto*) and shrubs-wax myrtle (*Myrica cerifera*) and saw palmetto (*Serenoa repens*). In addition, ES staff observed that the ditch (FLUCCS 510) running

east-west to the central wetland does not stop short as depicted on the FLUCFCS map but connects offsite to the east and also connects to the onsite north-south ditch which then extends offsite to the east (See ES Attachment C-GIS Drainage Map). It appears the existing central wetland (labeled Preserve #2 on the Master Concept Plan) currently receives water from offsite through these existing ditches.

PROTECTED SPECIES:

A protected species survey (PSS) for Lee County listed species meeting the requirements of Land Development Code (LDC) Section 10-473 was conducted by Boylan Environmental Consultants March 3, 2014 (See previously referenced Protected Species Survey document). The survey does not document the presence of any Lee County listed species but notes that during the field survey, wading birds, including the great white egret (*Ardea alba*), were observed and because of the site contains a man-made lake, other species of wading birds are expected.

ES staff field verified the PSS on August 8, 2014 and confirmed the results. ES staff concurs with the potential for listed wading bird species to utilize the site and also identifies the potential for the listed American alligator (*Alligator mississippiensis*) to utilize the on-site lake and adjacent preserve areas.

ES staff reviewed the project for consistency with the following Lee Plan Objectives and Policies:

Objective 107.4: Endangered And Threatened Species In General. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

Policy 107.4.1: Identify, inventory, and protect flora and fauna indicated as endangered, threatened, or species of special concern in the "Official Lists of Endangered and Potentially Endangered Fauna and Flora of Florida," Florida Game and Freshwater Fish Commission, as periodically updated. Lee County's Protected Species regulations will be enforced to protect habitat of those listed species found in Lee County that are vulnerable to development.

Many of the wading birds which may utilize the site are state listed as species of special concern. Given foraging and nesting habitat for these listed wading bird species will remain on-site, ES staff recommends occupants of the development are provided with informational pamphlets on the importance of the lake and preserves areas for wading bird species.

The American alligator is state listed as a species of special concern and federally listed as threatened. Given habitat for alligators will remain on-site and the project proposes RV lots to abut the lake and preserve areas and promotes recreational uses within the lake, ES staff

recommends occupants of the development be provided with informational pamphlets on the presence of alligators and that development plans depict the appropriate locations and details of signage that identify alligators may be present and inform it is dangerous and illegal to feed or harass alligators.

ES staff recommends the following condition to ensure the project is in compliance with the LDC and consistent with Lee Plan, Objective 107.4 and Policy 107.4.1:

American alligator and listed wading bird species management plans meeting the requirements of Land Development Code Section 10-474 must be submitted for review and approval by the Division of Environmental Sciences staff at the time of local development order. The management plans must also include an informational brochure to be provided to patrons on living with alligators and wading birds as well as the importance of the littoral areas and adjacent preserves for providing nesting and forging habitat. Also, the development order plans must include the location and details of signage around the existing lake which state: Alligators may be present. It is dangerous and illegal to feed or harass alligators.

OPEN SPACE:

LDC Section 10-415(a) requires large recreational vehicle developments to provide 30% of the total area of the project as open space; therefore, the proposed project is required to provide a minimum of 14.63 acres (48.78 x 0.3) of open space. LDC Section 10-415(a) also requires Planned Development Zonings must provide open space as required chapter 34 and per the approved MCP and resolution.

ES staff reviewed to open space for consistency with the following Lee County Comprehensive Plan (Lee Plan) Goal and Objective:

Goal 77: To require new development to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.

Objective 77.2: Development regulations will continue to require that new commercial and industrial developments provide sufficient open space for the benefit of their patrons and the general public.

The MCP, as proposed by the applicant, indicates 15.5 acres common open space can be provided on the site which exceeds the minimum LDC open space requirement. The proposed open space areas include 9.05 acres of vegetated preserves, 2.79 acres of perimeter buffers that preserves indigenous habitat adjacent to the large lot residential where it currently exists, and a maximum 3.66 acre of lake.

ES staff recommend the following condition to ensure the open space, as committed to by the applicant is met consistent with Lee Plan Goal 77 and Objective 77.2:

Development order plans must delineate at minimum 15.5 acres of common open space in conceptual compliance with the approved MCP.

INDIGENOUS PRESERVATION:

LDC Section 10-415(b)(1)(a.) requires large developments, with existing indigenous native vegetation communities provide 50 percent of their open space percentage through the onsite preservation of existing native vegetative communities. A review of the FLUCFCS map and an ES staff field inspection revealed that there are 9.22± acres indigenous uplands and 8.45± acres indigenous wetlands on the subject site; therefore, the project is required to preserve a minimum of 7.32 acres ($48.78 \times 30\% = 14.63 / 2$) of indigenous habitat.

ES staff has reviewed the applicant's proposed indigenous open space with the following Lee County Comprehensive Plan Goals, Objectives and Policies:

Objective 77.3: New developments must use innovative open space design to preserve existing native vegetation, provide visual relief, and buffer adjacent uses and proposed/existing right-of-ways. This objective and subsequent policies are to be implemented through the zoning process.

Policy 77.3.1 Any new development with existing indigenous vegetation is encouraged to provide half of the required open space as existing native plant communities.

The MCP depicts three preserve areas totaling 9.05 acres. Of the 9.05 acres of preserve, 1.07 acres are indigenous uplands and 6.99 acres are indigenous wetlands for a total of 8.0± acres of indigenous habitat preserved which exceeds the minimum LDC requirement and is consistent with Policy 77.3.1.

The MCP depicts innovative open space design which preserves a majority of the environmentally sensitive wetland habitats with associated upland buffers and preserves the indigenous upland vegetation between the RV lot use and large lot residential to the south consistent with Objective 77.3.

Goal 107: Resource Protection. To manage the county's wetland and upland ecosystems so as to maintain and enhance native habitats, floral and faunal species diversity, water quality, and natural surface water characteristics.

Objective 107.1: Resource Management Plan. The county will continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and wetland habitats through the retention of interconnected, functioning, and maintainable hydro-ecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape.

LDC Section 10-415(b)(4)(a.-f.) requires a plan must be submitted for the long term maintenance of vegetation within indigenous open space areas. Therefore, as part of development order approvals the applicant will be required to provide an indigenous management plan for the 9.05 acre preserve area which will ensure the long-term protection and enhancement of the interconnect functioning natural upland and wetland habitats consistent with Objective 107.1

In addition, the conceptual surface water management plan for the site, as proposed by the applicant, indicates that the historical drainage from offsite into preserve area #2 and #3 will be maintained in post development conditions and preserve area #3 will be incorporated in the onsite water management system consistent with Objective 107.1 (See Applicant's Exhibit 25 Bermuda Lakes RVPD Surface Water Management Plan and Hydrology Exhibit attached to the overall staff report). Lee County Natural Resources has recommended conditions to ensure that the applicant proposed conceptual surface water management plan is implemented at the development order stage.

Objective 107.3: Wildlife. Maintain and enhance the fish and wildlife diversity and distribution within Lee County for the benefit of a balanced ecological system.

Policy 107.3.1: Encourage upland preservation in and around preserved wetlands to provide habitat diversity, enhance edge effect, and promote wildlife conservation.

The three preserves depicted on the MCP include South Florida Water Management District (SFWMD) required upland buffers to preserved wetlands where upland habitat exists between the preserved wetland and proposed development and additional upland pine flatwoods habitat is being preserved within Preserve #2 consistent with Policy 107.3.1. Where wetlands are impacted (i.e. proposed road between Preserve #s 2 & 3 and along the east side of Preserve #3) required SFWMD structural buffers will be provided between the preserved wetlands and the proposed development. ES staff notes that the preserved upland buffers abutting the wetlands within Preserve #s 1 & 3 is not indigenous habitat (FLUCFCS 260 and 210) and does not contain suitable native vegetation to provide habitat diversity, enhance edge effect and promote wildlife conservation. ES staff notes that supplemental plantings within these areas will be required through the ERP permitting process.

In addition, in order to ensure safe crossing of wildlife between Preserve areas #2 and 3, the MCP indicates proposed traffic calming measures to be provided along the internal roadway which bisects these preserves consistent with Objective 107.3.

In order to ensure the indigenous open space as committed to by the applicant and preserve and wildlife enhancement consistent with Lee Plan Policy Objective 77.3, Policy 77.3.1, Goal 107, Objective 107.1, Objective 107.3, and Policy 107.3.1, ES staff recommends the following condition:

Development order plans must depict a minimum 9 acres of preserves in conceptual compliance with the approved MCP. The LDC Required Indigenous Management Plan for the 9 acre preserves must also include the following:

- *any required mitigation for other jurisdiction agencies; and*
- *development order plans to depict proposed wildlife crossings where the roadway bisects Preserve Areas 2 and 3 to include signage and/or speed calm devices.*

BUFFERS:

The subject site abuts Orange River Elementary and the Underwood platted single-family residential subdivision to the north; vacant and occupied single-family residential, vacant Lee county utilities parcel, and a state owned parcel with existing borrow pit to the west; vacant large lot residential and Tice Street right-of-way to the south; and vacant commercial and agriculture zoned land, Lexington Avenue, and required preserve area of existing commercial development to the east.

LDC Section 34-939(b)(3) Buffers. Indicates all recreational vehicle parks are required to have a perimeter buffer area at least 40 feet wide adjacent to and completely around the boundary of the site, except along the portion of the boundary abutting a parcel of land zoned RV or RVPD. All recreational vehicle parks created or additions added to the existing parks after September 19, 1985, must provide a 40-foot wide perimeter buffer area with a vegetative visual screen. No roads or streets may be placed within the buffer area. However, roads and streets may cross over the perimeter buffer. Existing native vegetation in the buffer area must be retained to meet the visual screen requirement and may not be removed except as follows:

- a. Exotic species as defined in section 10-420(h) must be removed.
- b. Existing native vegetation may be removed to provide adequately sized grass swales adjacent to the points of access to the recreational vehicle park.
- c. Existing native vegetation may be removed to provide a bike and/or pedestrian path in the buffer area.
- d. A minimum of 75 percent of all trees and shrubs used in buffers and landscaping must be native varieties.

If the 40-foot buffer area does not have enough existing native vegetation to provide a vegetated visual screen, then buffer vegetation must be installed to provide at minimum 10 trees and 66 shrubs per 100 linear feet. Trees must be 14 feet in height and shrubs 36 inches in height at time of planting. Shrubs must be maintained at a minimum of 60 inches in height. Palms are counted at a 3:1 ratio clustered in staggered heights ranging from 14 feet to 18 feet in height. Palms are limited to 50% of the tree requirement.

The project meets the buffer requirement on a portion of the perimeter property lines. The MCP depicts a greater than 40-foot wide buffer with the existing vegetation preserved to meet the visual screen requirements where Preserve #1 and Preserve #2 abuts the perimeter property line and a 40-foot wide buffer where the native vegetation exist along the remainder of the south

property line of the central parcel contiguous with Preserve #2. In addition, the MCP depicts the project to provide the required 40-foot wide buffer installed as per 34-939(b)(3) along the west perimeter property line of the south parcel. An aerial and site inspection reveals that this 40-foot width contains existing large mature oak trees which must be preserved and may be used to meet the installed buffer tree requirement on a 1:1 ratio. The MCP also depicts the project to provide the required 40-foot wide buffer installed as per 34-939(b)(3) along the northwest perimeter property line of the central parcel as per MCP Section C-C. Section C-C depicts a minimum of 20-feet of buffer plantable area is to be provided outside the drainage easement.

In order to ensure protection of the existing native vegetation within the buffer, the existing indigenous habitat and the individual oaks preserved within the required buffer must be protected as per LDC Section 10-420(j)(3) protected credit tree requirements.

ES staff recommends the following condition to ensure that LDC Section 34-939(b)(3) 40-foot wide perimeter buffers are provided as depicted on the MCP:

Development order landscape plans must depict the site to provide a minimum 40-foot wide perimeter buffers as per LDC Section 34-939(b)(3) to include Preserve #1 and #2 and at locations depicted on the approved MCP. The existing indigenous habitat and the individual oaks preserved within the 40-foot wide buffer must be protected as per LDC Section 10-420(j)(3) protected credit tree requirements.

The applicant has requested deviations from the buffer requirement along the remainder of the property perimeter. See the deviations requested below.

DEVIATIONS:

Deviation #1a requests to deviate from LDC Section 34-939(b)(3); to allow the 40-foot wide buffer as depicted on the MCP Section A-A to include:

- an 8-foot in height wall located 20-feet from the property line; and
- a 20-foot wide planted landscape buffer containing five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall; and
- a 20-foot wide lake maintenance access drive located on the interior side of the wall.

ES staff notes that LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, ES staff finds proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer. In addition, ES staff notes that during the site inspection staff observed that the

existing lake shoreline contains mature native oaks trees along the lakes north shoreline which can assist in meeting the screening requirement above the 8-foot high wall.

ES staff has no objection to the deviation request and defers to Zoning staff for any compatibility issues. If the deviation moves forward with an approval ES staff recommends the following condition to ensure the buffer, as proposed by the applicant, is provided:

Development order landscape plans must depict the north property buffer consistent with the MCP Section A-A to provide:

- *an 8-foot in height wall located 20-feet off the perimeter property line; and*
- *a 20-foot wide planted landscape buffer containing five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall; and*
- *a 20-foot wide lake maintenance access drive located on the interior side of the wall.*
OR
- *If a wall is not proposed then LDC Section 34-939(b)(3) plantings must be provided within the 20-foot wide planting area.*

Deviation #1b requests to deviate from LDC Section 34-939(b)(3); to allow a 50-foot wide buffer as depicted on the MCP Section B-B to include:

- a 20-foot wide landscape buffer planted as per 34-939(b)(3) requirements except with the option to use smaller trees as per the FDOT Easement Agreement Instrument #2009000074398; and
- a 30-foot wide FDOT access drive for drainage maintenance and a portion of the internal road cul-de-sac as depicted on the MCP North Boundary Buffer Detail; OR
- to allow the option that if written authorization is obtained from FDOT to allow an 8-foot in height wall within the existing FDOT easement then the buffer plantings, wall, and access drive as depicted in MCP Section A-A to be provided.

ES staff notes that LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, ES staff finds proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer. The propose location of the 20-foot wide buffer planting area also minimizes conflicts with the existing FDOT drainage pipe that is located 25-feet south of the north property line. ES staff also notes that the code allows for the use of mid-story canopy trees to meet the tree requirement; therefore, the code required installed tree height of 14-feet can be met with mid-story canopy trees and palms that are smaller at maturity. In addition, during the site inspection staff observed that the existing lake shoreline contains mature native oaks trees and

native wax myrtle and saw palmetto understory along the lakes north shoreline which can also assist in meeting the screening requirement for a portion of the buffer.

ES staff has no objection to the deviation request and defers to Zoning staff for any compatibility issues. If the deviation moves forward with an approval ES staff recommends the following condition to ensure the buffer, as proposed by the applicant with tree heights as recommended by staff, are provided:

Development order landscape plans must depict the north property buffer consistent with the MCP Section B-B to provide:

- *a 20-foot wide landscape buffer planted as per 34-939(b)(3) requirements with the option to use mid-story trees as per the FDOT Easement Agreement Instrument #2009000074398; and*
- *a 30-foot wide FDOT access drive for drainage maintenance and a portion of the internal road cul-de-sac as depicted on the MCP North Boundary Buffer Detail;*
OR
- *If written authorization is obtained from FDOT to allow an 8-foot in height wall within the existing FDOT easement then the buffer plantings, wall, and access drive as depicted in MCP Section A-A and conditioned in Deviation 1a along with the cul-a-sac can be provided.*

Deviation #1d requests to deviate from LDC Section 34-939(b)(3); to allow a 20-foot wide landscape buffer, as depicted on the MCP Section D-D, adjacent to the vacant, single family lot and borrow pit to the northwest, existing agriculture operation to the south, and vacant commercial to the southeast. The buffer is proposed to include:

- an 8-foot in height wall located 15-feet off the perimeter property line; and
- five trees per 100 linear feet, 10-feet in height 2-inch caliper and/or palms a minimum 10-foot clear trunk at time of planting, and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches, to be located on the exterior of the wall.

And to allow for the Tice Street right-of-way buffer segment to permit the 20-foot width consistent with the "Tice Street Wall Special Treatment Buffer Plan" Exhibit- see attached to the overall staff report (2 pages) to provide:

- ~~either an 8-foot in height combination wall and fence with 5-trees per 100 linear feet per~~ LDC Section 34-939(b)(3) planting standards except that the buffer will have a single continuous hedge exterior to the combination wall/fence planted at 3-feet maintained at a minimum 5-feet and a have a single continuous hedge interior to the combination wall/fence planted at 3-feet maintained at a minimum 8-feet; OR
- an alternative wrought iron fence with the 20-foot buffer planted as per LDC Section 34-393(b)(3) planting standards.

ES staff notes that the area adjacent to the vacant, single family lot and borrow pit to the northwest, existing agriculture operation to the south, and Tice Street right-of-way there is either minimal to no existing native vegetation (non-indigenous FLUCCS codes) and where large native oaks do exist along the southeast property line preserving the trees with large sprawling canopies may not be compatible with the abutting RV lots which will park RVs exceeding 10-13 feet in height.

As stated previously, ES staff notes that LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, ES staff finds proposed 20-foot wide planting area meets the minimum requirements of the 40-foot wide buffer.

ES staff has no objection to the deviation request and defers to Zoning staff for any compatibility issues. If the deviation moves forward with an approval ES staff recommends the following condition to ensure the buffer provides adequate screening of the RV use:

Development order landscape plans must depict the perimeter buffer at specified locations consistent with the MCP Section D-D to provide:

- *an 8-foot in height wall located a minimum 15-feet off the perimeter property line; and*
- *a planted landscape buffer to be located on the exterior of the wall, containing five trees per 100 linear feet per LDC Section 34-393(b)(3) planting standards and a single continuous hedge, 24-inch in height at time of planting maintained at a minimum 36-inches; AND*

The Tice Street right-of-way buffer segment consistent with the "Tice Street Wall Special Treatment Buffer Plan" Exhibit (2 pages) to provide:

- *either an 8-foot in height combination wall and fence with 5-trees per 100 linear feet per LDC Section 34-393(b)(3) planting standards except that the buffer will have a single continuous hedge exterior to the combination wall/fence planted at 3-feet maintained at a minimum 5-feet and a have a single continuous hedge interior to the combination wall/fence planted at 3-feet maintained at a minimum 8-feet;*
OR
- *an alternative wrought iron fence with the 20-foot buffer planted as per LDC Section 34-393(b)(3) planting standards. The required buffer vegetation may be located on the interior of the wrought iron fence consistent with Deviation #12.*

Deviation #1e requests to deviate from LDC Section 34-393(b)(3); to allow no buffer along the east perimeter property line where the site abuts the required preserve areas of the adjacent commercial developments (North Trail RV Center Preserve which is under the same ownership of this site and Lexington Commerce Center) and the Lexington Ave right-of-way.

ES staff notes that the MCP does indicate that although no code required buffer is proposed along Lexington Avenue, the applicant is proposing a special entrance feature at both access drives off Lexington Avenue.

ES staff has no objection to the deviation request and defers to Zoning staff for any compatibility issues.

Deviation #4 requests to deviate from LDC Section 10-418(1) which requires shorelines of surface water management lakes must be sinuous in configuration; to allow approximately 290 linear feet of lake's east shoreline to be linear bulkhead.

ES staff notes the LDC Section 10-418(3) allows up to 20 percent of the individual lake shoreline to be hardened structure. Given the lake shoreline is 2,900± linear feet, the bulkhead will only encompass 10±% of the lake shoreline. Also given that the lake is existing and the proposed configuration of the bulkhead follows a similar configuration, ES staff has no objection to the deviation request.

Deviation #9 requests to deviate from LDC Section 10-416(d)(6) which requires if roads, drives, or parking areas are located less than 125 feet from an existing single-family residential subdivision or single-family residential lots, a solid wall or combination berm and solid wall not less than eight feet in height must be constructed not less than 25 feet from the abutting property and landscaped (between the wall and the abutting property) with a minimum of five trees and 18 shrubs per 100 linear feet (i.e. Type C buffer plantings) or a 30-foot wide Type F buffer with the hedge planted a minimum of 20 feet from the abutting property; to allow a 20-foot wide buffer Type F buffer where the cul-a-sac is located adjacent to the Underwood platted single-family residential subdivision to the north and the 8-foot in height wall to be located 15-feet from the perimeter property line with an enhanced single hedge row where the internal road is within 100-feet of the property line adjacent to the TFC-2 single family residential lots to the northwest and agriculture zoned large lot residential to the south.

ES staff notes that LDC Section 10-421(a)(2) requires that trees and shrubs used in buffers must be planted in a minimum width area equal to one-half the required width of the buffer; therefore, ES staff finds proposed 20-foot wide planting area for the Type F buffer plantings and 15-foot planting area for the enhanced Type C buffer plantings meets the code requirements.

ES staff has no objection to the deviation request and defers to Zoning staff for any compatibility issues. If the deviation moves forward with an approval ES staff notes that buffer conditions as required by approval of Deviations #1b and #1d should be adequate.

Deviation #12 requests to deviate from LDC Section 10-421(a)(8) which requires if a wall or fence is proposed, but not required, then the required buffer plantings must be installed on the exterior side (between the wall or fence and the abutting property or street right-of-way) of the wall or fence; to allow for a privacy/security fence to be installed along and/or immediately adjacent to the property boundary line with the required buffer plantings to be installed on the interior side of the privacy fence. The fence is proposed along the perimeter of the property at locations where a wall is not proposed.

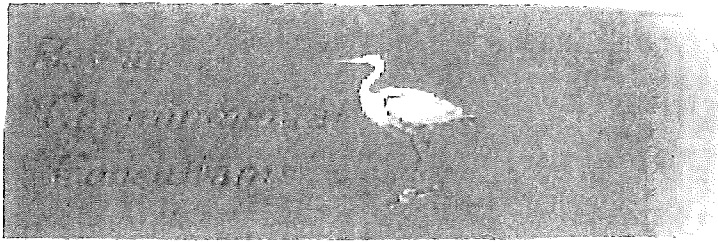
ES staff notes that the proposed fence should not be opaque and must allow for the required buffer vegetation to be visible through the fence. In addition, where the fence is proposed along the property line immediately abutting Preserves #1 & #2 and the 40-foot existing vegetation buffer there must be no mechanical clearing for the fence installation. These preserve areas contain dense wetland and upland habitat and any use of mechanical equipment would require further impacts to the preserve. Therefore, ES staff recommends in order to ensure there is minimal impact to existing native vegetation a vegetation removal permit for the fence installation should be required. Prior to construction of the fence abutting Preserves #1 & #2 and the 40-foot existing native vegetation buffer, including the buffer with individual oaks tree preservation, must be stake in the field and verified by ES staff. In addition, an on-site meeting with ES staff and the fence contractor should be required to discuss how the fence will be installed to minimize impacts to the existing native vegetation.

ES staff has no objection to the deviation request and recommends the following conditions to ensure the intent of LDC 34-939(b)(3) buffer requirement is met and there is minimal impact to existing native vegetation during fence installation:

Development order plans must depict the location and material details of the proposed privacy fence along the perimeter of the property. The proposed privacy fence material must not be opaque and must allow for the required buffer vegetation to be visible through the fence.

A Vegetation Removal Permit is required from Lee County Environmental Sciences staff for clearing for the installation of the privacy fence along the perimeter of the property. Prior to vegetation permit approval, the location of the fence abutting Preserves #1 & #2 and the 40-foot existing native vegetation buffer, including the buffer with individual oaks tree preservation, must be stake in the field and verified by ES staff and an on-site meeting with ES staff and the fence contractor must be held to discuss how the fence will be installed to minimize impacts to the existing native vegetation. There must be no mechanical clearing for the fence installation along the property line immediately abutting Preserves #1 & #2 and the 40-foot existing vegetation buffer.

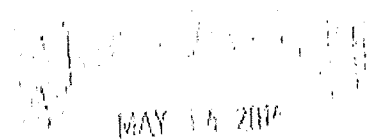
ATTACHMENT A



Bermuda Lakes
Sections 3 & 4; Township 44 South; Range 25 East
Lee County, Florida

Protected Species Survey

STRAP Nos.: 03-44-25-00-00010.0030
03-44-25-00-00013.0000
03-44-25-00-00015.0000
03-44-25-00-00016.0000
04-44-25-00-00018.0000



COMMUNITY DEVELOPMENT

2014-00010

March 2014

Project No. 2014-3

11000 Metro Parkway Suite 4
Fort Myers, Florida 33966
(239) 418-0671 phone / (239) 418-0672 fax

INTRODUCTION

An environmental scientist from Boylan Environmental Consultants, Inc conducted a field investigation on the 48.96± acre property on March 3, 2014. The site is located in portions of Sections 3 & 4, Township 44 South, Range 25 East, in Lee County, Florida. Specifically, it is situated north of Tice Street and west of Lexington Avenue approximately 0.3 miles west of I-75. Please see the attached Project Location Map **Exhibit A**.

The purpose of the field investigation was to identify and document the presence of any listed species and any potential listed (endangered, threatened, etc.) species inhabiting the site that are regulated by the U.S. Fish & Wildlife Service (USFWS) and the Florida Fish & Wildlife Conservation Commission (FWC).

The survey was conducted in the morning to early afternoon with temperatures in the 80's with sunny and clear skies.

METHODOLOGY

The survey method consisted of overlapping belt transects performed for all FLUCFCS communities onsite in compliance with the Lee County Endangered Species Ordinance No. 89-34. The specific methodology included pedestrian surveys of parallel transects which is a methodology previously approved by Lee County.

This survey is comprised of a several step process. First, vegetation communities or land-uses on the study area are delineated using the Florida Land Use, Cover and Forms Classification System (FLUCFCS). Please see the attached FLUCFCS Map **Exhibit B** and FLUCFCS Map with Aerial **Exhibit C**. Next, the FLUCFCS codes are cross-referenced with the Lee County Protected Species List. This protected species list names the species which have a probability of occurring in any particular FLUCFCS community.

An intensive pedestrian survey is conducted using parallel belt transects that are approximately 10-40 feet apart as a means of searching for listed species. The distance between transects depends upon both the thickness of vegetation and line of sight visibility. In addition, periodic "stop-look-listen" and quiet stalking methods are conducted for animals. Signs or sightings of these species are then geo-located with a hand held GPS unit and marked in the field with flagging tape. The table at end of the report lists the FLUCFCS communities found on the parcel and the corresponding species which have a probability of occurring in them.

Transects were walked approximately as shown on the attached Protected Species Survey Map **Exhibit D** and Protected Species Survey Map with Aerial **Exhibit E**. Specific attention was placed on locating any gopher tortoise burrows, potential fox squirrel nests, locating RCW cavity trees, and eagle's nests within the forested portions of the property.

TABLE 1: SURVEY DATE AND WEATHER CONDITIONS

Survey Date	Survey Time	Weather Conditions
03/03/2014	Morning to Early Afternoon	Sunny and clear with light winds and temperatures in the 80's

EXISTING SITE CONDITIONS

Site Details – The boundary is approximate and based upon Lee County GIS and assumed to be 48.96± acres. The site was undeveloped, but appears to have a long history of disturbance. The property is composed of mostly cropland and pasture and borrow areas. The site is bordered by mainly disturbed areas and open lands with a few areas of mixed wetland hardwoods.

Soil Type - The soils on the property have been mapped by the National Resource Conservation Service (NRCS, formerly the Soil Conservation Service). Please see the attached NRCS Soils Map **Exhibit F**. These mappings are general in nature, but can provide a certain level of information about the site as to the possible extent of wetland area. According to these mappings, the parcel is underlain by Myakka Fine Sand (11; non-hydric); Immokalee – Urban Land Complex (36; non-hydric); Isles Fine Sand, Depressional (39; hydric); and Wabasso Sand, Limestone Substratum (42; non-hydric).

Vegetation Communities – Each community was mapped in the field according to the system in use by the agencies, the Florida Land Use Cover and Forms Classification System (FLUCFCS). Listed below are the vegetation communities or land-uses identified on the site. Vegetation is one parameter used in determining the presence of a wetland; the other parameters include the presence of wetland hydrology and hydric soils. These community mappings will generally reflect whether an area could be considered as wetlands. We identified approximately 8.92± acres of potential jurisdictional wetland communities on the site. The following descriptions correspond to the mappings on the attached FLUCFCS map. See Florida Land Use, Cover and Forms Classification System (Department of Transportation 1999) for definitions.

FLUCFCS CODES/DESCRIPTION

110 Residential (< 1% Exotics) 1.04± ac.

These residential areas are occupied by single-family home sites and account for 1.04± acres of the property.

210E1 Cropland and Pasture (1-24% Exotics) 12.49± ac.

This habitat type occupies approximately 12.49± acres of the site. The canopy is open. The sub-canopy vegetation includes cabbage palm (*Sabal palmetto*), Brazilian pepper (*Schinus terebinthifolius*), catclaw mimosa (*Mimosa pigra*), and wax myrtle (*Morella cerifera*). The groundcover is dominated by bahiagrass (*Paspalum notatum*), Caesar weed (*Urena lobata*), fingergrass (*Eustachys floridana*), bushy broomsedge (*Andropogon glomeratus*), cogongrass (*Imperata cylindrica*), beggarticks (*Bidens pilosa*), poison ivy

Bermuda Lakes
Protected Species Survey

(*Toxicodendron radicans*), sweetbroom (*Seopacia dulcis*), elephant grass (*Pennisetum purpureum*), rattlebox (*Sesbania punicea*), and fireweed (*Chamerion angustifolium*).

260E1 Other Open Lands (1-24% Exotics) 2.74± ac.

This area occupies approximately 2.74± acres of the site. Canopy vegetation includes melaleuca (*Melaleuca quinquenervia*) and slash pine (*Pinus elliottii*). The sub-canopy includes slash pine and wax myrtle. Groundcover species include bahiagrass, bushy broomsedge, Caesar weed, cogongrass, love vine (*Cassytha filiformis*), Spanish needles (*Richardia brasiliensis*), grapevine (*Vitis vinifera*), crowfoot grass (*Dactyloctenium aegyptium*), and ragweed (*Ambrosia artemisiifolia*).

411E2 Pine Flatwoods (25-49% Exotics) 7.19± ac.

This upland habitat type occupies 7.19± acres of the property. Canopy vegetation is slash pine, laurel oak (*Quercus laurifolia*), melaleuca, live oak (*Quercus virginiana*), cabbage palm, and earleaf acacia (*Acacia auriculiformis*). Sub-canopy includes Brazilian pepper, laurel oak, wax myrtle, slash pine, and fig (*Ficus spp.*). Groundcover includes saw palmetto (*Serenoa repens*), Caesar weed (*Urena lobata*), poison ivy, dog fennel (*Eupatorium capillifolium*), false buttonweed (*Spermacoce floridana*), bushy broomsedge, wild coffee (*Psychotria nervosa*), blackberry (*Rubus argutus*), Spanish needles, ragweed, beggarticks, and grapevine.

422 Brazilian Pepper 2.19± ac.

This upland community type occupies approximately 2.19± acres of the property. The canopy is open. The sub-canopy is dominated by Brazilian pepper. The ground cover includes bahiagrass, fingergrass, Caesar weed, and muscadine grape (*Vitis rotundifolia*).

428E1 Cabbage Palm (1-24% Exotics) 0.45± ac.

This upland habitat type occupies approximately 0.45± acres of the property. The canopy contains cabbage palm. The sub-canopy includes cabbage palm, wax myrtle, and melaleuca. The ground cover includes poison ivy, Virginia creeper (*Parthenocissus quinquefolia*), Caesar weed, beggartick, and saw palmetto.

428H Cabbage Palm, Hydric (< 1% Exotics) 0.40± ac.

This upland habitat type occupies approximately 0.40± acres of the property. The canopy contains cabbage palm. The sub-canopy includes cabbage palm, wax myrtle, and melaleuca. The ground cover includes poison ivy, Virginia creeper (*Parthenocissus quinquefolia*), Caesar weed, beggartick, swamp fern (*Blechnum serrulatum*), and Virginia chain fern (*Woodwardia virginica*).

438E1 Mixed Hardwoods (1-24% Exotics) 1.73± ac.

This community type occupies approximately 1.73± acres of the property. The canopy contains laurel oak and cabbage palm. Vegetation in the sub-canopy includes Brazilian pepper. The groundcover contains poison ivy, bahiagrass, blackberry, and rattlebox.

510 Streams and Waterways 0.95± ac.

This habitat type occupies approximately 0.95± acres of the property. The canopy and sub-canopy are open. The ground cover contains cattail (*Typha latifolia*).

616E2 Inland Pond and Slough (25-49% Exotics) 0.52± ac.

This wetland community type occupies approximately 0.52± acres of the property. The canopy consists of bald cypress (*Taxodium distichum*), pond cypress (*Taxodium ascendens*), earleaf acacia, and melaleuca. The sub-canopy contains bald cypress, myrsine (*Myrsine guianensis*), buttonbush (*Cephalanthus occidentalis*), and dahoon holly (*Ilex cassine*). The ground cover includes swamp fern, wild coffee, royal fern (*Osmunda regalis*), sawgrass (*Cladium jamaicense*), fireflag (*Thalia geniculata*), smilax (*Smilax spp.*), poison ivy, and climbing hempvine (*Mikania scandens*).

617E2 Mixed Wetland Hardwoods (25-49% Exotics) 5.60± ac.

This wetland community type occupies approximately 5.60± acres of the property. The canopy consists of pond cypress, bald cypress, laurel oak, cabbage palm, earleaf acacia, melaleuca, and java plum (*Syzygium cumini*). The sub-canopy contains Brazilian pepper, myrsine, laurel oak, and dahoon holly. The groundcover includes swamp fern, wild coffee, grapevine, Caesar weed, climbing hempvine, Virginia chain fern, poison ivy, white top sedge (*Rhynchospora colorata*), and boghemp (*Boehmeria cylindrica*).

619 Exotic Wetland Hardwoods 0.38± ac.

This wetland community type occupies approximately 0.38± acres of the property. The canopy consists of pond cypress, bald cypress, laurel oak, cabbage palm, earleaf acacia, melaleuca, and java plum (*Syzygium cumini*). The sub-canopy contains Brazilian pepper, myrsine, laurel oak, and dahoon holly. The groundcover includes swamp fern, wild coffee, grapevine, Caesar weed, climbing hempvine, Virginia chain fern, poison ivy, white top sedge, and boghemp.

621E2 Cypress (25-49% Exotics) 1.93± ac.

This wetland habitat type occupies approximately 1.93± acres of the property. The canopy vegetation includes bald cypress, pond cypress, earleaf acacia, and melaleuca. The sub-canopy contains dahoon holly, wax myrtle, Brazilian pepper, and buttonwood. The groundcover includes swamp fern, wild coffee, grapevine, Caesar weed, climbing hempvine, Virginia chain fern, poison ivy, white top sedge, and boghemp.

740 Disturbed Land (< 1% Exotics) 0.80± ac.

This community occupies approximately 0.80± acres of the property and was previously cleared and filled for use as a haul road for the excavation of the northern borrow pit and associated removal of the fill. The canopy and sub-canopy are open. Groundcover vegetation includes ragweed, Caesar weed, bahiagrass, and Johnson grass (*Sorghum halepense*).

740H Disturbed Land, Hydric (< 1% Exotics) 0.09± ac.

This community occupies approximately 0.09± acres of the property. The canopy and sub-canopy are open. The groundcover contains herbaceous vegetation including water

**Bermuda Lakes
Protected Species Survey**

pennywort (*Hydrocotyle umbellata*), torpedo grass, and yellow-eyed grass (*Xyris floridana*).

742 Borrow Area 10.28± ac.

This community type occupies approximately 10.28± acres of the property and consists of the large borrow pit located in the north portion of the property. The pit was excavated in upland soils. These open water habitats include areas of emergent and littoral vegetation including cattail and spikerush (*Eleocharis spp.*).

743 Spoil (< 1% Exotics) 0.18± ac.

This upland community type occupies approximately 0.18± acres of the property. This community consists of the spoil from the excavated ditch which bisects the property near the west boundary. The canopy contains slash pine and cabbage palm. Vegetation in the sub-canopy includes slash pine, cabbage palm, Brazilian pepper, and wild coffee. The groundcover contains grapevine and smilax.

TABLE 2: FLUCFCS COMMUNITY TABLE

FLUCFCS Code	Community Description	Acreage
110	Residential, Low Density	1.04± ac.
210E1	Cropland and Pasture (1-24% Exotics)	12.49± ac.
260E1	Other Open Lands (1-24% Exotics)	2.74± ac.
411E2	Pine Flatwoods (25-49% Exotics)	7.19± ac.
422	Brazilian Pepper	2.19± ac.
428E1	Cabbage Palm (1-24% Exotics)	0.45± ac.
428H	Cabbage Palm, Hydric	0.40± ac.
438E1	Mixed Hardwoods	1.73± ac.
510	Streams and Waterways	0.95± ac.
616E2	Inland Pond and Slough (25-49% Exotics)	0.52± ac.
617E2	Mixed Wetland Hardwoods (25-49% Exotics)	5.60± ac.
619	Exotic Wetland Hardwoods	0.38± ac.
621E2	Cypress (25-49% Exotics)	1.93± ac.
740	Disturbed Land	0.80± ac.
740H	Disturbed Land, Hydric	0.09± ac.
742	Borrow Areas	10.28± ac.
743	Spoil Areas	0.18± ac.
Total		48.96± ac.

SPECIES PRESENCE

During the field survey, wading birds, including the great white egret (*Ardea alba*), were observed on site. Because the site contains a man-made open water body, other species of wading birds are expected. No nest-like structures or tree cavities were noted, and no gopher tortoise (*Gopherus polyphemus*) burrows were identified. Alligators (*Alligator mississippiensis*) were not observed on the property.

Bermuda Lakes
Protected Species Survey

The various listed species that may occur in the FLUCFCS communities have been tabulated on the attached table. Overall, this site does not contain native, undisturbed community types in which protected species would typically inhabit.

DISCUSSION

The lack of tortoise burrows is likely due to the relatively high water tables in the area and the lack of habitat. Although the wetlands on this property are contiguous with off-site areas, the disturbed nature of the site, the abundance of exotic plant species, and the historic land-use of the site makes it unlikely that this supports or would provide habitat for protected species. The nearby roads also create a barrier and a hazard to other animals. Other non-listed animal species noted were black vulture (*Coragyps atratus*), turkey vulture (*Cathartes aura*), black racer (*Coluber constrictor*), moorhen (*Gallinula chloropus*), and belted kingfisher (*Megasceryle alcyon*).

Community locations were estimated and drawn by using a non-rectified aerial with approximate property boundaries hence, their location, aerial extent, and acreage is approximate.

Bermuda Lakes
Protected Species Survey

TABLE 3: LISTED SPECIES BY HABITAT WITH CURRENT STATUS

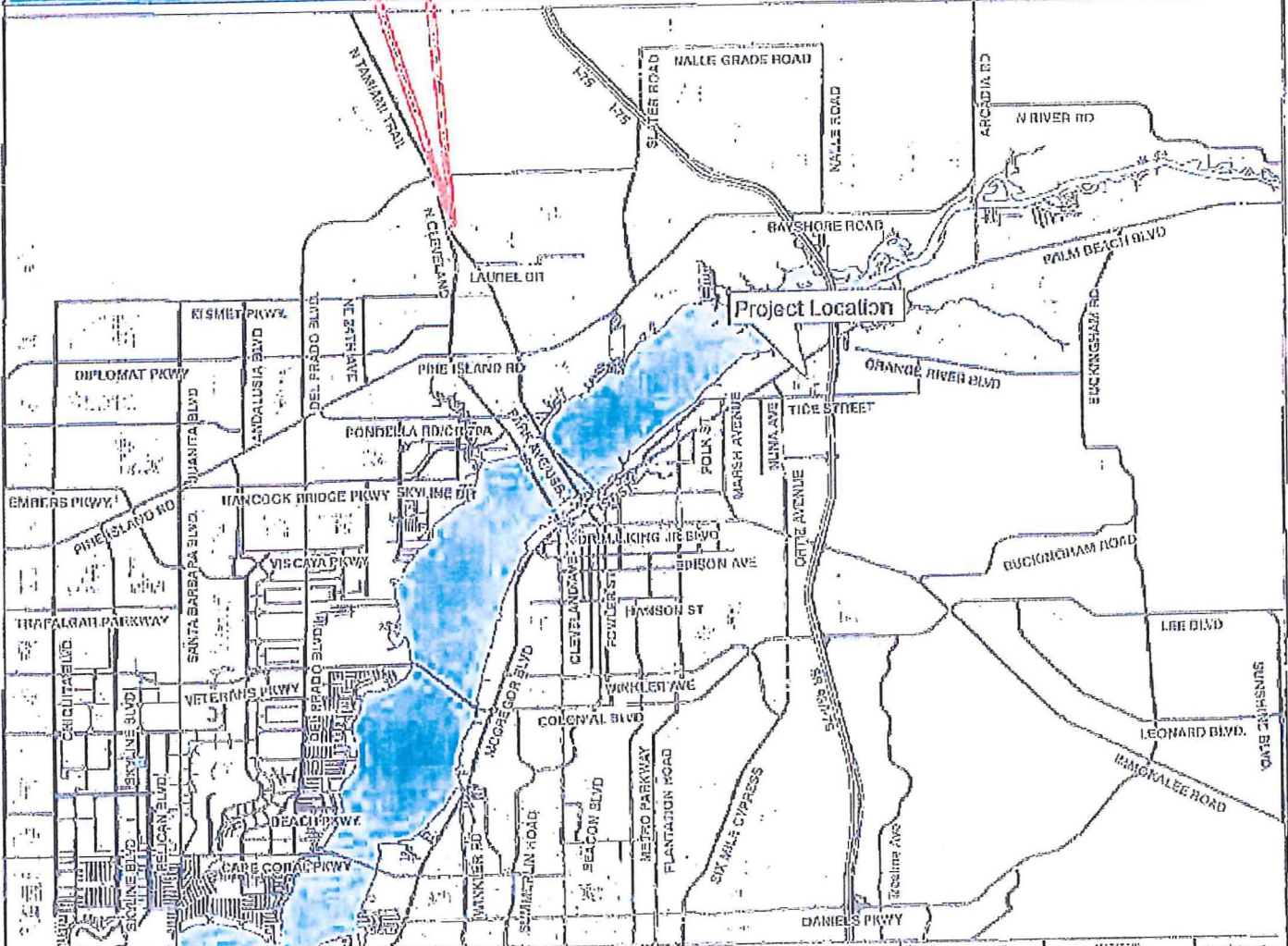
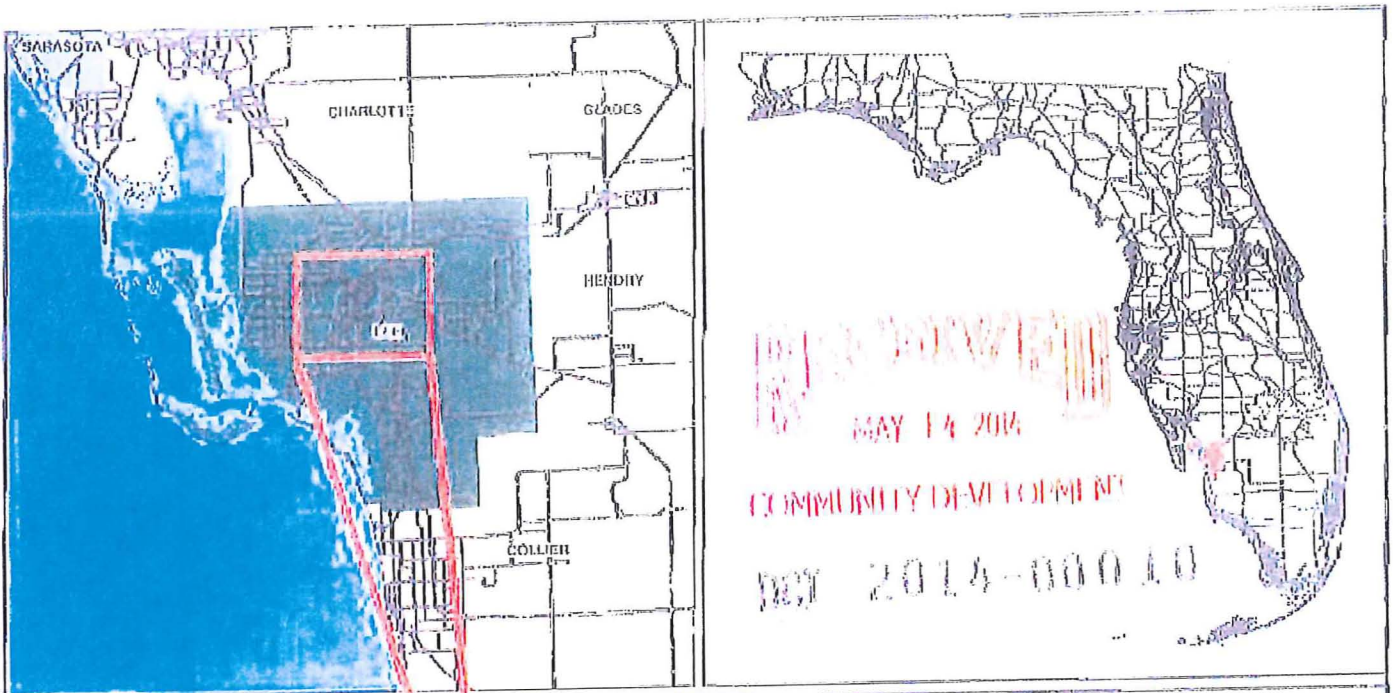
FLUCFCS Code	FLUCFCS Description	Common Name	Scientific Name	Percent Coverage	Observed	USDA	FDA&CS	FWS	FWC
210	Cropland and Pasture	Florida Sandhill crane	<i>Grus canadensis pratensis</i>	95	--	--	--	--	T
		Beautiful paw-paw	<i>Deeringothamnus pulchellus</i>	95	--	E	E	E	--
		Big cypress fox squirrel	<i>Sciurus niger avicennia</i>	95	--	--	--	--	SSC
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	95	--	--	--	T	T
		Fakahatchee burmannia	<i>Burmanna flava</i>	95	--	--	E	--	--
		Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
		Florida coon	<i>Zania floridana</i>	95	--	--	C	--	--
		Gopher frog	<i>Rana areolata</i>	95	--	--	--	--	SSC
		Gopher tortoise	<i>Gopherus polyphemus</i>	95	--	--	--	T	T
		Red-cockaded woodpecker	<i>Picoides borealis</i>	95	--	--	--	E	SSC
		Satinleaf	<i>Chrysophyllum olivaeforme</i>	95	--	--	T	--	--
		Southeastern American Kestrel	<i>Falco sparverius paulus</i>	95	--	--	--	--	T
422	Brazilian Pepper	N/A	--	95	--	--	--	--	--
		Audubon's crested caracara	<i>Polyborus plancus audubonii</i>	95	--	--	--	T	T
		Eastern indigo snake	<i>Drymarchon corais couperi</i>	95	--	--	--	T	T
		Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
		Hand adder's tongue fern	<i>Ophioglossum palmatum</i>	95	--	--	E	--	--
		Simpson's stopper	<i>Myrcianthes fragrans var. simpsonii</i>	95	--	--	T	--	--
438	Mixed Hardwoods	Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
		American alligator	<i>Alligator mississippiensis</i>	95	--	--	--	SAT	SSC
		Everglades mink	<i>Mustela vison evergladensis</i>	95	--	--	--	--	T
		Limpkin	<i>Aramus guarana</i>	95	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	95	--	--	--	--	SSC
		Reddish egret	<i>Egretta rufescens</i>	95	--	--	--	--	SSC
		Roseate spoonbill	<i>Ajaia ajaja</i>	95	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	95	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	95	--	--	--	--	SSC
		Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
617	Mixed Wetland Hardwoods	Limpkin	<i>Aramus guarana</i>	95	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	95	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	95	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	95	--	--	--	--	SSC
		American alligator	<i>Alligator mississippiensis</i>	95	--	--	--	SAT	SSC
		Florida black bear	<i>Ursus americanus floridanus</i>	95	--	--	--	SAT	T
		Limpkin	<i>Aramus guarana</i>	95	--	--	--	--	SSC
		Little blue heron	<i>Egretta caerulea</i>	95	--	--	--	--	SSC
		Snowy egret	<i>Egretta thula</i>	95	--	--	--	--	SSC
		Tricolored heron	<i>Egretta tricolor</i>	95	--	--	--	--	SSC
		Wood stork	<i>Mycteria americana</i>	95	--	--	--	E	E
743	Spoil Area	Gopher tortoise	<i>Gopherus polyphemus</i>	95	--	--	--	T	T

C = Commercially Exploited, SAT = Similarity of Appearance Threatened, SSC = Species of Special Concern, T = Threatened, E = Endangered

Table designates listed species with potential to occur in each FLUCFCS community as listed in Appendix H of the Lee County Land Development Code.

**Bermuda Lakes
Protected Species Survey**

**Exhibit A
Project Location Map**



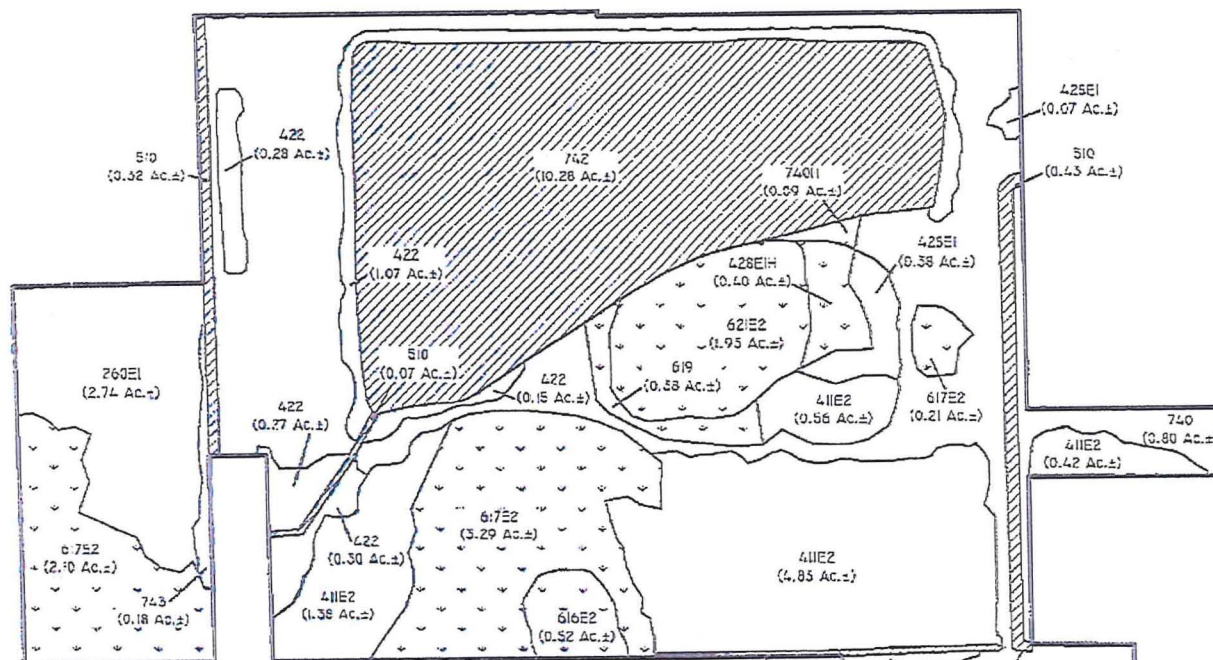
Boylan Environmental Consultants, Inc.
11000 Moke Parkway, Suite 4
Fort Myers, FL 33906
Phone: (239) 418 0674
Fax: (239) 418 0972

BERMUDA LAKES
LOCATION MAP

Drawn By	Date	Sheet No.	Page Number
BRM	5/14/14	1/14/15	1
BRM	7/24/14	1/14/15	1
2014-3		100	

**Bermuda Lakes
Protected Species Survey**

**Exhibit B
FLUCFCS Map**



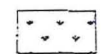
FLUCFCS Legend

[illegible]

COMMUNITY DEVELOPMENT
OCT 2014-00010

MAY 14 2014

LEGEND



NOTES:

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FDOT 1999).

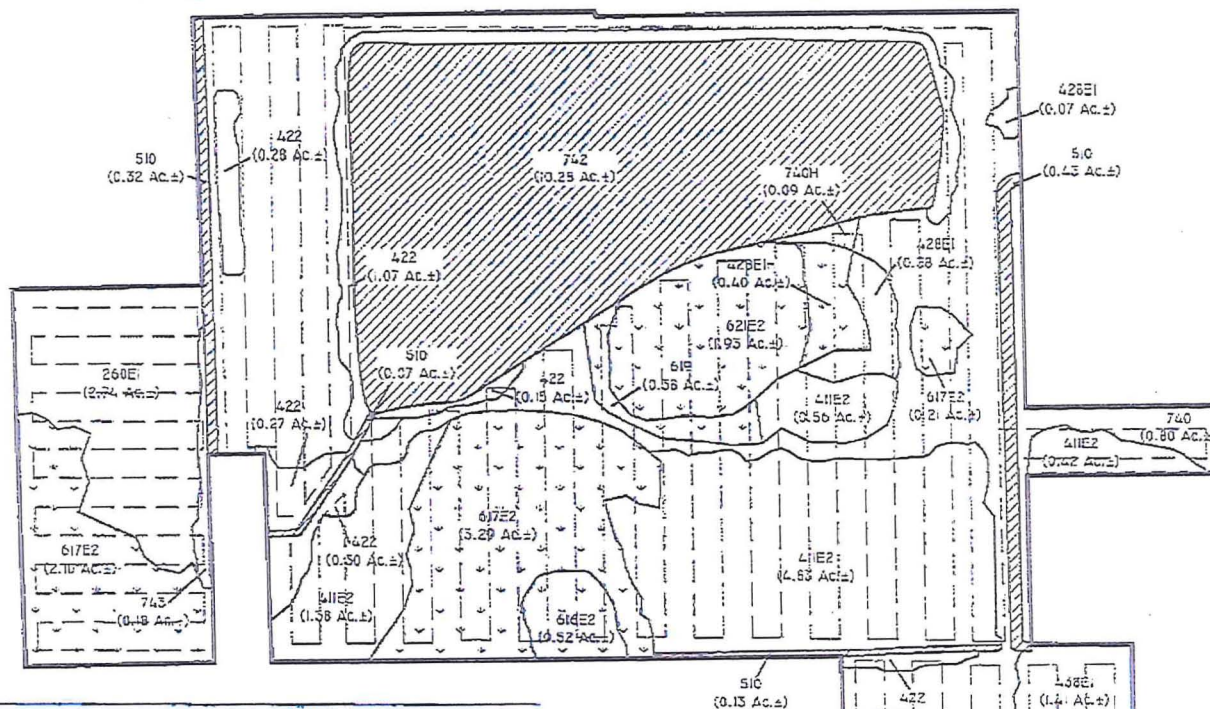
**Bermuda Lakes
Protected Species Survey**

**Exhibit C
FLUCFCS Map with Aerial**

**Bermuda Lakes
Protected Species Survey**

**Exhibit D
Protected Species Survey Map**

X:\BCE\04\0425\13_BERMUDA_LAKES\COMMUNITY_LIFE_FLUCFCS_PSS.DWG TAD PSS MAY 11, 2014 - 14:25:14 PLOTTED BY BKM



LEGEND

- WETLANDS
(8.92± AC.)
- OTHER SURFACE
WATERS (11.23± AC.)
- PSS SURVEY
TRANSECTS

FLUCFCS Legend

FLUCFCS CODE	COMMUNITY	TOTAL	%
0	PERMANENT OPEN WATER	0.00 AC.	0.00%
100	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
200	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
300	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
400	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
422	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
428E1	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
428E2	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
438E	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
438E1	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
438E2	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
510	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
617E2	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
619	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
619E2	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
740	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
740H	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
742	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
743	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
745	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
747	PERMANENT OPEN WATER - BENTHIC	0.00 AC.	0.00%
Total		48.88 AC.	100.00%

DCL 2014-00010

COMMUNITY DEVELOPMENT

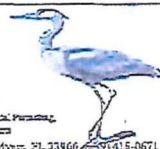
RECEIVED
MAY 14 2014

NOTES:

FLUCFCS LINES ESTIMATED FROM
1"=200' AERIAL PHOTOGRAPHS AND
LOCATIONS APPROXIMATED.

FLUCFCS PER FLORIDA LAND USE,
COVER AND FORMS CLASSIFICATION
SYSTEM (FLUCFCS) (FOOT 1999).

**Boylan
Environmental
Consultants, Inc.**
Wetland & Wildlife Surveys, Environmental Planning,
Impact Assessment
11400 Metro Parkway, Suite 4, Ft. Myers, FL 33906 (889) 415-0671



Drawn By: Date:
BKM 5/11/14
Job Number
2014-3
S/T/R
4/44S/25E

Bermuda Lakes Protected Species Survey Map

Category	Revisions	Date:	Page
PSS			
Scale:			
1" = 300'			
County			Exhibit
Lee			

**Bermuda Lakes
Protected Species Survey**

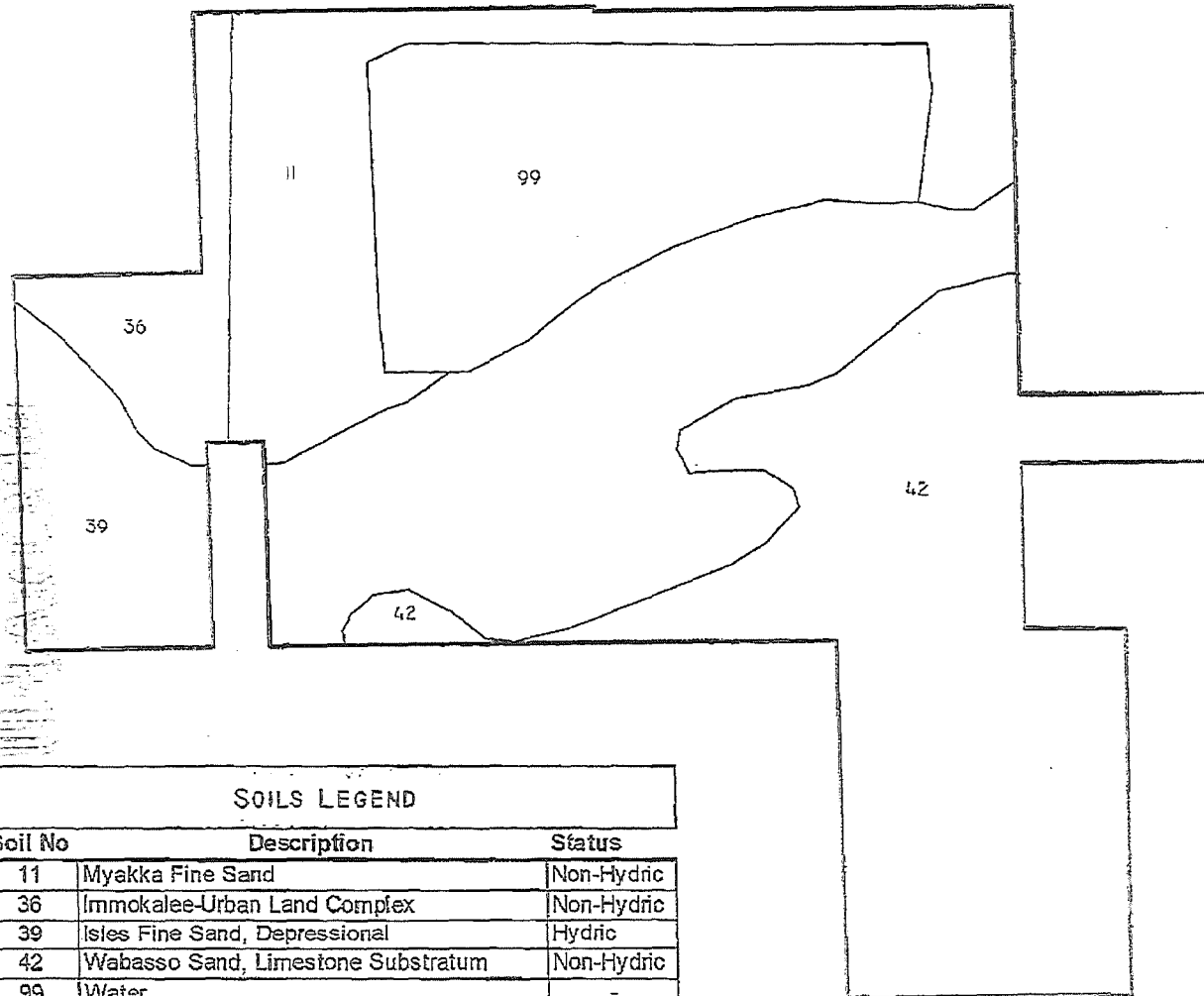
**Exhibit E
Protected Species Survey Map with Aerial**

**Bermuda Lakes
Protected Species Survey**

**Exhibit F
NRCS Soils Map**



Scale: 1" = 300'



COMMUNITY DEVELOPMENT
2014-000110

MAY 14 2014

SOILS LEGEND

Soil No	Description	Status
11	Myakka Fine Sand	Non-Hydric
36	Immokalee-Urban Land Complex	Non-Hydric
39	Isles Fine Sand, Depressional	Hydric
42	Wabasso Sand, Limestone Substratum	Non-Hydric
99	Water	-

Boyian
Environmental
Consultants, Inc.
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33907 (813) 418-0671

Drawn By: BKM
Date: 3/11/14
Job Number: 2014-3
S/T/R: 4/44S/25E

Bermuda Lakes
NRCS Soils Map

Category: Soils
Scale: 1" = 300'
County: Lee



STUART AND ASSOCIATES
Planning and Design Services

7910 Summerlin Lakes Drive
Fort Myers, FL 33907

C 239-677-6126
Greg@StuartAndAssociates.com
www.stuartandassociates.com

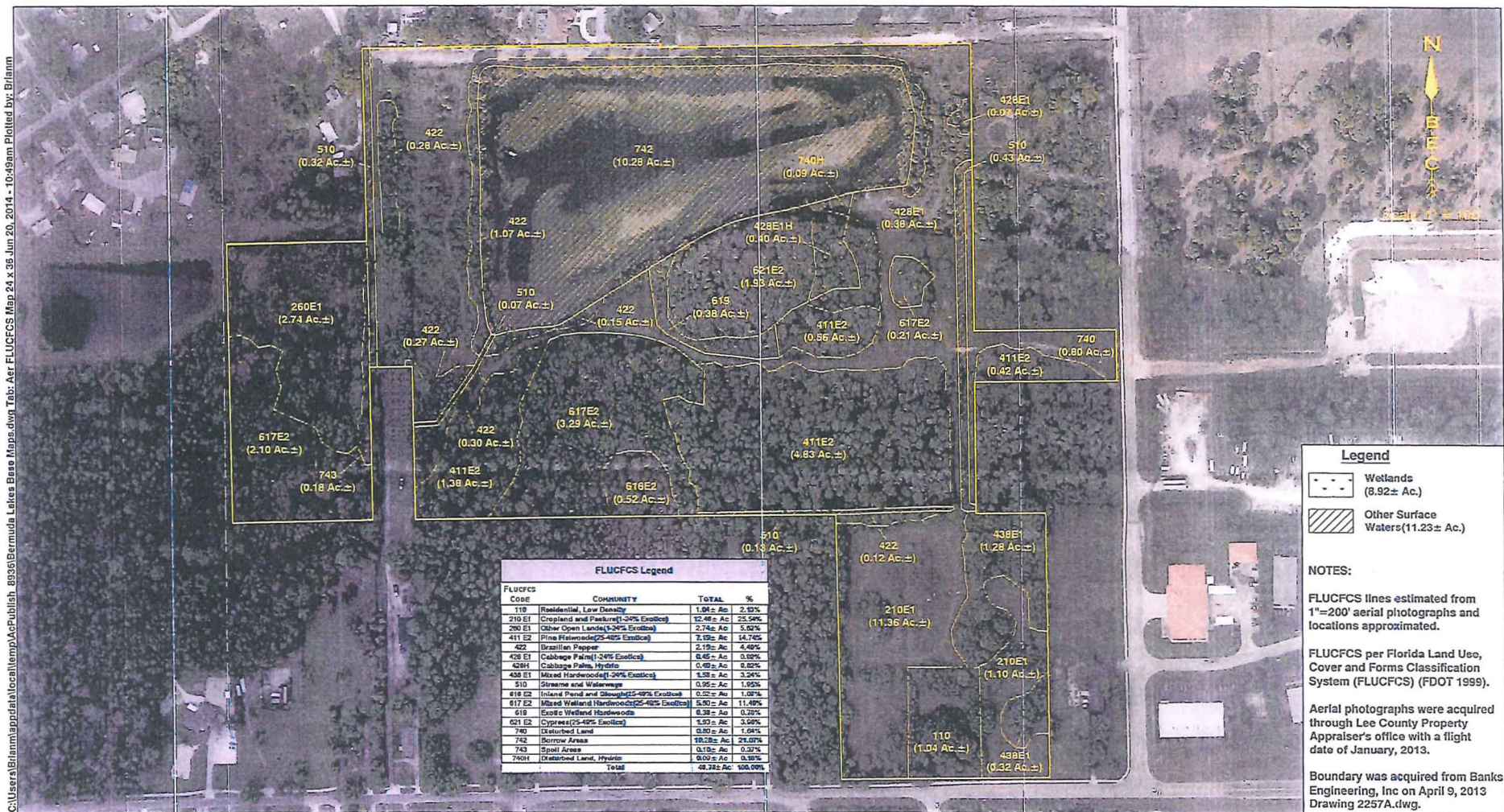
The Bermuda Lakes RV Resort RVPD

Exhibits 36 Utility Availability Letter

RECEIVED
MAY 14 2014

COMMUNITY DEVELOPMENT

000 2014-00010



Boylan Environmental Consultants, Inc.
Wetland & Wildlife Surveys, Environmental Permitting, Impact Assessments
11000 Metro Parkway, Suite 4, Ft. Myers, FL 33966 (239) 418-0671



Drawn By: **BKM** Date: **5/7/14**
Job Number
2014-3
S/T/R
4/44S/25E

Bermuda Lakes Aerial FLUCFCS Map

Category	Revisions	Date:	Page
FLUCFCS			
Scale:			
1" = 100'			
County			Exhibit
Lee			

001 2014-00010

5/17/14
COMMUNITY DEVELOPMENT

ATTACHMENT C

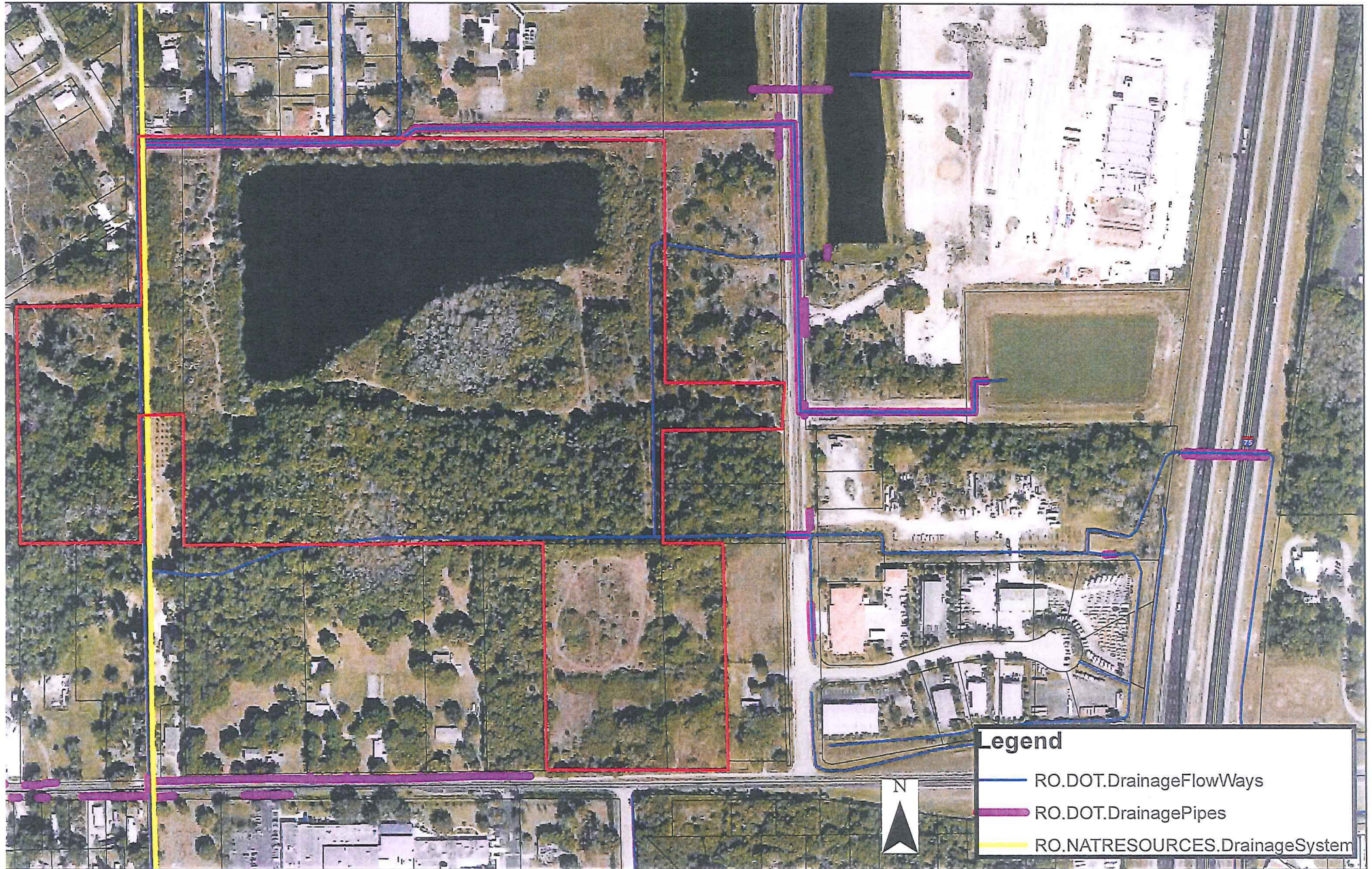


EXHIBIT M



DEPARTMENT OF
TRANSPORTATION

Memo

To: Mikki Rozdolski, Senior Planner
Zoning Division

From: Lili Wu^{Wu}
Sr. Transportation Planner

Date: Sept. 24, 2014

Subject: Bermuda Lakes RV Resort RVPD (DCI2014-00010)

The Lee County Department of Transportation (LCDOT) has reviewed the application for public hearing. This project is located on the northwest corner of Tice Street/Lexington Ave intersection. The Master Concept Plan proposes two driveways on Lexington Ave and one emergency access driveway on Tice Street. Tice Street is a collector and Lexington Ave is a local road which both maintained by County. The locations of the proposed project's driveways meet the intersection separation requirements. Lee County DOT have no objection to the application.

cc: File

EXHIBIT N

MEMORANDUM
FROM THE
DEPARTMENT OF
COMMUNITY DEVELOPMENT
DEVELOPMENT SERVICES DIVISION

DATE: October 15, 2014

To: Mikki Rozdolski

Senior Planner

FROM: Robert L. Price PE
65232 State of Florida

Digitally signed by Robert L. Price PE 65232 State of Florida
DN: cn=Robert L. Price PE 65232 State of Florida, c=US, o=Lee County DCO, email=price@lscgov.com
Reason: I am the author of this document
Date: 2014.10.15 15:09:15 -0400

Robert L. Price, P.E.
Senior Engineer

RE: **Bermuda Lakes RV Resort**
Case No. DCI2014-00010

BACKGROUND

The subject site is generally located in the northwest corner of the intersection of Lexington Avenue and Tice Street. The site is currently zoned RPD to allow residential uses. Access to the site is currently shown to both Lexington Avenue and Tice Street. The proposed rezoning would modify the zoning on the subject site to allow the development of a 200 lot RV resort. The Master Concept Plan (MCP) indicates that the access presently shown to the site from Tice Street will be an emergency only access point. The MCP also indicates that there will be two (2) driveways directly to Lexington Avenue. Staff has indicated to the Applicant that access directly to Tice Street is preferred. However, the MCP as proposed with two (2) fully operational driveways to Lexington Avenue does comply with the standards of the Land Development Code (LDC) related to required street access.

In order to assess the traffic impacts of the proposed rezoning, the Institute of Transportation Engineer's (ITE) report, titled **Trip Generation, 9th Edition**, was reviewed. Trip generation of the RV resort use was calculated based on the Campground/RV Park land use. Table 1 indicates the trip generation of the site as proposed.

Table 1
Trip Generation
Bermuda Lakes RV Resort

Scenario	AM Peak Hour			PM Peak Hour			Daily (2-way)
	In	Out	Total	In	Out	Total	
New External Trips	13	22	35	27	14	41	338

LEE PLAN/LEVEL OF SERVICE ANALYSIS

The next step was to distribute the trips from the trip generation calculations indicated within Table 1 to the County roadway network in order to assess the Level of Service impacts on Lexington Avenue and Tice Street. The current year Level of Service is LOS "C" on Lexington Avenue and LOS "B" on Tice Street. Projecting growth to 2020 conditions based on the 2013 Lee County Traffic Count Report, the background Level of Service on Lexington Avenue will be LOS "C" and on Tice Street will be LOS "D". After adding the project traffic to these roadways, the Level of Service on Lexington Avenue will continue to be LOS "C", and the Level of Service on Tice Street will continue to be LOS "D". LOS "C" and LOS "D" are acceptable Levels of Service in accordance with the Lee County Level of Service Standards, so the proposed rezoning can be

found consistent with the standards set forth in THE LEE PLAN.

DEVIATIONS

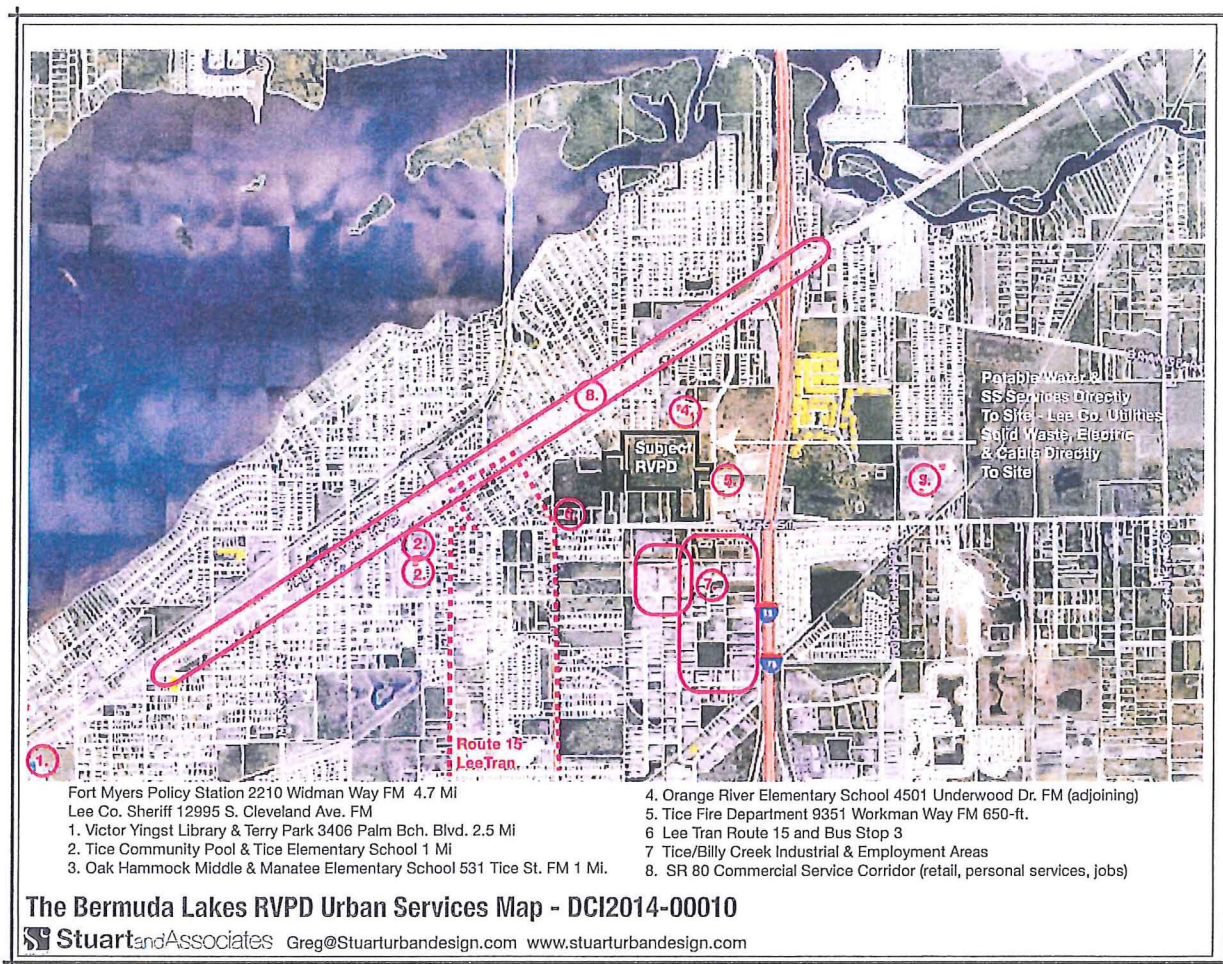
The Applicant has requested two (2) deviations from standards within the Land Development Code (LDC) in order to facilitate their design. Development Services Staff provides comments on the deviations with regard to site design provisions within Chapter 10 of the LDC.

Deviation #5 is a deviation from the street pavement width requirements within LDC §10-296(i)(1) which require a pavement width for Category A roadways of 24-feet for two-way streets and 16-feet for one-way streets to allow a two-way street with 22-feet of width (two 11-foot lanes) and a one-way street with one 12-foot lane. The roadway details provided on the MCP indicate additional pavement that will be provided as a walkway on both sides of the two-way street and on one side of the one-way street. Therefore, the actual pavement widths will be 30-feet on the two-way streets and 16-feet on the one-way street. Since the use is an RV park, and these developments typically do not have heavily traveled roadways, Staff recommends APPROVAL of the deviation to allow reduced pavement widths on the streets within the development.

Deviation #7 is a request to deviate from LDC §34-1748(5) on only the northern driveway to Lexington Avenue which requires that a paved turn-around be provided in advance of the gate with a sufficient turning radius to allow a single unit truck to safely turn around if they enter the access in error. The northern access will be the secondary access to the development even though it will be open to traffic. However, this driveway will be provided within an existing easement on the north side of the site of limited width. If the Applicant had to provide the necessary turn-around, it would need a larger easement, and it could also impact the preserve area on the south side of the proposed driveway. Since this driveway will not serve as the main entrance to the site, it seems appropriate to support the deviation in an effort to lessen the sites impacts off-site. Therefore, Staff recommends APPROVAL of the deviation.

Deviation #11 is a request to deviate from the required ten (10) foot public utility easements that are required on both sides of a roadway to allow a ten (10) foot public utility easement only on one (1) side of the site's roadways. The Applicant notes that an area of particular concern is the north access roadway that is to be constructed through an easement and through a piece of property that is a preserve. Staff recognizes that this area presents unique design challenges. However, Staff also consistently requires that this deviation be withdrawn at the zoning stage. This deviation can be processed as a part of the Development Order review on the site when more details are available. Of particular concern to Staff is that the requested deviation is not accompanied by letters of no objection from the affected private utility companies that these easements are intended to serve. As long as the letters of no objection can be obtained as a part of the Development Order review, Staff will approve the deviation at that time. It is premature to approve the deviation without the assurance that the private utilities have no objection. Therefore, DS Staff recommends Deviation #11 be WITHDRAWN.

EXHIBIT O



The Bermuda Lakes Urban Services Map

DCI 2014-00010

RECEIVED
JUN 23 2014

COMMUNITY DEVELOPMENT

EXHIBIT P



Writer's Direct Dial Number: (239) 533-8532

RECEIVED
MAY 14 2014

COMMUNITY DEVELOPMENT

DCI 2014-00010

John E. Manning
District One

March 27, 2014

Cecil L. Pendergrass
District Two

Greg Stuart
Stuart and Associates
11860 Island Ave
Matlacha, FL 33993

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

RE: Potable Water and Wastewater Availability
Bermuda Lakes RV Resort, Lexington Ave
STRAP # 03-44-25-00-00013.0000 & 03-44-25-00-00016.0000

Roger Desjarlais
County Manager

Dear Mr. Stuart:

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

The subject properties are located within Lee County Utilities Future Service Area as depicted on Maps 6 and/or 7 of the Lee County Comprehensive Land Use Plan. Potable water and sanitary sewer lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of a 200 unit recreation vehicle park with an estimated flow demand of approximately 20,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water and sanitary sewer service as estimated above.

Availability of potable water and sanitary sewer service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our Olga Water Treatment Plant.

Sanitary sewer service will be provided by the City of Fort Myers North Wastewater Plant. The Lee County Utilities' Design Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system.

This is only a letter of availability of service and not a commitment to serve. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of Water and Wastewater service is for re-zoning for this project only. Individual letters of availability will be required for obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

A handwritten signature in cursive script, reading "Mary McCormic".

Mary McCormic
Technician Senior
UTILITIES ENGINEERING

VIA EMAIL

EXHIBIT Q



THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966 ♦ WWW.LEESCHOOLS.NET

DAWN HUFF
LONG RANGE PLANNER
239-337-8142
DAWNMHU@LEESCHOOLS.NET

THOMAS SCOTT
CHAIRMAN, DISTRICT 5
CATHLEEN O'DANIEL MORGAN
VICE CHAIRMAN, DISTRICT 3
MARY FISCHER
DISTRICT 1
JEANNE S. DOZIER
DISTRICT 2
DON H. ARMSTRONG
DISTRICT 4
NANCY J. GRAHAM, ED.D
SUPERINTENDENT
KEITH B. MARTIN, ESQ.
BOARD ATTORNEY

August 13, 2014

Mikki Rozdolski
Lee County Development Services Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Bermuda Lakes RV Resort RVPD
Case # DCI2014-00010

Dear Ms. Rozdolski:

This letter is in response to your request for comments dated July 30, 2014 on the Bermuda Lakes RV Resort RVPD in regard to educational impact. The project is located in the East Choice Sub Zone 1.

This project should have no impact on classroom needs based on the request to rezone from a 330 multi-family RPD to a 200 pad RVPD.

Previously, the District responded with concerns for Consumption on Premises (COP) listed within the Schedule of Uses and found the request insufficient as this property is adjacent to a school. The resubmittal does clarify where COP will be within the development but this area is less than 500'.

Although State Statute does state 500' from property line to property line, according to Section 34-1264 of the Lee County Land Development Code, the distance required is 500' or more from property line to the entrance of the establishment. The Schedule of Uses, states COP will only be within the Indoor & Outdoor Recreation Area. However, on the Master Concept Plan, some of this Area is less than 500' and does not clarify where the entrance is to the establishment which will serve alcohol.

Unless the developer provides documents which displays where the entrance will be and it is beyond the 500' requirement, then the District finds this re-submittal insufficient as well. If it has not been determined as to where the COP will be within the Indoor & Outdoor Recreation Area, then the District would ask that the County require the developer place the language in their submittal stating the entrance will be beyond 500'.

Thank you for your attention to this issue. If I may be of further assistance, please me at 239-337-8142.

Sincerely,


Dawn Huff,
Long Range Planner

EXHIBIT R

Banks Engineering

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ SARASOTA ♦ PORT CHARLOTTE

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 3 AND SECTION 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

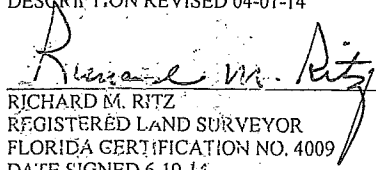
COMMENCING AT THE SOUTHERLY CORNER COMMON TO SAID SECTION 3 AND 4; THENCE N.89°22'11"E. ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 FOR 1089.94 FEET; THENCE N.00°58'12"W. PARALLEL WITH THE WEST LINE OF SAID FRACTION FOR 30.00 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF TICE STREET (WIDTH VARIES) AND THE **POINT OF BEGINNING**; THENCE CONTINUE N.00°58'12"W. ALONG SAID PARALLEL LINE AND THE BOUNDARY OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 OF THE PUBLIC RECORDS OF SAID LEE COUNTY FOR 630.46 FEET; THENCE S.89°22'11"W. ALONG SAID BOUNDARY PARALLEL WITH THE SOUTH LINE OF SAID FRACTION FOR 989.95 FEET; THENCE N.00°58'12"W. ALONG SAID BOUNDARY FOR 362.53 FEET TO THE SOUTHEAST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4856, AT PAGE 1115 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°10'12"W. ALONG THE SOUTH LINE OF SAID LANDS FOR 99.99 FEET TO THE SOUTHWEST CORNER OF SAID LANDS AND A INTERSECTION WITH THE EAST LINE OF THE EAST HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 4; THENCE S.00°58'12"E. ALONG THE EAST LINE OF SAID FRACTION FOR 362.00 FEET TO THE SOUTHEAST CORNER OF SAID FRACTION; THENCE S.88°53'17"W. ALONG THE SOUTH LINE OF SAID FRACTION FOR 331.09 FEET TO THE SOUTHWEST CORNER OF SAID FRACTION; THENCE N.00°57'46"W. ALONG THE WEST LINE OF SAID FRACTION FOR 661.52 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.89°02'25"E. ALONG THE NORTH LINE OF SAID FRACTION FOR 331.01 FEET TO AN INTERSECTION WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 3 AND THE WEST LINE OF LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 4856, AT PAGE 1115; THENCE N.00°58'12"W. ALONG SAID WEST LINE FOR 456.32 FEET TO THE NORTHWEST CORNER OF SAID LANDS; THENCE N.89°10'12"E. ALONG THE NORTH LINE OF SAID LANDS FOR 99.99 FEET TO THE NORTHEAST CORNER OF SAID LANDS AND A INTERSECTION WITH THE BOUNDARY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3601, AT PAGE 1183 THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES N.89°10'12"E. FOR 601.79 FEET; THENCE S.00°58'12"E. FOR 8.00 FEET; THENCE N.89°10'12"E. FOR 730.58 FEET TO AN INTERSECTION WITH THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3615, AT PAGE 154 OF SAID PUBLIC RECORDS; THENCE ALONG THE BOUNDARY OF SAID LANDS THE FOLLOWING DESCRIBED COURSES S.00°19'44"E. FOR 682.22 FEET; THENCE N.89°22'11"E. FOR 335.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF LEXINGTON AVENUE; THENCE S.00°58'12"E. ALONG SAID WEST LINE FOR 119.99 FEET TO THE NORTHEAST CORNER OF LOT 1, LEXINGTON COMMERCE CENTER AS RECORDED IN PLAT BOOK 63, AT PAGE 98 AND 99 OF PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.89°22'11"W. ALONG THE NORTH LINE OF SAID LOT FOR 336.49 FEET TO THE NORTHWEST CORNER OF SAID LOT; THENCE S.00°19'44"E. ALONG THE WEST LINE OF LOTS 1 AND 2 OF SAID LEXINGTON COMMERCE CENTER FOR 311.91 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1903, AT PAGE 4558 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°22'11"E. ALONG THE NORTH LINE OF SAID LANDS FOR 164.93 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S.00°38'35"E. ALONG THE EAST LINE OF SAID LANDS FOR 630.45 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND AN INTERSECTION WITH SAID NORTH RIGHT-OF-WAY LINE OF TICE STREET; THENCE S.89°22'11"W. ALONG SAID NORTH LINE FOR 491.32 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAIN 48.78 ACRES, MORE OR LESS

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N.89° 22' 25"E. THE AVERAGE SCALE FACTOR IS 0.999946104.

DESCRIPTION PREPARED 09-15-05
DESCRIPTION REVISED 04-01-14


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED 6-19-14

S:\Jobs\2014\2062\CURVEYING\DESCRIPTIONS\2062_BOUNDARY_SK1_REV_4-1-2014.doc
S:\Jobs\2014\2062\CURVEYING\DESCRIPTIONS\2062_BOUNDARY_SK1_REV_4-1-2014.dwg

SHEET 1 OF 2

10511 Six Mile Cypress Parkway - Suite 101 Fort Myers, Florida 33912 • (941) 939-5490 • Fax (941) 939-2523

RECEIVED

JUN 23 2014

COMMUNITY DEVELOPMENT

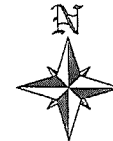
DCI 2014-00010

Banka Engineering, Inc.

PROFESSIONAL ENGINEERS, LAND SURVEYORS & PLANNERS
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6690
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33912
(239) 939-8490

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 3 AND 4, TOWNSHIP 44 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA



1" = 300'

LEGEND:

PG. INDICATES PAGE
PGS. INDICATES PAGES
P.B. INDICATES PLAT BOOK
P.I. INDICATES POINT OF INTERSECTION
O.R. INDICATES OFFICIAL RECORDS BOOK

SEE SHEET 1 FOR COMPLETE
METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY

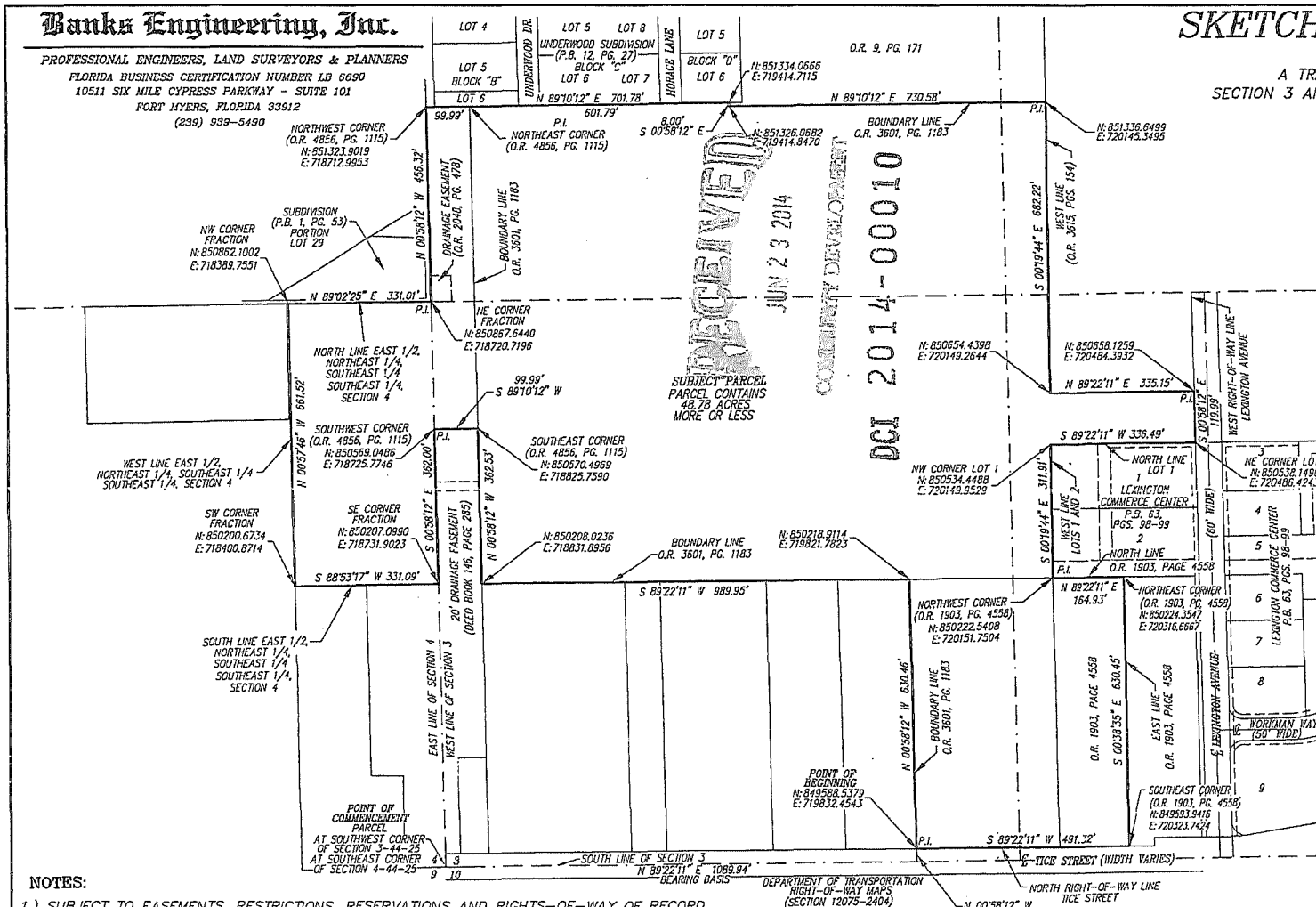
Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
- DATE SIGNED: 06-15-14
- THIS SKETCH OF DESCRIPTION IS NOT VALID
WITHOUT THE SIGNATURE AND THE ORIGINAL, RAISED
SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

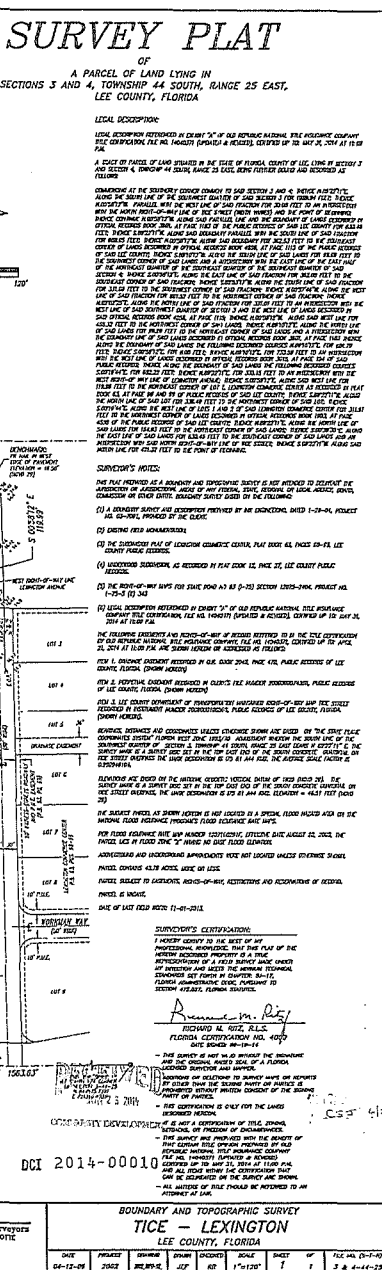
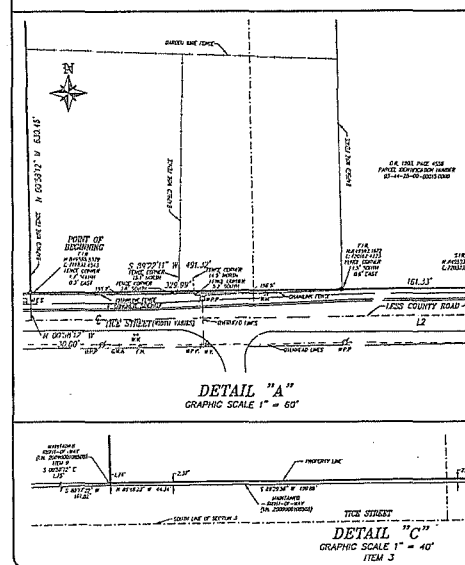
PREPARED 09-15-05
REVISED 04-01-14
SHEET 2 OF 2

NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARING, DISTANCES AND COORDINATES ARE BASED ON THE "STATE PLANE COORDINATES SYSTEM" FLORIDA WEST ZONE 1983/90 ADJUSTMENT WHEREIN THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 3, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY FLORIDA BEARS N 89°22'25" E

S:\Jobs\20xx\2062\SURVEYING\DESCRIPTIONS\2062_BOUNDARY_SKT_REV_4-1-2014.doc
S:\Jobs\20xx\2062\SURVEYING\DESCRIPTIONS\2062_BOUNDARY_SKT_REV_4-1-2014.dwg





4	6-19-14	UPWARD SURVEY BASED ON NEW TIRE CERTIFICATION	JOHN
3	2-6-14	ADDED DISPOSITIVE INFORMATION	AMV
3	3-1-14	MADE WAREHOUSE SURVEY CORRECTIONS	JOHN
3	11-12-13	UPWARD SURVEY	AMV
2	7-23-12	RENEW CERTIFICATION AND TEST TO DETAIL 3"	JOHN
1	7-17-12	UPWARD SURVEY	JOHN
NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA • PORT CHARLOTTE
FLORIDA BUSINESS CERTIFICATION NUMBER LB 6699
10511 NW 54th STREET, SUITE 301
FORT MYERS, FLORIDA 33919
(239) 335-7476

BOUNDARY AND TOPOGRAPHIC SURVEY									
TICE - LEXINGTON									
LEE COUNTY, FLORIDA									
DATE	PROJECT	ENGINEER	DESIGNED	EXERCISED	SCALE	SHEET	OF	FILE NO. (7-17-79)	
04-12-09	2002	JOE W. C.	JEFF	RT	1"=120'	1	1	3 1/2 44-25	

07-PE.02-04/93

Date: February 23, 2009
This instrument prepared
under the direction of:
Anthony J. Stevens
Interim Chief Counsel D1
Post Office Box 1249
City: Bartow, Florida 33830
Department of Transportation

F.P. NO. 4110381
PARCEL 803.1
SECTION 12075-000
STATE ROAD 93 (I-75)
COUNTY Lee

PERPETUAL EASEMENT

THIS EASEMENT made this 23rd day of March,
2009, by B.E. DEVCO, L.L.C., a(n) Florida Limited Liability
Company, grantor, to the STATE OF FLORIDA DEPARTMENT OF
TRANSPORTATION its successors and assigns, grantee, whose post
office address is: Post Office Box 1249, Bartow, Florida
33831-1249.

WITNESSETH: That the grantor for and in consideration of the sum
of One Dollar and other valuable considerations paid, the receipt
and sufficiency of which is hereby acknowledged, hereby grants
unto the grantee, its successors and assigns, a perpetual
easement for the purpose of: The purpose of this perpetual
easement is to provide for utilities; ingress and egress to the
stormwater management facility, construction and maintenance of
piping and control structures, harmonization of access to the
improved roadway, and for harmonization of the property. This is
a non-exclusive easement which will allow the owner to use the
easement area for any use not inconsistent with the department's
use of the easement, including, but not limited to a public road,
driveways, parking, traffic circulation, landscaping, utilities,
cultivation of crops, signs, dry detention, and density and set-
back calculations for development purposes. The owner of the
parcel may not construct improvements on the parcel that will
interfere with the department use of the easement. This easement
specifically prohibits large trees, ponds, buildings, and signs
that are larger than a single column ground sign with more than a
four (4") diameter (FDOT may waive any of these restrictions).
If the owner makes any improvements within the easement which are
consistent with this easement and the department disturbs those
improvements in conjunction with its use of the easement area,
then the department will restore any disturbed improvements to a
condition as good as they were before being disturbed by the
department in, over, under, upon and through the following
described land in Lee County, Florida, viz:

SEE EXHIBIT "A"

TO HAVE AND TO HOLD the same unto said grantee, its
successors and assigns forever, and the grantor will defend the
title to said lands against all persons claiming by, through or
under said grantor.

IN WITNESS WHEREOF, said grantor has caused these presents to be executed in its name, and its corporate seal to the hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered
in the presence of: (TWO witnesses or
Corporate Seal required by Florida Law)

WITNESSES

Maria Diaz (SEAL)
Signature

Maria Diaz
Print/Type Name

Michon Chun (SEAL)
Signature

Michon Chun
Print/Type Name

GRANTOR(S)

B.E. Devco, L.L.C.

Steven J. Mullersman (SEAL)
Name: STEVEN J. MULLERSMAN

TITLE: MANAGING MEMBER

ATTEST: _____ (SEAL)

Name: _____

TITLE: _____

Grantor(s)' Mailing Address:

2190 J & C Boulevard

Naples, Florida 34109

(Corporate Seal)

STATE OF Florida

COUNTY OF Collier

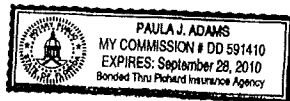
The foregoing instrument was acknowledged before me this
23rd day of March, 2009, by Steven J. Mullersman
Managing Member of B.E. Devco, LLC
Florida Corporation, on
behalf of the Corporation, who is personally known to me or who
has produced FL Drivers license as identification.

Paula J. Adams
Name:

Notary Public in and for the
County and State last
aforesaid.

My Commission Expires: _____

Serial No., if any: _____



F.P. NO. 4110381

SECTION 12075-000

PARCEL 803

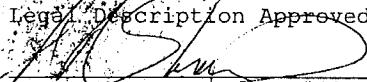
PERPETUAL EASEMENT

That portion of the southwest 1/4 of Section 3, Township 44 South, Range 25 East, Lee County, Florida.

Being described as follows:

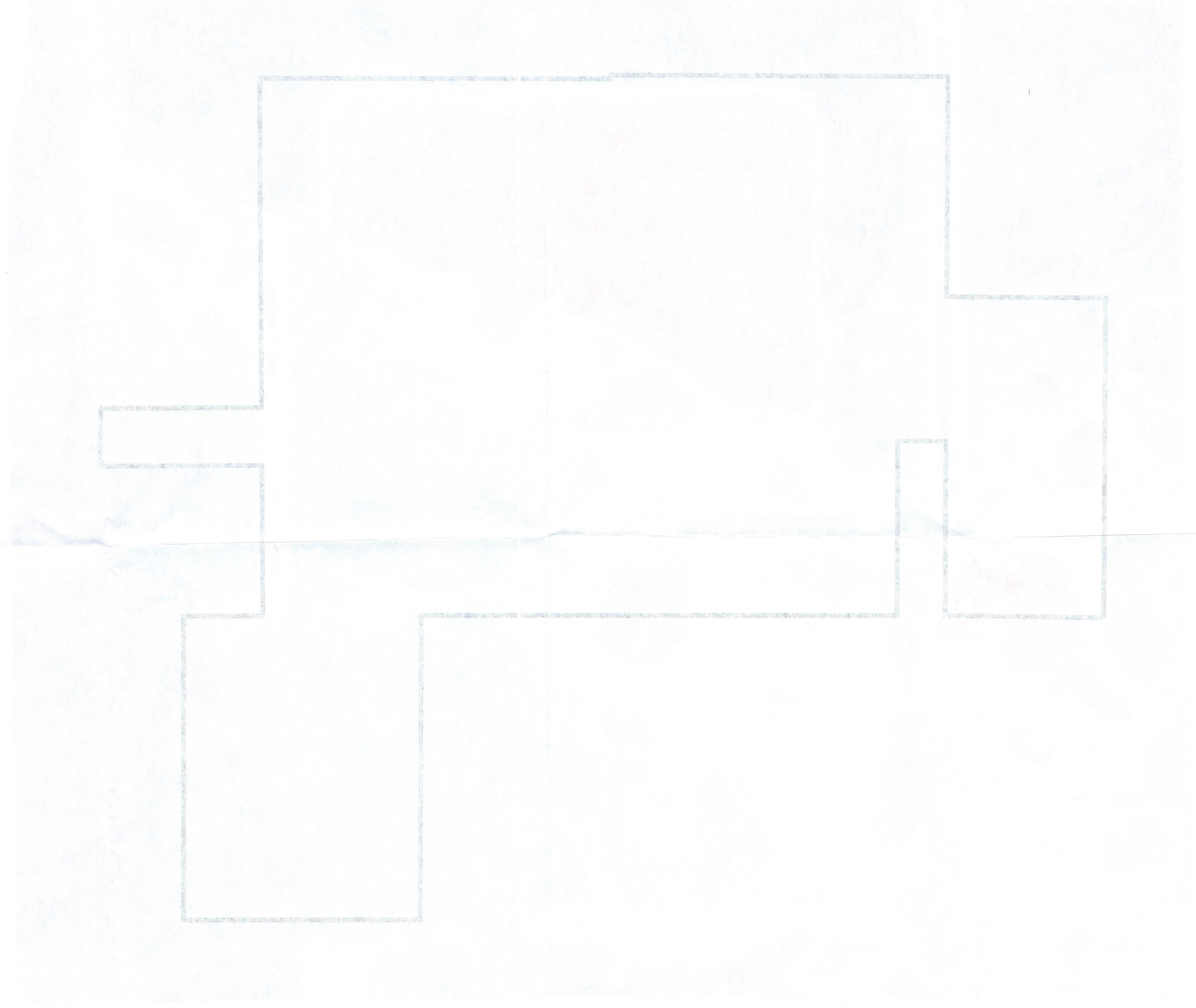
Commence at the northwest corner of the southwest 1/4 of said Section 3; thence along the west line of said Section 3, South 00°57'25" East a distance of 865.24 feet to the south line of Underwood Subdivision, a subdivision (as per plat thereof recorded in Plat Book 12, Page 27, Public Records of Lee County, Florida) for a POINT OF BEGINNING; thence along said south line, North 89°10'07" East a distance of 727.55 feet to the east line of said subdivision; thence South 00°56'05" East a distance of 8.00 feet; thence North 89°10'07" East a distance of 50.00 feet; thence South 00°56'05" East a distance of 42.00 feet; thence South 89°10'07" West a distance of 777.53 feet to the west line of said Section 3; thence along said west line, North 00°57'25" West a distance of 50.00 feet to the POINT OF BEGINNING.

Containing 38,477 square feet.

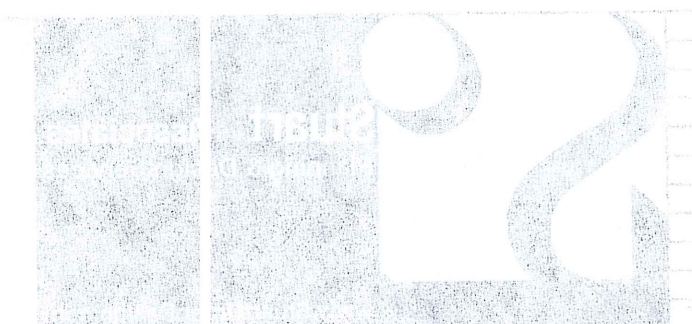
Legal Description Approved by:

L. R. Sharp P.L.S. #4388
Date: 6/23/2009
NOT VALID UNLESS EMBOSSED



GRAPHIC SCALE 1" = 100'

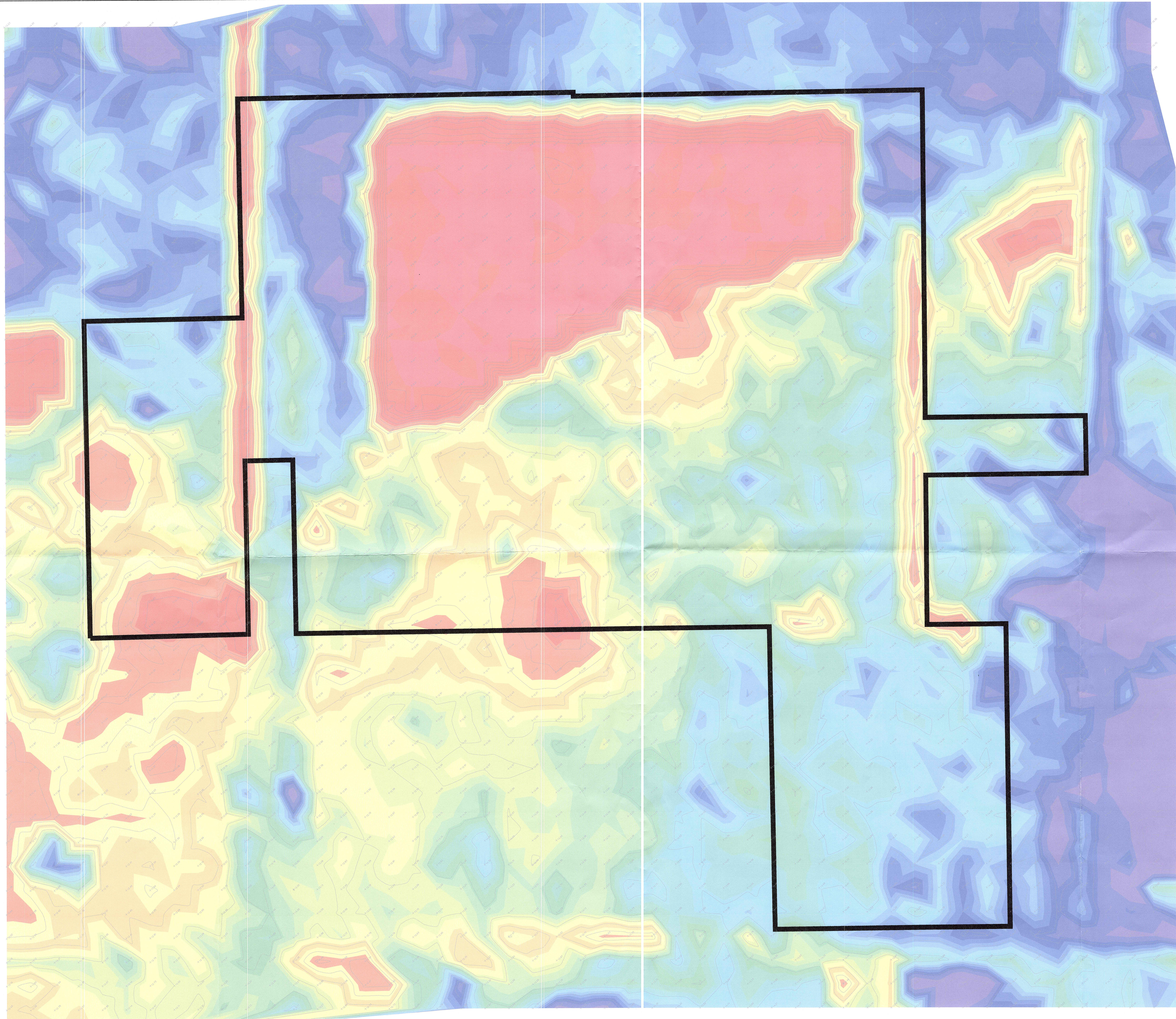
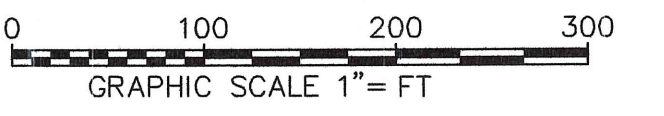
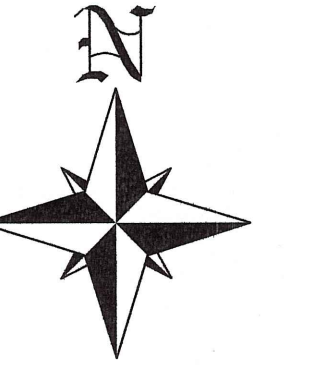
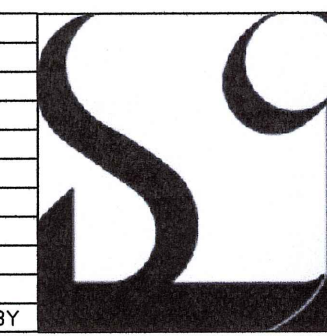


BANKS ENGINEERING
Professional Engineering Firm
1001 N. W. 1st Street, Suite 100
Fort Lauderdale, FL 33304
Phone: (954) 551-1111
Fax: (954) 551-1112
www.banks-engineering.com



NO.	DATE	DESCRIPTION
1	10/1/2014	Initial Survey
2	11/1/2014	Final Survey
3	12/1/2014	Final Survey
4	1/1/2015	Final Survey
5	2/1/2015	Final Survey
6	3/1/2015	Final Survey
7	4/1/2015	Final Survey
8	5/1/2015	Final Survey
9	6/1/2015	Final Survey
10	7/1/2015	Final Survey

DATE	10/1/2014
PROJECT	THE BURMUDA LAKES RV RESORT PLANNED DEVELOPMENT
DRAWING	LIBAR
DESIGN	LIBAR
DRAWN	LIBAR
CHECKED	LIBAR
SCALE	1" = 100'
SHEET	1

[illegible]

Stuart Urban **Associates**
Planning & Design Services
www.StuartUrbanDesign.com

BANKS
ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

LIDAR EXHIBIT THE BURMUDA LAKES RV RESORT PLANNED DEVELOPMENT LEE COUNTY, FLORIDA							
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
9/3/2014	2062NT	LIDAR		EMH		1"=100'	1