

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00027

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Beau and Lauren Voltz filed an application for an administrative amendment to a Residential Planned Development on a project known as Pine Glen Amendment to amend the property development regulations for a lot within an existing Residential Planned Development to allow a 5 foot rear setback for a pool/deck enclosure for a single family detached lot on property located at 19398 Devonwood Circle, Fort Myers, FL 33967, described more particularly as:

LEGAL DESCRIPTION: In Section 22, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-91-083 (with a subsequent amendment in resolution number Z-07-027); and

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

WHEREAS, the applicant wishes to amend the property development regulations for the Single Family Detached lot within the Residential Planned Development to allow for a 5 foot rear property line setback for a pool deck and enclosure, where currently the setback is 10 feet (Attached as Exhibit "B"); and

WHEREAS, the applicant has received no objection from the Homeowners Association for the amendment of the property development regulations (Attached as Exhibit "C") for this lot; and

WHEREAS, the applicant has received letters of no objection from the surrounding property owners for the proposed setback amendment (Attached as Exhibit "E"); 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

CASE NO. ADD2017-00027

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 Residential Planned Development is **APPROVED** subject to the following conditions:

1. **The minimum rear setback for pool deck/enclosures will be 5 feet from the property line for the property located at 19398 Devonwood Circle, Fort Myers, FL 33967.**
2. **The terms and conditions of the original zoning resolutions, as amended by this approval, remain in full force and effect.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 4/4/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits:

Exhibit A: STRAP Number
Exhibit B: Narrative Request
Exhibit C: HOA Letter of No Objection
Exhibit D: Z-91-083
Exhibit E: Surrounding Property owners No Objection

Exhibit A

ADD2017-00027

STRAP NUMBER

22-46-25-09-00007.0160

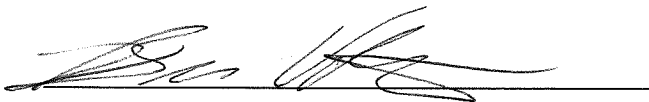
REVIEWED
ADD2017-00027
Jessica Leatherman,
Planner
Lee County DCD
4/5/2017

Exhibit B

Written Narrative:

Currently Resolution Number Z-07-027 sets the regulations for the development Pine Glen at Three Oaks. In this document it states the property regulations for single family detached homes must maintain a 10 foot setback from the property line to pool deck/enclosures. I am asking to amend this regulation from 10 feet to 5 feet so as to allow future construction be uniform with previous construction that has not adhered to this regulation. All previous pool construction was built and approved by zoning with this regulation not being followed. Amending this regulation would place all of the pools built around the lake in this development that are currently out of code back in compliance.

Thank you for tending to this matter

A handwritten signature in black ink, appearing to read 'Beau Voltz', is written over a horizontal line.

Beau Voltz

Property Owner: 19398 Devonwood Cir.

Fort Myers, FL 33967

Exhibit C

Pine Glen at Three Oaks Home Owners Association Request:

To: Director of Lee County Department of Community Development

It has come to the attention of the H.O.A. that a regulation covering the rear setback to pool deck/enclosures is in need of an amendment. As the president of the Home Owners Association of Pine Glen at Three Oaks I would like to give our approval for an amendment to this regulation.

The regulation needing to be amended can be found on page 9 of Resolution Number Z-07-027:

Section B: Conditions

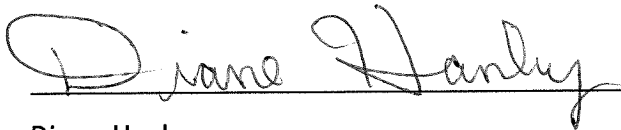
4: Residential Planned Development District uses, Conditions and Property Development Regulations

C: Property Development Regulations

1: Single Family Detached Rear Setback from property line to pool deck/enclosures from 10 feet

We would like to amend the setback from 10 feet to 5 feet

Thank you for your consideration,

A handwritten signature in cursive script, reading "Diane Hanley", written over a horizontal line.

Diane Hanley

President of H.O.A. at Pine Glen at Three Oaks

239-590-9229 Home Phone

239-898-4089 Cell Phone

Exhibit D

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

WHEREAS, Alan C. Freeman, Trustee, in reference to Villages of San Carlos, has properly filed an application for:

- a) To consider an amendment to the Development of Regional Impact Development Order and to make a substantial deviation determination; and
- b) A rezoning from RS-1 (Residential Single Family) and RM-2 (Residential Multiple Family) and CC (Community Commercial) with a special exception for a service station, to Residential Planned Development, Commercial Planned Development, and Community Facilities Planned Development, to permit the continued development of a project approved by the Board of County Commissioners by Resolution Z-81-1 and by adoption of DRI Development Order #81-1 on May 13, 1981, for a project known as Villages of San Carlos; and

WHEREAS, the subject property is located west of I-75 between Alico and Corkscrew Roads, east of San Carlos Park, described more particularly as:

LEGAL DESCRIPTION: In Sections 10, 15, 22 and 23, Township 46 South, Range 25 East, Lee County, Florida:

RESIDENTIAL (RPD)

A tract of land lying in the Southeast Quarter (SE1/4) of Section 10 and the East Half (E1/2) of Section 15 and the Northeast Quarter (NE1/4) of Section 22 and the Northwest Quarter (NW1/4) of Section 23, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

BEGINNING AT the Southwest corner of the Northeast Quarter (NE1/4) of Section 22;

THENCE run N00°38'30"W along the West line of said Section 22 for 2,606.31 feet to the Northwest corner of the Northeast Quarter (NE1/4) of said Section 22;

THENCE run N00°19'59"W for 2,672.10 feet to the Northwest corner of the Southeast Quarter (SE1/4) of Section 15 and the Northwest corner of Eastgate at San Carlos Pines, Phase 1, as shown on the plats recorded in Plat Book 33 at Pages 21-23 of the Public Records of Lee County, Florida;

THENCE run S84°08'36"E along the Northerly boundary of said Eastgate at San Carlos Pines, Phase 1, for 356.42 feet;

THENCE run S63°23'58"E along said Northerly line for 417.26 feet;

THENCE run S74°58'32"E along said Northerly line for 147.26 feet;

THENCE run N80°12'17"E along said Northerly line for 182.48 feet to the Northeast corner of said Eastgate at San Carlos Pines, Phase 1;

THENCE run N80°12'17"E for 18.11 feet to the Westerly right-of-way line of Three Oaks Parkway;

THENCE run N11°00'00"W along said Westerly line for 237.83 feet;

THENCE run Northwesterly along said Westerly line for 273.80 feet on the arc of a curve to the left having a radius of 1,120.00 feet (chord bearing N18°00'12"W, chord distance of 273.12 feet);

THENCE run N25°00'25"W along said Westerly line for 570.00 feet;

THENCE run Northwesterly for 447.03 feet on the arc of a curve to the left having a radius of 1,220.00 feet (chord bearing N14°30'35"W, chord distance of 444.53 feet);

continued...

THENCE run $9^{\circ}40'13''$ W for 592.40 feet to the West line of said Section 15;
 THENCE run $N00^{\circ}19'48''$ W along said West Line for 1,425.59 feet to the Southwest corner of the Southeast Quarter (SE1/4) of Section 10;
 THENCE run $N01^{\circ}23'47''$ W for 2,664.23 feet to the Northwest corner of the Southeast Quarter (SE1/4) of said Section 10;
 THENCE run $N89^{\circ}18'02''$ E along the North line of said Section 10 for 835.53 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run Southeasterly along said Westerly line for 959.46 feet on the arc of a curve concave Northeasterly having a radius of 5,823.58 feet (chord bearing $S10^{\circ}43'39''$ E, chord distance of 958.37 feet);
 THENCE run $S14^{\circ}13'23''$ E along said Westerly line for 1,881.70 feet;
 THENCE run $S87^{\circ}11'24''$ W for 472.12 feet to a point on the Easterly right-of-way line of Three Oaks Parkway;
 THENCE run Southwesterly along said right-of-way line for 411.00 feet on the arc of a curve concave Northwesterly having a radius of 1,220.00 feet (chord bearing $S06^{\circ}50'28''$ E, chord distance of 409.06 feet);
 THENCE run $S16^{\circ}29'32''$ W along said right-of-way line for 518.88 feet;
 THENCE run Southeasterly along said right-of-way line for 811.21 feet on the arc of a curve concave Northeasterly having a radius of 1,120.00 feet (chord bearing $S04^{\circ}15'26''$ E, chord distance of 793.60 feet);
 THENCE run $S25^{\circ}00'25''$ E along said right-of-way line for 570.00 feet;
 THENCE run Southeasterly along said right-of-way line for 298.25 feet on the arc of a curve concave Southwesterly having a radius of 1,220.00 feet (chord bearing $S18^{\circ}00'12''$ E, chord distance of 297.51 feet);
 THENCE run $S11^{\circ}00'00''$ E along said right-of-way line for 669.10 feet;
 THENCE run Southeasterly for 281.80 feet along said right-of-way line on the arc of a curve concave Southwesterly having a radius of 1,030.00 feet (chord bearing $S03^{\circ}09'44''$ E, chord distance of 280.92 feet);
 THENCE run East for 1,008.33 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run $S14^{\circ}13'23''$ E along said right-of-way line for 4,460.33 feet;
 THENCE run $S89^{\circ}16'12''$ W for 664.67 feet to the Southeast corner of the Northeast Quarter (NE1/4) of said Section 22;
 THENCE run $S89^{\circ}15'53''$ W for 2,658.61 feet along the South line of said Northeast Quarter (NE1/4) to the POINT OF BEGINNING.

EXCEPTING THAT part further described as follows:

A tract of land lying in the Northeast Quarter (NE1/4) of Section 22, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northeast corner of said Section 22;
 THENCE run $S88^{\circ}23'40''$ W for 799.59 feet along the North line of the Northeast Quarter (NE1/4) of said Section 22 to the POINT OF BEGINNING;
 THENCE run $S11^{\circ}21'17''$ E for 126.05 feet;
 THENCE run $S05^{\circ}28'43''$ W for 189.06 feet;
 THENCE run $S18^{\circ}15'48''$ E for 181.53 feet;
 THENCE run $S03^{\circ}46'03''$ W for 83.16 feet;
 THENCE run $S22^{\circ}04'52''$ E for 74.60 feet;
 THENCE run $S07^{\circ}46'15''$ W for 187.96 feet;
 THENCE run $S28^{\circ}46'02''$ W for 58.04 feet;
 THENCE run $S12^{\circ}01'00''$ E for 31.69 feet;
 THENCE run $S16^{\circ}07'18''$ W for 277.66 feet;
 THENCE run $S68^{\circ}40'50''$ W for 219.04 feet;
 THENCE run $N85^{\circ}57'36''$ W for 123.50 feet;
 THENCE run $N11^{\circ}41'32''$ W for 44.89 feet;
 THENCE run $N62^{\circ}41'55''$ W for 106.20 feet;
 THENCE run $N18^{\circ}34'28''$ W for 100.55 feet;
 THENCE run $N23^{\circ}58'15''$ W for 274.03 feet;

continued...

THENCE run N00°51'14"W for 150.22 feet;
 THENCE run N00°06'06"W for 247.63 feet;
 THENCE run N02°47'39"E for 146.80 feet;
 THENCE run N04°55'00"W for 227.32 feet;
 THENCE run N65°49'54"W for 52.65 feet;
 THENCE run N03°34'16"E for 59.13 feet;
 THENCE run N11°56'54"E for 148.96 feet;
 THENCE run N43°02'34"E for 282.53 feet;
 THENCE run S42°37'55"E for 92.21 feet;
 THENCE run S84°18'29"E for 62.62 feet;
 THENCE run S51°37'12"E for 133.97 feet;
 THENCE run S80°44'01"E for 129.45 feet;
 THENCE run S63°39'28"E for 257.78 feet;
 THENCE run S85°52'53"E for 44.00 feet;
 THENCE run S11°21'17"E for 48.92 feet to the POINT OF BEGINNING.
 Tract herein described contains 375.40+/- RPD acres.

LESS AND EXCEPT THE FOLLOWING SUBDIVIDED AND PLATTED PARCELS:

Eastgate at San Carlos Pines, Phase I, recorded in Plat Book 33, Pages 21 through 23, and Phase II, recorded in Plat Book 36, Pages 64 and 65, consisting of 35.09 acres, more or less;

The Eastgate Retention Area more particularly described as follows:

From the Northwest corner of the Southeast Quarter (SE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, run S00°19'59"E along the West line of said Southeast Quarter (SE1/4) for 1,218.50 feet for a POINT OF BEGINNING;
 THENCE S45°19'59"E for 835.00 feet;
 THENCE S89°40'01"W for 590.43 feet to said West line of the Southeast Quarter (SE1/4);
 THENCE N00°19'59"W for 590.43 feet to the POINT OF BEGINNING.
 Said land containing 4.00 acres, more or less;

Pine Run at Three Oaks, recorded in Plat Book 38, Pages 67 through 70, and the First Annex to Pine Run at Three Oaks recorded in Plat Book 40, Page 5, consisting of 29.00 acres, more or less;

Cypress Chase at Three Oaks, Unit I, recorded in Plat Book 41, Pages 29 and 30, consisting of 15.39 acres, more or less;

Cypress Chase at Three Oaks, Unit II, recorded in Plat Book 43, Pages 49 and 50, consisting of 16.96 acres, more or less;

Pine Glen at Three Oaks, Unit I, recorded in Plat Book 42, Pages 51 through 53, consisting of 30.14 acres, more or less.

COMMUNITY FACILITIES (CFPD)

A tract of land lying in the Northeast Quarter (NE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northwest corner of the Northeast Quarter (NE1/4) of said Section 15;
 THENCE run N89°41'47"E along the North line of said Section 15 for 1,386.09 feet to the Westerly right-of-way line of Interstate Highway 75;
 THENCE run S14°13'23"E along said Westerly line for 102.49 feet to the POINT OF BEGINNING;
 THENCE run S14°13'23"E along said Westerly line for 1,989.99 feet;
 THENCE run S88°46'53"W for 506.61 feet;
 THENCE run S75°46'37"W for 450.00 feet to the Easterly right-of-way line of Corlico Parkway;
 THENCE run N25°00'25"W along said right-of-way line for 366.45 feet to a Point of Curvature;
 THENCE run Northerly for 811.21 feet on the arc of a curve to the right having a radius of 1,120.00 feet (chord bearing N04°15'26"W, chord distance of 793.60 feet);

continued...

THENCE run N 029°32'E for 518.88 feet to a Point of Curvature;
 THENCE run Northerly for 411.00 feet on the arc of a curve to the left having a radius of 1,220.00 feet (chord bearing N06°50'28"E, chord distance of 409.06 feet);
 THENCE run N87°11'24"E for 472.12 feet to the POINT OF BEGINNING.
 Tract herein described contains 38.24 acres.

TOGETHER WITH:

A tract of land lying in the Northeast Quarter (NE1/4) and Southeast Quarter (SE1/4) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, more particularly described as follows:

BEGINNING AT the Southwest corner of said Northeast Quarter (NE1/4);
 THENCE run N00°19'48"W along the West line of said Northeast Quarter (NE1/4) for 1,209.49 feet;
 THENCE run N89°40'13"E for 592.40 feet to the Westerly right-of-way line of Corlico Parkway;
 THENCE run Southeasterly for 447.031 feet on the arc of a curve concave Northeasterly having a radius of 1,220.00 feet (chord bearing S14°30'35"E, chord distance of 444.53 feet);
 THENCE run S25°00'25"E along said Westerly line for 570.00 feet;
 THENCE run Southeasterly along said Westerly line for 273.80 feet on the arc of a curve to the right having a radius of 1,120.00 feet (chord bearing S18°00'12"E, chord distance of 273.12 feet);
 THENCE run S11°00'00"E along said Westerly line for 237.83 feet;
 THENCE run S80°12'17"W for 18.11 feet to the Northeast corner of Eastgate at San Carlos Pines, Phase 1, as shown on the plats recorded in Plat Book 33 at Pages 21-23 of the Public Records of Lee County, Florida;
 THENCE continue S80°12'17"W along the Northerly boundary of said Eastgate at San Carlos Pines, Phase 1, for 182.48 feet;
 THENCE run N74°58'32"W along said Northerly line for 147.26 feet;
 THENCE run N63°23'58"W along said Northerly line for 417.26 feet;
 THENCE run N84°08'36"W along said Northerly line for 356.42 feet to the POINT OF BEGINNING.
 Tract herein described contains 25.029 acres.

TOGETHER WITH:

A tract of land lying in the Northeast Quarter (NE1/4) of Section 22, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northeast corner of said Section 22;
 THENCE run S88°23'40"W for 799.59 feet along the North line of the Northeast Quarter (NE1/4) of said Section 22 to the POINT OF BEGINNING;
 THENCE run S11°21'17"E for 126.05 feet;
 THENCE run S05°28'43"W for 189.06 feet;
 THENCE run S18°15'48"E for 181.53 feet;
 THENCE run S03°46'03"W for 83.16 feet;
 THENCE run S22°04'52"E for 74.60 feet;
 THENCE run S07°46'15"W for 187.96 feet;
 THENCE run S28°46'02"W for 58.04 feet;
 THENCE run S12°01'00"E for 31.69 feet;
 THENCE run S16°07'18"W for 277.66 feet;
 THENCE run S68°40'50"W for 219.04 feet;
 THENCE run N85°57'36"W for 123.50 feet;
 THENCE run N11°41'32"W for 44.89 feet;
 THENCE run N62°41'55"W for 106.20 feet;
 THENCE run N18°34'28"W for 100.55 feet;
 THENCE run N23°58'15"W for 274.03 feet;
 THENCE run N39°51'14"W for 150.22 feet;
 THENCE run N24°06'06"W for 247.63 feet;
 THENCE run N02°47'39"E for 146.80 feet;
 THENCE run N04°55'00"W for 227.32 feet;
 THENCE run N65°49'54"W for 52.65 feet;
 THENCE run N03°34'16"E for 59.13 feet;

continued...

THENCE run N⁰⁰56'54"E for 148.96 feet;
 THENCE run S⁰²02'34"E for 282.53 feet;
 THENCE run S42⁰³37'55"E for 92.21 feet;
 THENCE run S84⁰¹18'29"E for 62.62 feet;
 THENCE run S51⁰³37'12"E for 133.97 feet;
 THENCE run S80⁰⁴44'01"E for 129.45 feet;
 THENCE run S63⁰³39'28"E for 257.78 feet;
 THENCE run S85⁰⁵52'53"E for 44.00 feet;
 THENCE run S11⁰²11'17"E for 48.92 feet to the POINT OF BEGINNING.
 Tract herein described contains 23.80 acres.

PARCEL G

COMMERCIAL (CPD)

A tract of land lying in the East Half (E1/2) of Section 15, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

COMMENCING AT the Northwest corner of the Southeast Quarter (SE1/4) of said Section 15;
 THENCE run S84⁰⁰08'36"E for 356.42 feet;
 THENCE run S63⁰²23'58"E for 417.26 feet;
 THENCE run S74⁰⁵58'32"E for 147.26 feet;
 THENCE run N80⁰¹12'17"E for 202.52 feet;
 THENCE run East for 99.91 feet to the POINT OF BEGINNING;
 THENCE run N11⁰⁰00'00"W for 256.93 feet;
 THENCE run Northwesterly 298.25 feet on the arc of a curve concave Southwesterly with a radius of 1,220.00 feet (chord bearing N18⁰⁰00'12"W, chord distance 297.51 feet);
 THENCE run N25⁰⁰00'25"W for 203.55 feet;
 THENCE run N75⁰⁴46'37"E for 450.00 feet;
 THENCE run N88⁰⁴46'53"E for 506.61 feet to a point on the Westerly right-of-way line of Highway I-75;
 THENCE run S14⁰¹13'23"E for 1,574.30 feet;
 THENCE run West for 1,008.33 feet;
 THENCE run Northwesterly 281.80 feet along the arc of a curve concave Southwesterly having a radius of 1,030.00 feet (chord bearing N03⁰⁰09'44"W, chord distance 280.92 feet);
 THENCE run N11⁰⁰00'00"W for 412.17 feet to the POINT OF BEGINNING.
 Tract herein described contains 32.289 acres.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

10-46-25-00-00001.2000,	15-46-25-00-00005.1000,
15-46-25-00-00005.1020,	22-46-25-00-01001.0000 and
23-46-25-00-00001.2000; and	

WHEREAS, proper authorization has been given to Alan C. Freeman by Paul H. Freeman and Neil D. Freeman, owners of the subject parcel, to act as applicant to pursue this zoning application; and

WHEREAS, proper authorization has been given to Michael J. Ciccarone of Goldberg, Goldstein & Buckley, P.A., and James P. Elliott, P.E., President of Source, Inc., by Alan C. Freeman, an owner of the subject parcel, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Hearing Examiner, with full consideration of all the evidence available; and the Lee County Hearing Examiner fully reviewed the matter in a public hearing held on November 26, 1991; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners, and in the legislative process, the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on file with the county, and the testimony of all interested persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby:

- a) APPROVE the First Development Order Amendment, draft dated February 12, 1992, and find that the proposed changes to the Village of San Carlos Development of Regional Impact do not constitute a substantial deviation under the criteria set out in Section 380.06(19), Florida Statutes; and
- b) APPROVE WITH CONDITIONS a rezoning to Residential Planned Development, Commercial Planned Development and Community Facilities Planned Development.

This approval is subject to the following conditions:

1. The development of this project shall be in accordance with the thirteen page set of plans entitled Villages of San Carlos. The Master Concept Plan is identified as Sheets B1 and B2 (Job #110-06-87) prepared by Source, Inc.:

<u>Sheet</u>	<u>Dated</u>	<u>Stamped Received</u>
A, C-1, C-2	April 21, 1989	January 4, 1991
B1, B2	April 21, 1989	October 22, 1991
D	September 11, 1990	January 4, 1991
E1, E2, H	January 4, 1991	January 4, 1991
F	N/A	January 4, 1991
G-1, G-2, G-3	April 17, 1984	January 4, 1991

The approved Master Concept Plan is modified by the conditions below. This approval does not alleviate the need to comply with all state and county development regulations except as specifically modified by this approval.

2. Uses on this property shall be as enumerated on Sheet B2 except as further conditioned below:

a. Commercial Planned Development

- (1) Not more than 88,799 square feet of commercial gross floor area shall be developed.
- (2) All access to perimeter parcels shall be from the internal roadway. No access shall be from Three Oaks Parkway or accessways to the internal roads.
- (3) The property development regulations, i.e., height setbacks, etc., of the CC zoning district shall be applicable.
- (4) Each perimeter out-parcel shall provide its own parking in compliance with Zoning Ordinance Section 202.15. There shall be no shared parking with the other tracts of this site.
- (5) Any Automatic Teller Machine uses that are ancillary to another unrelated permitted use, e.g., an Automatic Teller Machine in a grocery store, shall be required to delineate 1 parking space for Automatic Teller Machine customers.

- (6) All structures on the outparcels shall be bound by a covenant running with the property to an architectural design compatible with and similar to the main center buildings. Signs conforming with the requirements of Lee County Sign Ordinance shall be allowed to be mounted on individual buildings for the purpose of identifying tenants. All signs in the entire development and outparcels shall be coordinated so as to give the center a fully integrated, well-designed look to comply with the architectural theme.
- (7) Full or partial service stations (limited to minor repairs only) are permitted uses as approved in Resolution 81-1 (original Development Order and Zoning Resolution).

b. Community Facilities Planned Development

- (1) No uses are approved on Parcel A except for boardwalks, decks, gazebos, observation towers and auxiliary descriptive signage as approved on the original Master Concept Plan. The purpose of these uses is to allow a passive, educational nature walk.
- (2) Permitted uses on Parcels H & I (the 25 acre school site) are as shown on Sheet B-2, except that the Recreational Facilities, Public, specifically includes community recreation center with kitchen, and athletic fields with concessions, but said facilities are to remain subordinate to Schools, Public, which is the intended primary use. Prior to final plan approval, the Restaurants, Group II, shall be deleted.
- (3) Permitted uses on Parcel K (Park Site) shall be as shown on Sheet B-2, except that concession stands in addition to community recreation center with kitchen are specifically included, while Restaurants, Group II, and Specialty Retail, Group I, are limited to ancillary uses within the principal building.

c. Residential Planned Development

- (1) The single family residential areas shall be limited to a maximum density of 4 units per acre pursuant to the original DRI Development Order. In no case, however, shall the density for the RPD area (375.4 acres) exceed 3,300 units.
 - (2) All commercial uses in the RPD shall be in compliance with Zoning Ordinance Section 431.C.5.
 - (3) The Recreational Facilities, commercial use is hereby approved for Group III-Outdoor Facilities (pools, tennis courts, and other similar outdoor activities not grouped elsewhere, only); and Group IV-Indoor Facilities (racquetball, handball, squash, tennis courts, health clubs and swimming pool, only); subject to the following conditions. The location shall meet site location standards for Minor Commercial under the Lee Plan. The building area shall be limited to a maximum of 50,000 square feet per 431.C.5.b. of the Zoning Ordinance. The buffer shall be type "D" width with double vegetative requirements. Outdoor lighting shall be directed to the interior of the site. There shall be a common architectural theme, style and signage. The use shall be provided for in deed restrictions or homeowner documents for the neighborhood within which it is located. Hours of operation for outdoor uses shall be limited to 8 in the morning to 10 at night.
3. The height for structures in this development shall be limited to 35 feet unless in compliance with Zoning Ordinance Section 202.18.A.4 for increases in side, rear and street setback wherever the use is not abutting a similar structure, e.g., condominium area abutting single family home area.

4. This zoning approval does not signify that this project's traffic impacts have been mitigated. Additional conditions to mitigate traffic impacts may be required before issuance of a local development order, per the requirements of the Development Standards Ordinance, or per the DRI Development Order.
5. The developer shall be entitled to continue bona fide agricultural uses that are now in existence on the property. However, no development activity of any kind shall occur on the property, including clearing of vegetation or cutting of trees, unless such activity is reviewed and approved in accordance with all applicable Lee County regulations as if no agricultural use existed on the property. The purpose of this condition is to eliminate any exemptions or other special considerations or procedures that might otherwise be available under Lee County regulations by virtue of the existing agricultural uses on the property.
6. A Listed Species Survey shall be submitted with any Preliminary Development Order application for this project. If occupied habitat is located on the project, the site plan shall be revised in order to protect the occupied habitat and habitat buffer in accordance with the Protected Species Ordinance No. 89-34.
7. All commitments made in the Application for Development Approval, sufficiency submittals or amendment application are incorporated by reference. Furthermore, the DRI Development Order and any subsequent amendments are hereby incorporated by reference.
8. All Districts

Deviation (1) is a request to deviate from the requirement that an access road (frontage road) be required along arterial or collector roads (i.e., Three Oaks Parkway), (DSO Sections C.3.j and C.3.o.), to delete the requirement of an access road (frontage road) and restrict access to approved access points along arterial or collector roads. All rights-of-way or easements through adjacent parcels to accommodate access will be the developer's responsibility. This deviation is hereby APPROVED in the RPD district and APPROVED with two conditions in the CPD district. The conditions are:

1. Internal streets shall be considered frontage roads that will be designed to local street standards; and
2. No outparcels shall have direct access to any collector or arterial road.

All Districts

Deviation (2) is a request to deviate from the requirement that streets shall provide access to adjoining property and be coordinated with the street system in the area, (DSO Sections C.3.e. & f.), to limit access as shown on the Master Concept Plan for adjacent property. It shall be the developer's responsibility to provide roadway access between internal tracts where necessary. This deviation is hereby APPROVED with the condition that the accesses are consistent with property intersection separation and control requirements, and emergency accesses be provided between adjacent parcels. Furthermore, the adequate number of accesses provided to adjoining property should be interconnected to improve the traffic movement throughout the development.

All Districts

Deviation (3) is a request to deviate from the road requirements, (DSO Section D.3.b & Table D-1, 7.c), to allow paver block concrete surface course within "private" local streets. This deviation is hereby APPROVED with the condition that the developer execute and record a "Hold Harmless and Maintenance Agreement" prior to Final Development Order approval. This agreement shall include a clause stipulating that the developer shall be responsible for maintenance at the developer's expense, with no costs to be incurred by Lee County. This agreement shall be binding on all successors, heirs and assigns and shall be subject to the review and approval of the County Attorney, Department of Transportation and Engineering and the Division of Development Review.

RPD Only

Deviation (4) is a request to deviate from the zoning open space requirement.
 HEARING NUMBER 91-7-23-DRI-4
 2926

RESOLUTION NUMBER Z-91-083

Page 8 of 13

ments (Section 431.C.4) for 40% common open space (or one-quarter acre per fifty-five dwelling units, for a convention subdivision) to allow the common open space (lakes, preserve areas, and county park site) shown on the Master Concept Plan, to fulfill this requirement for the development as a whole, provided that the individual tracts, when developed, meet the DSO open space requirements. This deviation is hereby APPROVED.

All Districts

Deviation (5) is a request to deviate from excavation depth for water retention from 12 feet (Section 509.B), to the confining layer or 25 feet, whichever is more restrictive. This deviation is hereby APPROVED with the following conditions:

- a. Littoral plantings shall be required for the lake (excavation). A littoral planting plan shall be submitted to the Division of Environmental Sciences for review and approval prior to the issuance of a Final Development Order for any phase of development. The planting plan shall, at the minimum, meet the requirements of the Stormwater Management Systems and Planting Guidelines (2/12/91 Draft), as amended or adopted.
- b. An aeration system, which will provide adequate aeration for the lake, taking into account lake size, depth and volume, shall be installed prior to Certificate of Compliance for this project. The specifications on the type, size, location(s) and number of pumps necessary to obtain adequate aeration shall be subject to the Division of Environmental Sciences approval prior to installation. The aeration system shall be used to provide for proper oxygenation and de-stratification of the lake.
- c. Chemical control methods shall not be used in the lake unless prior written approval is granted by the Division of Environmental Sciences.

RPD Only

Deviation (6) is a request to deviate from the minimum area, lot coverage, and dimension requirements (Section 431.C.1. & 202.18.D) and from the minimum setbacks of structures and buildings (Sections 431.C.2 & 202.18.B.2.a), to those shown on the following table for the various products proposed:

SINGLE FAMILY DETACHED (Standard):

Minimum lot area:	7500 S.F.
Minimum lot dimension:	75' wide X 100' deep
Corner lot dimension:	82.5' wide X 100' deep
Front Setback from local R/W line to building wall:	25'
Rear Setback from property line to building wall:	20'
Rear Setback (Adjacent to open space) from property line to building wall:	10'
Rear Setback from property line to pool deck/enclosures	10'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall:	7.5'
Side Setback from local R/W to building wall	15'

ZERO LOT LINE or PATIO HOMES:

Minimum lot area:	4275 S.F.
Minimum lot dimension:	45' wide X 95' deep
Corner lot dimension:	52.5' wide X 95' deep
Front Setback from local R/W line to building wall:	20'

Rear Setback from property line to building wall:	10'
Rear Setback from property line to pool deck/enclosure:	10'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall (One Side):	7.5'
Side Setback from property line to building wall (Other Side):	0'
Side Setback from local R/W to building wall:	15'
Side Setback from property line to courtyard wall:	0'
Rear Setback from property line to courtyard wall:	0'
Front Setback from property line to courtyard wall:	10'

TOWNHOMES:

Minimum lot area:	900 S.F.
Minimum lot dimension:	18' wide X 45' deep
Front Setback from property line to building wall:	0'
Rear Setback from property line to building wall:	0'
Water Setback from water to building wall:	20'
Side Setback from property line to building wall:	0'
Maximum lot coverage:	100%

CONDOMINIUMS:

Minimum unit area (2 story):	900 S.F.
Minimum unit area (3 - 6 story):	750 S.F.
Minimum unit area (7 & 8 story):	550 S.F.
Setback from any property line to building wall:	25'
Water setback from water to building wall:	20'

This deviation is hereby APPROVED with the condition that the maximum lot coverage limitations be included as follows, except the water setback from water to a building wall is subject to further review and approval prior to any local preliminary development order:

<u>Housing Type</u>	<u>Maximum Lot Coverage</u>
Single-family detached	40%
Zero Lot Line Patio Homes	45%
Townhomes	100%
Condominiums	45%

and with the condition that the minimum lot size for townhomes shall be 20 feet by 45 feet.

All Districts

Deviation (7) is a request to deviate from Ordinance 85-26, as amended by Ordinance 88-12, Section IV, SPECIAL REGULATIONS - ON SITE SIGNS, Paragraph B.2, Residential Development Identification Sign, and Paragraph B.4., Directional Signs On Site Only, which requires signs to be set back a minimum of fifteen feet from the edge of the street right-of-way or easement to:

- a. Five (5) feet at internal R/W (local) intersections,
- b. Ten (10) feet at intersections with collector, or arterial roads (i.e. Three Oaks Parkway),
- c. Zero (0) feet across from "tee" intersections or where no intersections occur, where such locations do not restrict acceptable standards for intersection sight distances.

This deviation is hereby APPROVED with the following conditions:

1. All site distances shall be computed using nationally accepted standards; and
2. All sign structures shall be designed to conform with nationally accepted breakaway and/or yielding standards.

All Districts

Deviation (8) is a request to deviate from the requirement that a four (4) foot fence may be required, at the discretion of the director, to be placed around excavations when located less than one hundred (100) feet from any property under separate ownership (Section 509.F.), to delete the requirement of the fence, provided that lake bank slopes are maintained no greater than 6(H):1(V) to a water depth of four (4) feet below dry season water table. This deviation is hereby APPROVED subject to the condition that the 4-foot high fence shall be provided in any location where a lake is within 100 feet of a road right-of-way.

All Districts

Deviation (9) is a request to deviate from Table C-3 of the Lee County Development Standards Ordinance which requires a 20' buffer along Three Oaks Parkway to 10'. This deviation is hereby APPROVED.

All Districts

Deviation (10) is a request to deviate from the requirement that gives the standards for pavement widths for local County maintained streets (DSO Table D-1.2.C.(1).) to twenty foot (20') pavement with swale drainage or valley gutter drainage, or twenty-four foot (24') pavement with curb and gutter drainage. This deviation is hereby APPROVED for only those roads contained within the Three Oaks Bath & Tennis Club and Pine Glen Unit 2 developments.

RPD Only

Deviation (11) is a request to deviate from the requirement that no real estate sales, except those incidental to the sale of model homes, are to be conducted in a model home (Section 520.D.3.a.), to allow sales offices within model homes and units located throughout the development. This deviation is hereby APPROVED with the condition that such use shall be in compliance with Zoning Ordinance Section 431.C.5.

RPD Only

Deviation (12) is a request to deviate from the requirement that all parking lot spaces shall be provided with sufficient maneuvering room so as to allow an exiting vehicle to leave the parking lot in a forward motion (202.16.E.2.d.), to allow back-out parking for zero lot line or patio homes, similar to that allowed for single-family and two-family developments. This deviation is hereby APPROVED.

All Districts

Deviation (13) is a request to deviate from the requirements in the Zoning Ordinance 202.18.b.2, DSO C.3.a.(4)(e) and wetland protection ordinance 86-31 as amended with regard to the "dots" of RPA & TZ (Non-Urban) that were added to the June 23, 1987 revision of the Lee Plan Land Use Map to continue to be exempt from these requirements due to the previous vesting of the development approvals in DRI #4-8485-54. This deviation is WITHDRAWN.

Specific Location

Deviation (14) is a request to deviate from Section C.3.h. of the DSO, which requires intersections of streets with an arterial street to be not less than 660 feet apart, using a centerline measurement, to not less than 511 feet apart, using a centerline measurement for the two "tee" intersections immediately south of the San Carlos Boulevard/Three Oaks Parkway intersection. This deviation is hereby APPROVED.

Site Plan 91-083 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of RPD, CPD and CFPD zoning:

- A. That the rezonings and changes, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance.
- B. That the requests, as conditioned, are consistent with the goals, objectives, policies and intent of the Lee Plan, and with the densities, intensities and general uses set forth in the Lee Plan.
- C. That the requests, as conditioned, meet or exceed the performance and locational standards set forth for the proposed uses.
- D. That the requests, as conditioned, will protect and preserve environmentally critical areas and natural resources.
- E. That the requests, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- F. That the requested uses, as conditioned, will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- G. The proposed mix of uses, as conditioned, is appropriate at the subject location.
- H. Sufficient safeguards to the public interest are provided by the recommended conditions to the Master Concept Plan and by applicable regulations.
- I. All conditions are reasonably related to the impacts on the public's interest created by or expected from the development.
- J. The deviations will enhance the achievement of the objective of the development and meet the general intent of the zoning regulations to preserve and promote the protection of the public health, safety, and welfare.
- K. That none of the requested changes meet or exceed the substantial deviation threshold criteria found in Section 380.06(19)(b), Florida Statutes.
- L. That the trip generation study shows that the proposed changes will decrease the traffic impacts for this DRI.
- M. That further Development of Regional Impact review, pursuant to Section 380.06, Florida Statutes, is not required.

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

John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Absent</u>
Ray Judah	<u>Absent</u>
Vicki Lopez-Wolfe	<u>Aye</u>
Donald D. Slisher	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of February, A.D., 1992.

ATTEST:
CHARLIE GREEN, CLERK

BY: Claire J. Wreck,
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: [Signature]
Chairman

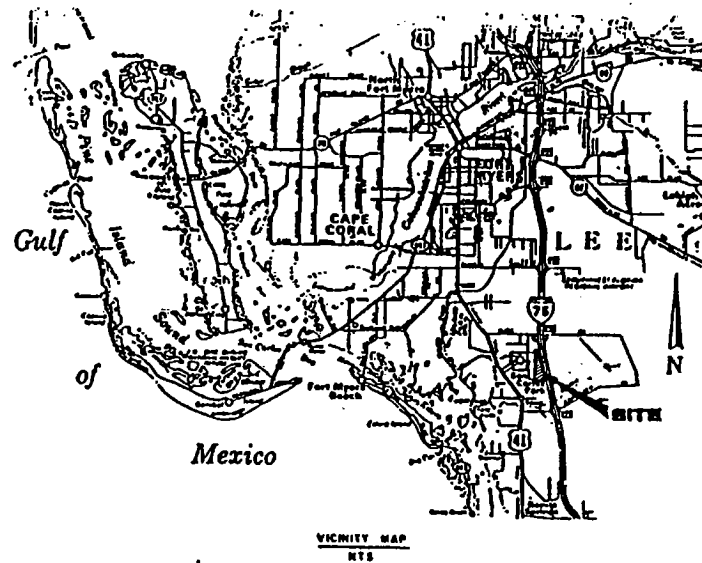
Approved as to form by:

[Signature]
County Attorney's Office

FILED

FEB 28 1992

CLERK CIRCUIT COURT
BY Claire Wreck D.C.



VILLAGES OF SAN CARLOS

INDEX

	<u>TITLE</u>	<u>PAGE</u>	<u>EXHIBIT NO.</u>
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ORIGINAL	MASTER DEVELOPMENT MAP (DRI-MAP "H")	CI, C2	EXHIBIT B-2
	CURRENT LAND USE & EXISTING ZONING MAP	D	
	TOPOGRAPHIC MAP (ADA-DRI MAP C)	E1, E2	
	ZONING - SURVEY PLAT / LEGAL DESCRIPTIONS	F	EXHIBITS TWO: A.2 & A.3
	AERIAL PHOTOGRAPH WITH SOILS CLASSIFICATION	G1, G2, G3	
	SETBACK ILLUSTRATIONS (LOT SKETCHES)	H	

VILLAGES OF SAN CARLOS

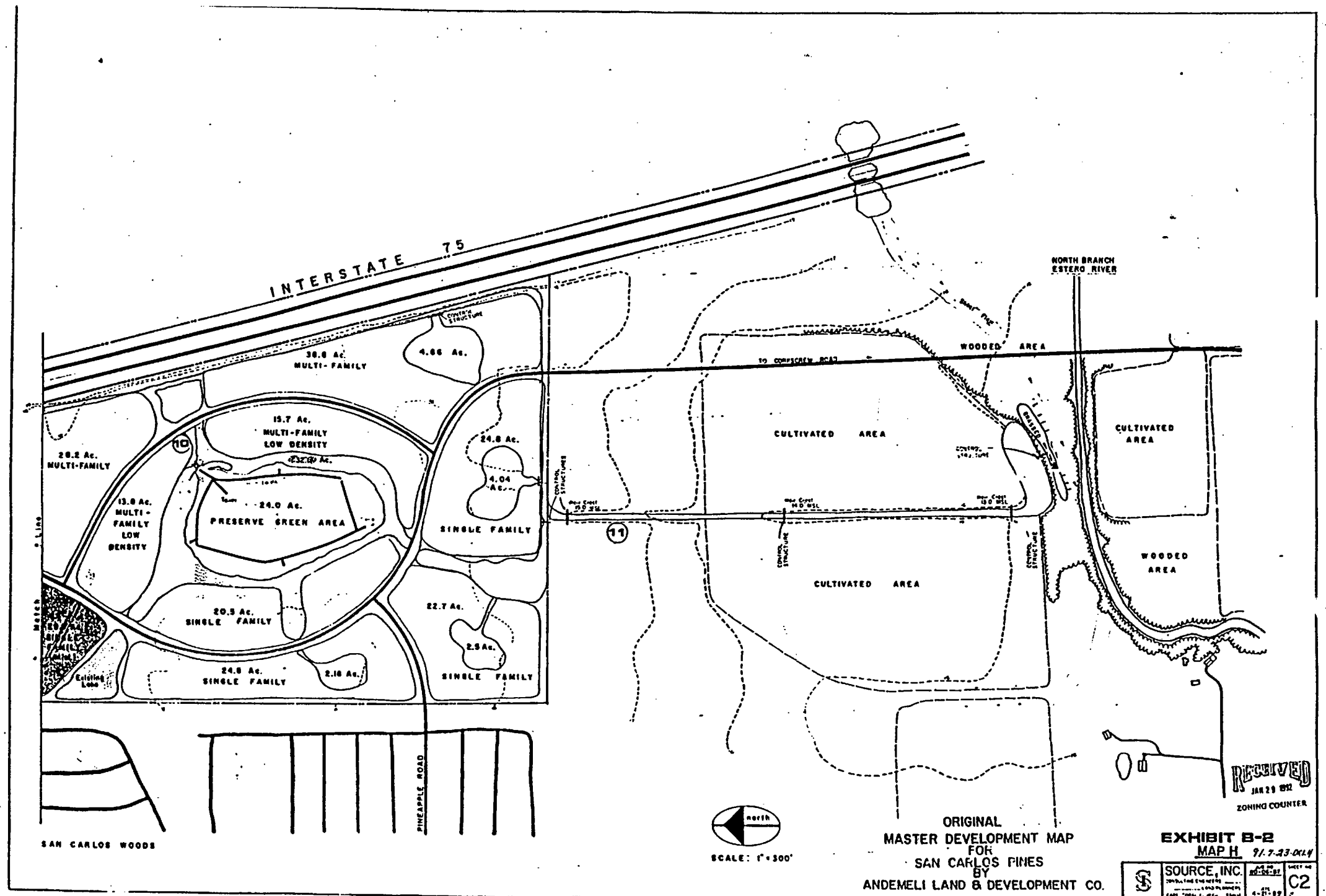
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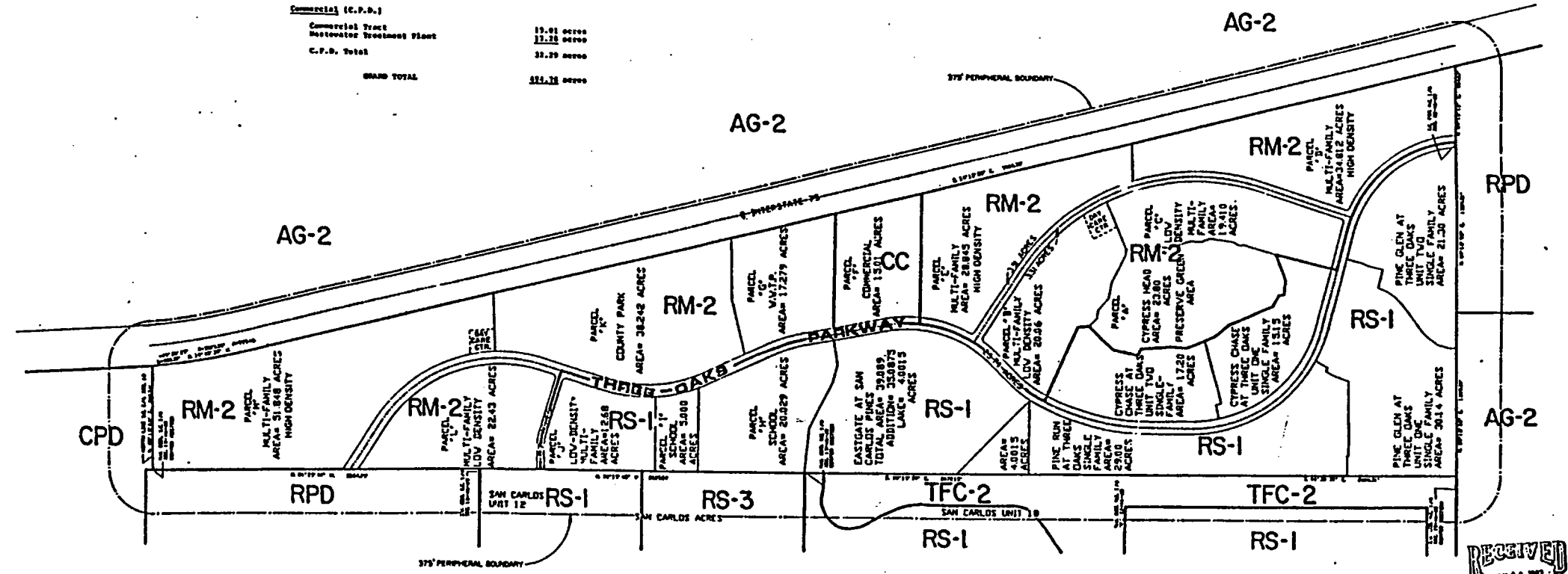
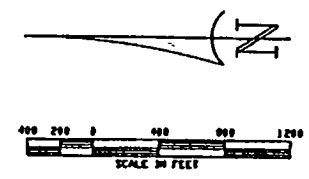
PLAN SET 91-7-23-DRI-4

S	SOURCE, INC. ENGINEERS / PLANNERS 1504 LORETTA STREET CAPE CORAL, FLORIDA 33904	DATE JAN 23 1992	SHEET NO. A
		P.O. BOX 1921, CAPE CORAL, FL. 33910 (410) 540-0345	

7-13	REVENUE (CITY OF ST. LOUIS)		
7-28-90	ADDED SOME MISSING REVENUE		
REVENUE	DATE	REMARKS	FILE NO.
			END OF



LAND USE SUMMARY		
Residential		
500 Units	100 Units	100.00 acres
Multi-Family (Low Density)	100 Units	70.00 acres
Multi-Family (High Density)	100 Units	10.00 acres
Coilten Parkway		25.00 acres
Total	300 Units	205.00 acres
Community Facilities (C.F.D.)		
Park		20.00 acres
Preserved green space		22.00 acres
Middle School		25.00 acres
C.F.D. Total		67.00 acres
Commercial (C.P.D.)		
Commercial Tract		15.00 acres
Wastewater Treatment Plant		17.00 acres
C.P.D. Total		32.00 acres
GRAND TOTAL		304.00 acres

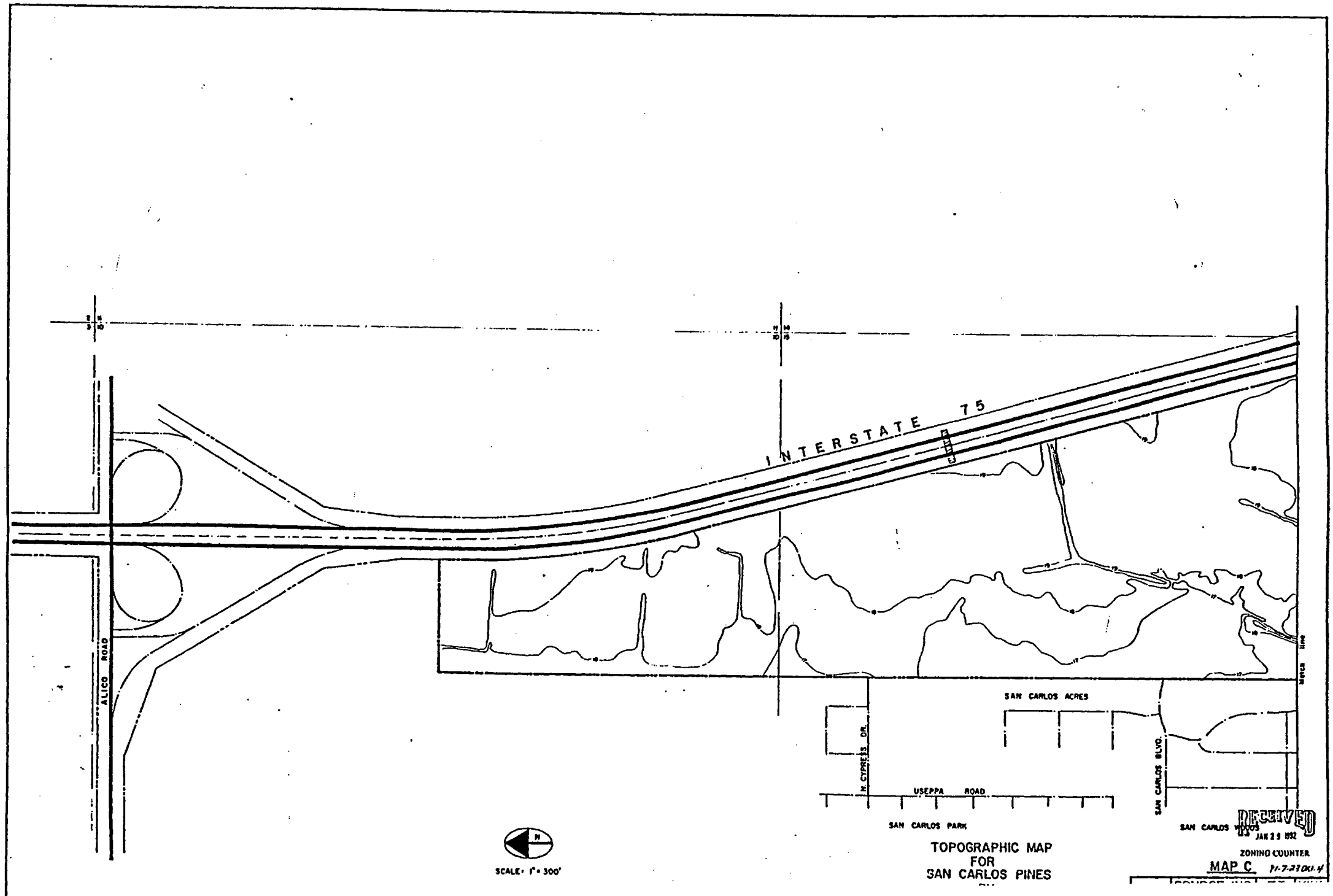


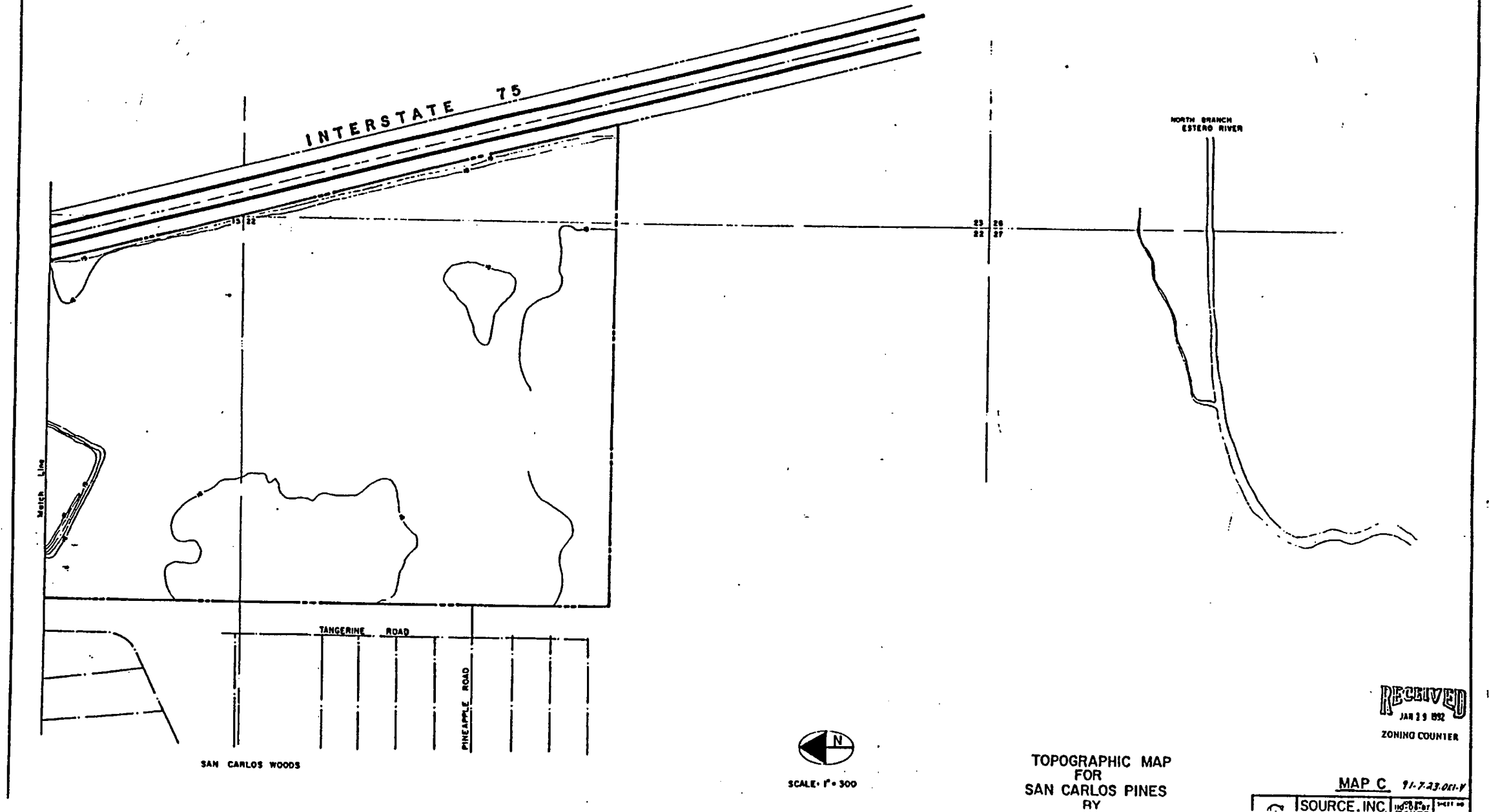
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VILLAGES OF SAN CARLOS.

CURRENT LAND USE & EXISTING ZONING 9-7-23-DCL-4

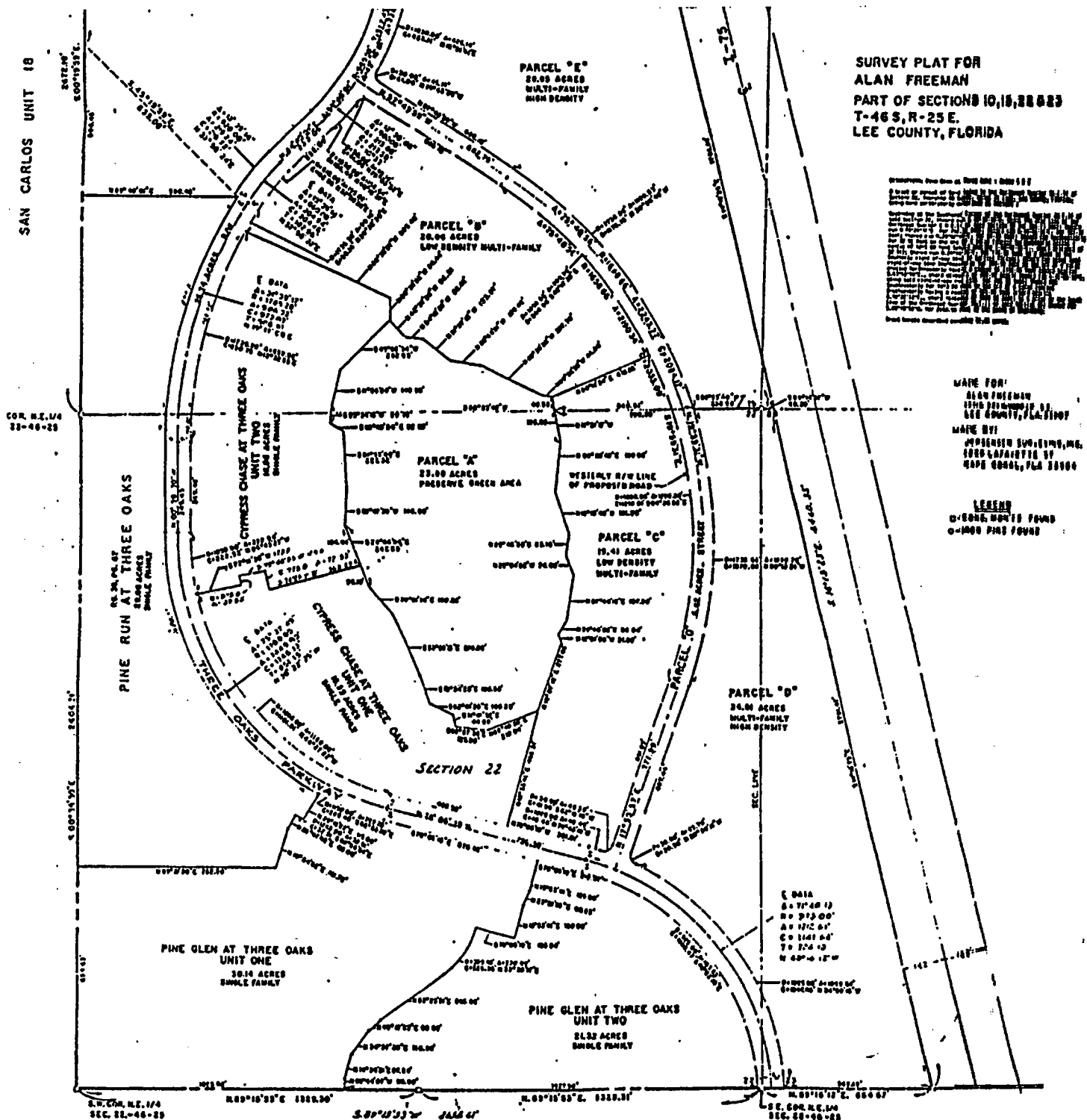
S	ENGINEER / PLANNER	DATE	D
	1000 LAFAYETTE STREET CAPE CORAL, FLORIDA 33904	9-11-90	

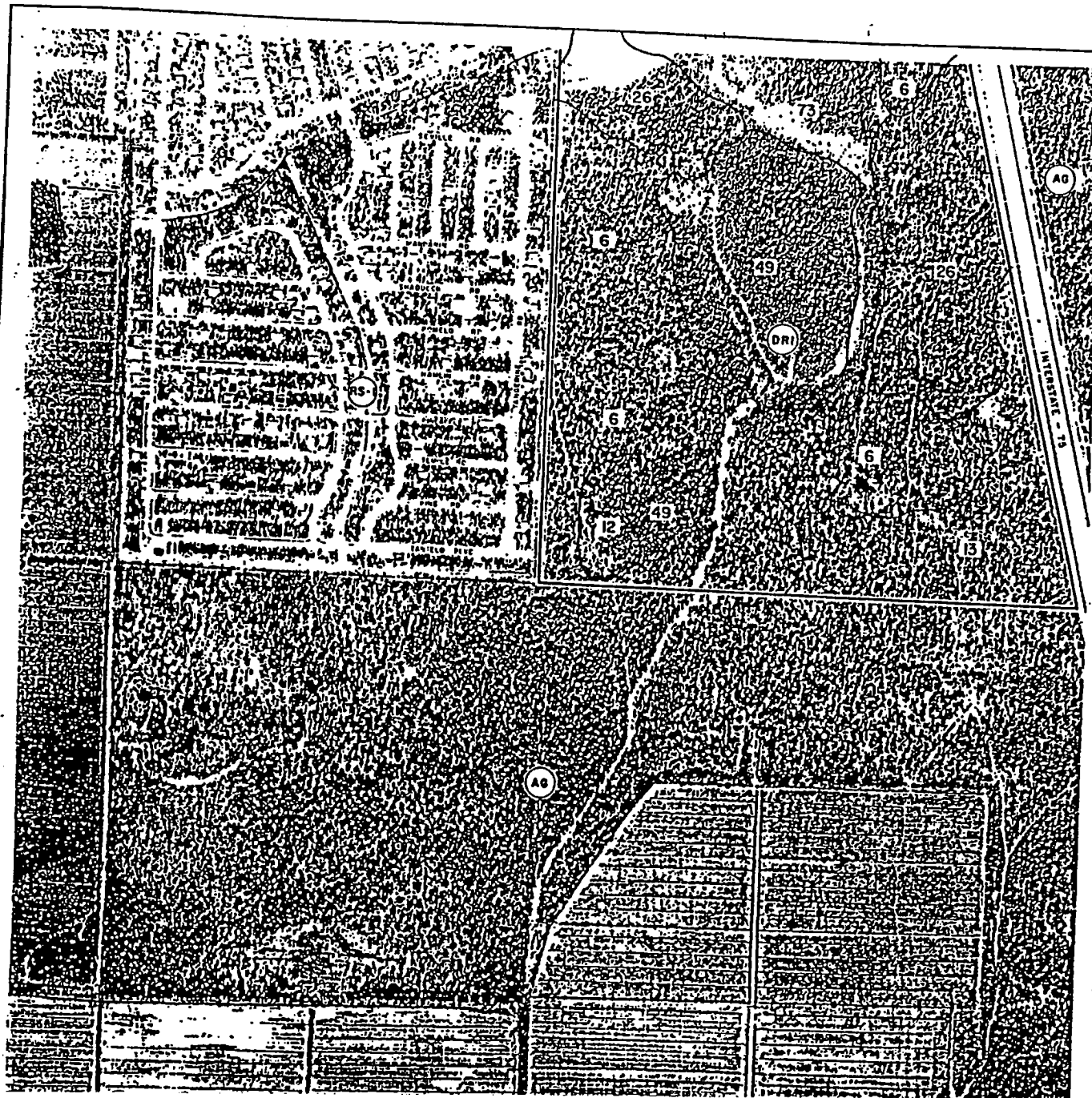




[illegible][illegible]

DESCRIPTION: That part of SE 1/4 of Section 36, lying west of the right-of-way of State Road 93 (S-751); that part of SE 1/4 of Section 36, lying west of right-of-way of State Road 93 (S-751); that part of SE 1/4 of Section 18, lying west of State Road 93 (S-751); SE 1/4 of Section 22; and that part of the NW 1/4 of Section 22, lying west of State Road 93 (S-751), consisting altogether 499.09 acres, more or less, in Township 46 South, Range 25 East, Lee County, Florida.





SCALE: 1" = 300'

SOILS CLASSIFICATION

NUMBER	TYPE OF SOIL
6	Well-sorted Fine Sand
12	Fine Fine Sand
13	Coarse Fine Sand
26	Fine Fine Sand
27	Very coarse Fine Sand, Depressional
38	Intermediate Fine Sand
73	Coarse Fine Sand
49	Fine Fine Sand, Depressional
73	Fine Fine Sand, Depressional

DEVELOPER:

SOUTHWEST FLORIDA CAPITAL CORPORATION
5 BRYNWOOD LANE
FORT MYERS, FLORIDA 33908

**AERIAL AND EXISTING SITE CONDITIONS
VILLAGES OF SAN CARLOS**

SEC. 10, 15, 22 & 23 T46S, R25E
LEE COUNTY, FLORIDA

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JAN 23 1992

ZONING COUNTER

SOURCE: JMC, INC. BUILDER, CAMP CORRAL, FORT MYERS, FLORIDA 33908
1234 LAFAYETTE STREET PHONE 813/456-1234



SOILS CLASSIFICATION

NUMBER	TYPE OF SOIL
6	Wetlands Fine Sand
10	White Fine Sand
12	Dark Fine Sand
26	Florida Fine Sand
27	Pompano Fine Sand, Depressional
28	Imperial Fine Sand
33	Oldham Fine Sand
49	White Fine Sand, Depressional
73	Florida Fine Sand, Depressional
10	Pompano Fine Sand
34	Imperial Fine Sand

DEVELOPER:

SOUTHWEST FLORIDA CAPITAL CORPORATION
5 BRYNWOOD LANE
FORT MYERS, FLORIDA 33908

AERIAL AND EXISTING SITE CONDITIONS

VILLAGES OF SAN CARLOS

SEC. 10, 15, 22 & 23 T46S, R25E
LEE COUNTY, FLORIDA

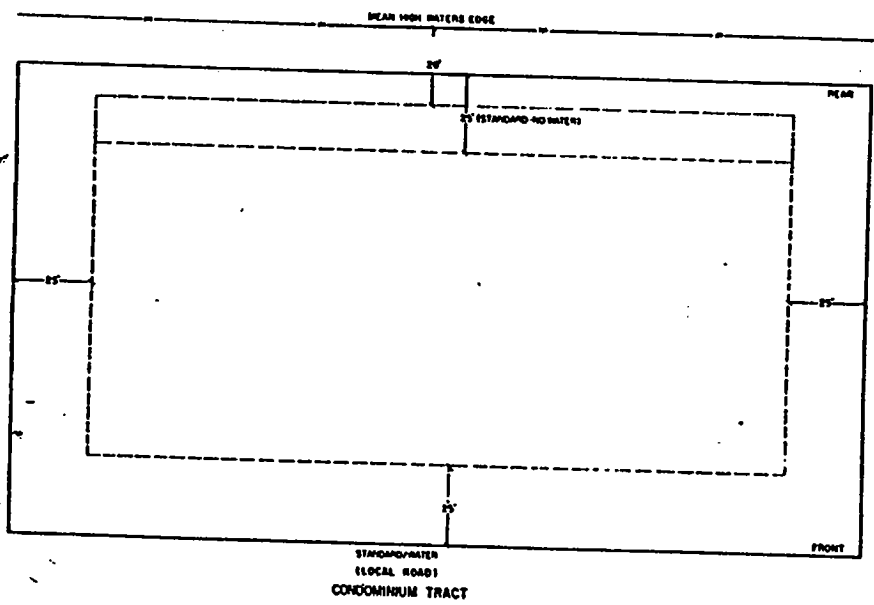
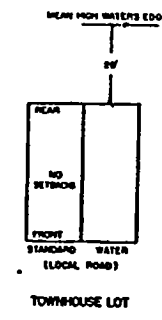
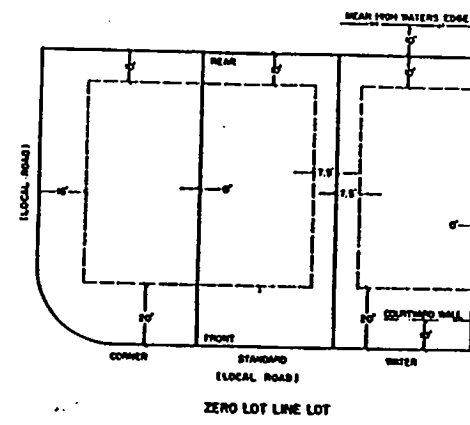
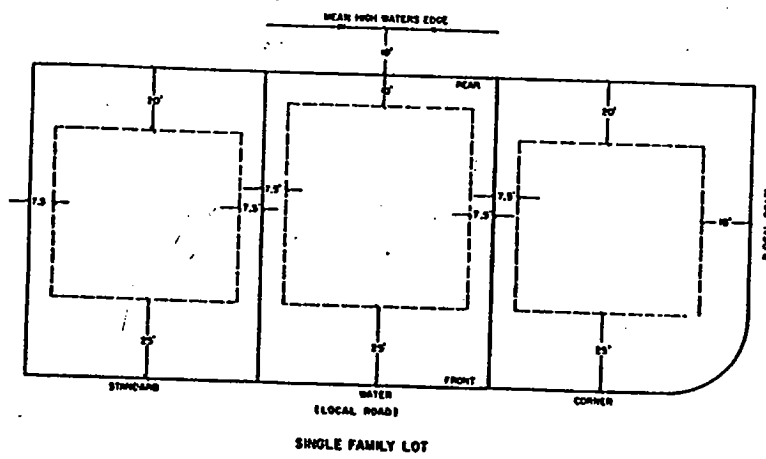
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JAN 23 1992

ZONING DEPARTMENT

SOURCE: MRS. R. G. BOWEN, CANYON CORAL, FLORIDA 33908
1314 LAFAYETTE STREET PHONE 887-2449-2343



91-7-23-DEI-4



- LEGEND**
- PROPERTY LINE
 - BUILDING WALL SETBACK LINE
 - COURTYARD WALL SETBACK LINE
 - WATERS EDGE

PROPOSED SETBACK ILLUSTRATIONS

RECEIVED
JAN 23 2012
ZONING COUNTER

VILLAGES OF SAN CARLOS

91-723-DRI-4

FIRST
DEVELOPMENT ORDER AMENDMENT
FOR
ALICO INTERCHANGE PARK
DEVELOPMENT OF REGIONAL IMPACT

WHEREAS, a Development Order for the Alico Interchange Park Development of Regional Impact was adopted by the Board of County Commissioners on November 10, 1986, effective May 6, 1987; and

WHEREAS, the Applicant/Owner of Alico Interchange Park Development of Regional Impact has proposed to reduce the total number of dwelling units from 1,124 to 992; reduce motel acreage from 19 to 11; increase mixed commercial square footage from 720,000 to 965,000 for the regional mall but decrease other retail area so as to maintain overall commercial retail at 1,155,000 square feet; transfer a 15 acre park site to Villages of San Carlos Development of Regional Impact which in addition to a new dedication of 23.2 acres within that project will provide for a 38.2 acre park site; transfer a 10 acre school site to Villages of San Carlos Development of Regional Impact as a 5 acre dedication and provide for certain road access improvements; revise the Sheriff/Fire site to a 2.7 acre emergency service site with the transfer of obligation from Villages of San Carlos Development of Regional Impact; realign Winged Foot Drive extension; extend buildout of all phases and final completion by three years less one day starting from the effective date of the Development Order of May 6, 1987; and establish procedures for impact fee credits; and

WHEREAS, the Board of County Commissioners has found that significant physical development has occurred on the site in the form of construction of Three Oaks Parkway; and

WHEREAS, under Section 380.06(19), Florida Statutes, the proposed change must be reviewed and evaluated to determine whether or not the change is a substantial deviation from the original Development Order; and

WHEREAS, the Board of County Commissioners has reviewed the proposed change and finds it not to be a substantial deviation if subject to the conditions in this Development Order Amendment since any such presumption has been rebutted by clear and convincing evidence pursuant to Section 380.06(19)(e)5.c., Florida Statutes; provided, however, that any further changes will be reviewed cumulatively for determination as to whether or not a substantial deviation has occurred.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the Development of Regional Impact Development Order for Alico Interchange Park, adopted by the Board of County Commissioners on November 10, 1986, effective May 6, 1987, is amended as follows with additions underlined, deletions struck through and other changes specified. All other portions of the original Development Order remain in full force and effect.

SECTION I - FINDINGS OF FACT

1. Amend paragraph A by adding the following to the end:

The First Development Order Amendment serves to reduce the maximum number of dwelling units to 992 and assign a total of 965,000 square feet of commercial retail floor area to the regional mall. Map H of the original Application for Development Approval is modified by Exhibit A hereto, the Zoning Resolution, and the Revised Master Concept Plan for Alico Interchange Park which Plan is hereby incorporated by reference.

2. Amend paragraph C by adding the following to the end:

The First Development Order Amendment serves to reduce the maximum number of dwelling units to 992 and assign a total of 965,000 square feet of commercial retail floor area to the regional mall. Concurrently with the First Amendment, the Residential Planned Development and Commercial Planned Development zoning on the property is being amended with modifications to district boundaries, conditions of development and deviations from land development regulations.

SECTION II - CONDITIONS OF APPROVAL

3. Delete Condition D.2. (Regional Shopping Mall); renumber Condition D.3. so it becomes D.2.
4. Amend second sentence of renumbered Condition D.2. (Regional Shopping Mall), as follows:

This revised and updated traffic impact analysis shall be prepared by qualified professionals in the field of traffic engineering or transportation planning, and shall be subject to review for sufficiency of sources, methodology, technical accuracy, assumptions, and findings by Lee County, and the Southwest Florida Regional Planning Council and the Florida Department of Community Affairs.

5. Amend Condition E.1. (Transportation) as follows:

1. The traffic impact assessment upon which this Development Order for Alico Interchange Park is based, assumes expected ~~project~~ buildout of Phase III in 1995, and does not include traffic impacts of the proposed 720,000 square feet of commercial land use comprising a portion of the proposed regional shopping mall. Prior to development of the ~~720,000~~ 965,000 square foot regional mall, a revised traffic impact analysis must be submitted, as stated in Condition ~~D.3~~ D.2 to assess the cumulative impacts of the development after buildout of the entire DRI, including the regional shopping center with a revised buildout date of Phase III of May 5, 1999. The project buildout, inclusive of Phase IV which is the regional mall, shall be extended to May 5, 2009. Construction of the 965,000 square foot regional mall is not authorized by this approval and is subject to the transportation concurrency requirements of the Lee County Comprehensive Plan and may only be authorized through an amendment to the Development Order, pursuant to the Substantial Deviation determination procedure set forth in Section 380.06(19), Florida Statutes, 1991. Such determination shall evaluate regional traffic impact only based on the analysis required by this condition.

6. Amend Condition F.1 (Residential Density)

1. Residential development is limited to a maximum overall density of 6.0 units per acre, or a total of ~~1,124~~ 992 units, except as provided in the following paragraph.

7. Delete Condition G.1 (Education) and replace with the following:

1. The original DRI Development Order required the dedication of a 10 acre school site or fee-in-lieu for Alico Interchange Park. That dedication is revised so that:

- (a) Instead of 10 acres or fee-in-lieu for Alico Interchange Park, the dedication shall consist of a 5 acre site adjacent to the middle school site in the Villages of San Carlos Development of Regional Impact and provision for road access improvements. The developer of Alico Interchange Park shall construct an east bound left turn lane from Koreshan Boulevard onto Cypress View Drive, and Cypress View Drive shall be extended to connect Koreshan Boulevard to Three Oaks Elementary School. The access improvements shall be completed no later than 18 months after the effective date of the First Development Order Amendment.

(b) Consistent with the requirements of Section 380.06(16)(b), Florida Statutes, the developer shall be entitled to impact fee credit for the school site dedication and road access improvements, if a school impact fee is enacted at a later date and such credit is provided for, or if required by law.

8. Amend the first sentence of Condition H.1.(Fire Protection) as follows:

1. As committed in the Application for Development Approval (ADA) and supplemental documents, the developer shall donate ~~the following~~ to the Lee County Board of County Commissioners for the shared use by the Sheriff's Department, Emergency Medical Service and the San Carlos Fire District: ~~(a) a 1.65~~ 2.7± acre Sheriff's Substation/EMS Substation/fire station site, to be known as the emergency services site. Also, a total of \$58,412 (or a contribution of equal or greater value, acceptable to the fire district) shall be provided to the fire district.

Add Condition H.3. (Fire Protection) as follows:

3. The emergency services site shall be dedicated to Lee County no later than 90 days after the effective date of this Development Order Amendment. Of the 2.7 acres, the Sheriff and EMS will use 1.65 acres for a joint use facility with initial plans for 3,000 square feet and 1,500 square feet of building area respectively. The Fire District may make future use of the remaining 1.05 acres. Once dedicated, the responsibility for establishing the shared use of the site shall be with the Lee County Board of County Commissioners.

Add Condition H.4. and H.5. (Fire Protection) as follows:

4. Consistent with the requirements of Section 380.06(16), Florida Statutes, and if allowed by and pursuant to the applicable ordinances, or if required by law, the developer shall be entitled to:

(a) Fire impact fee credits equal to the amount of the contribution the developer makes to the San Carlos Fire District, pursuant to Condition H.1. and H.2. above; plus, an amount equal to the value of the land dedicated for the emergency services site described in Condition H.1. above multiplied by the percentage of such site first conveyed or made available to the San Carlos Fire District by the Board of County Commissioners of Lee County (determined on an acreage basis) provided, however,

that the County may not convey or set aside any portion of the site for fire use over the objection of the San Carlos Park Fire District;

(b) EMS impact fee credits which shall be calculated by subtracting the value of the aforesaid site utilized by the San Carlos Fire District from the total value of the total site and then multiplying this difference by 33 percent, the percentage of building area which the EMS facility will share with the Sheriff;

(c) A law enforcement impact fee credit, if an applicable ordinance imposing such an impact fee is later adopted, equal to the difference between the total value of the site dedicated, less the portion utilized by the San Carlos Fire District, multiplied by 67 percent, the percentage of the building space which the Sheriff is expected to share with EMS on the portion of the site set aside for their use.

5. The aforesaid impact fee credits shall be established, in the case of fire and EMS, at the time when the Board of County Commissioners first allocates use of the site among the three service providers and, in the case of a police or law enforcement impact fee credit, at the same time, if an applicable ordinance has been adopted or, if such an ordinance has not been adopted, at the time when such an ordinance is adopted. These credits shall not be readjusted if the allocation of use among the three service providers changes later. The appraised value of the land at time of dedication shall be the basis for calculation of all impact fee credits.

9. Delete Condition J (Police Protection) and replace with the following:

1. The obligation to provide a site for a Sheriff's Substation shall be fulfilled by compliance with Condition H.1. above. Credit for law enforcement impact fees shall be pursuant to Conditions H.4. and H.5. above.

10. Delete Condition K. (Recreation and Open Space) and replace with the following:
 1. The original DRI Development Order required the dedication of a 15 acre park site to Lee County. That dedication is revised so that instead of 15 acres within Alico Interchange Park, the obligation shall consist of a 15 acre transfer to a park site in the Villages of San Carlos Development of Regional Impact so that the park will total 38.2 acres within that project.
 2. There shall be no reduction in open space relative to the original DRI Development Order as a result of this amendment. The development shall consist of no less than 86.36 acres of open space excluding lakes.
11. Delete Exhibit E of the Development Order, also identified as Table 12-2 in the Application for Development Approval, (Proposed Land Uses and Phasing Schedule) and replace with Exhibit B hereto.

The motion to adopt this Development Order Amendment was offered by Commissioner Manning and seconded by Commissioner Slisher and upon poll of the members present, the vote was as follows:

John E. Manning	<u>Aye</u>
Douglas St. Cerny	<u>Absent</u>
Ray Judah	<u>Absent</u>
Vicki Lopez-Wolfe	<u>Aye</u>
Donald D. Slisher	<u>Aye</u>

DULY PASSED AND ADOPTED this 17th day of February, A.D., 1992.

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

By: [Signature]
(Chairman)

ATTEST:
CHARLIE GREEN, Clerk

By: [Signature]
Deputy Clerk

APPROVED AS TO FORM

By: [Signature]
County Attorney's Office

FILED

FEB 28 1992

2941/14-Feb-1992/Page 7

CLERK CIRCUIT COURT
BY [Signature] D.C.

EXHIBIT A

ZONING RESOLUTION

FOR ALICO INTERCHANGE PARK

**Clerk Of Circuit Court
Lee County, Florida**

State of Florida

County of Lee

I, Charlie Green, Clerk of the Circuit Court in and for said County and State do hereby certify that the foregoing is a true and photostatic copy of Development Order Amendment for Villages of San Carlos, DRI, County Case No. 91-7-23-DRI-4 adopted by the Board of County Commissioners on February 17, 1992.

Given under my hand and official seal at Fort Myers, Florida,
this 6th day of March, 1992.

CHARLIE GREEN, CLERK

By Clare J. Wreck, D.C.

M E M O R A N D U M
FROM
THE DEPARTMENT OF
COMMUNITY DEVELOPMENT
ZONING DIVISION

DATE: June 3, 1992

TO: Zoning/DRI File 91-7-23-DRI-3
Alico Interchange Park

FROM: *Charles Gauthier*
Charles Gauthier
Principal Planner

RE: Correct Master Concept Plan for Zoning Resolution Z-91-082

This is to confirm that the correct Master Concept Plan for Resolution Z-91-082 is as follows:

<u>Sheet</u>	<u>Dated</u>	<u>Stamped Received</u>
A	May 23, 1989	January 29, 1992
B, G, H	March 7, 1985	January 29, 1992
C	December 7, 1985	January 29, 1992
D	November 27, 1989	January 29, 1992
E	January 3, 1991	January 29, 1992
F	September 11, 1990	January 29, 1992
I	January 4, 1991	January 29, 1992

The dates vary from that noted in the Resolution due to a late resubmittal.

CG/rdd

cc: Hal McNemar/Norma Gluck, Zoning
Paul Bangs, Director of Development Review

Exhibit E

Date: 1/8/17

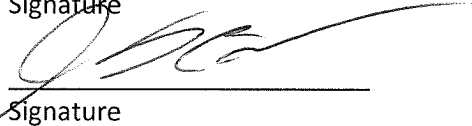
Mr. & Mrs. James Prues
19390 Devonwood Cir.
Fort Myers Fl. 33967

Subject: No Objection Letter for Lauren Voltz (formerly Lauren Hohn).

This letter is to confirm we have no objection to the proposed variance or use for the swimming pool and screen enclosure at 19398 Devonwood Cir. Our property is adjacent to their property (west side).

A handwritten signature in black ink, appearing to read "James Prues", written over a horizontal line.

Signature

A handwritten signature in black ink, appearing to read "Lauren Voltz", written over a horizontal line.

Signature

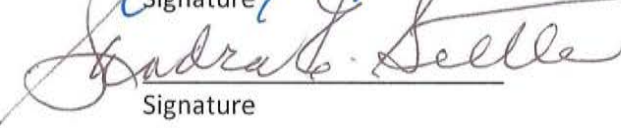
Date: __/__/__

Mr. & Mrs. Larry Settle
19406 Devonwood Cir.
Fort Myers Fl. 33967

Subject: No Objection Letter for Lauren Voltz (formerly Lauren Hohn).

This letter is to confirm we have no objection to the proposed variance or use for the swimming pool and screen enclosure at 19398 Devonwood Cir. Our property is adjacent to their property (west side).


Signature


Signature

Can the pool pump -
Equipment be located
on the East Side
away from our Lanai?