APPLICANT'S
EXHIBIT # 1

GULLY CREEK RPD

DCI2016-00024

Presentation to Hearing Examiner

January 18, 2018

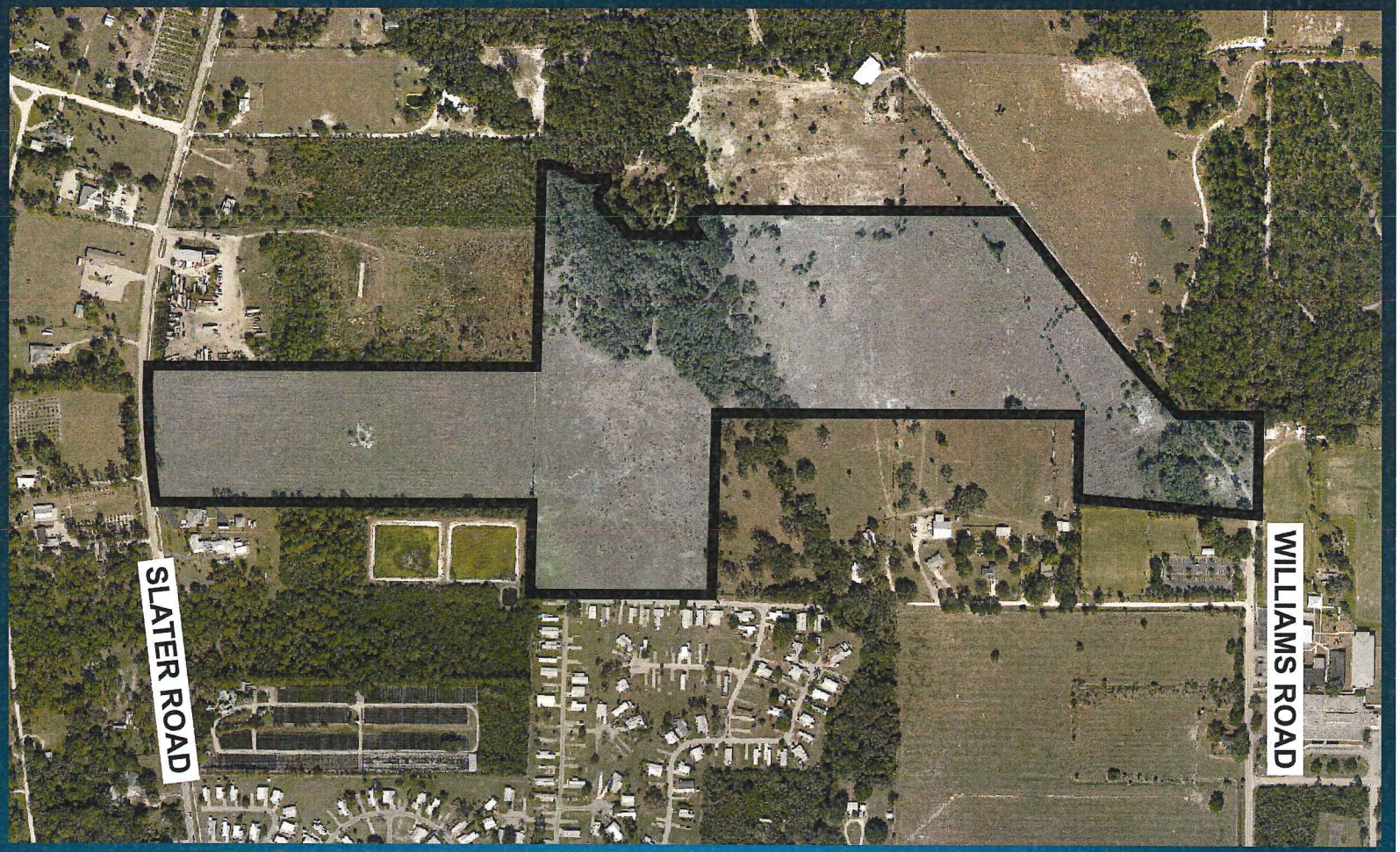
LIST OF AGENTS

- Neale Montgomery, J.D.- Pavese Law Firm
- Jennifer Sapen, AICP-Barraco and Associates, Inc.
- Barrett Stejskal- BearPaws Environmental Consulting, Inc.
- Wes Kayne, P.E.- Barraco and Associates, Inc.
- Ted Treesh-TR Transportation Consultants, Inc.
- Ronald E. Inge-Inge and Associates

Aerial Location Map



Project Aerial

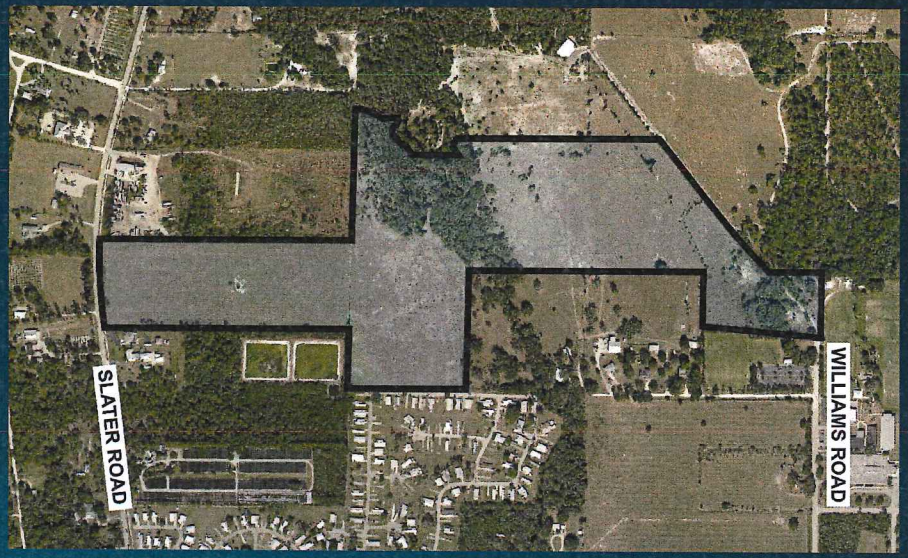


Jennifer Sapen, AICP

Jennifer Sapen

Request

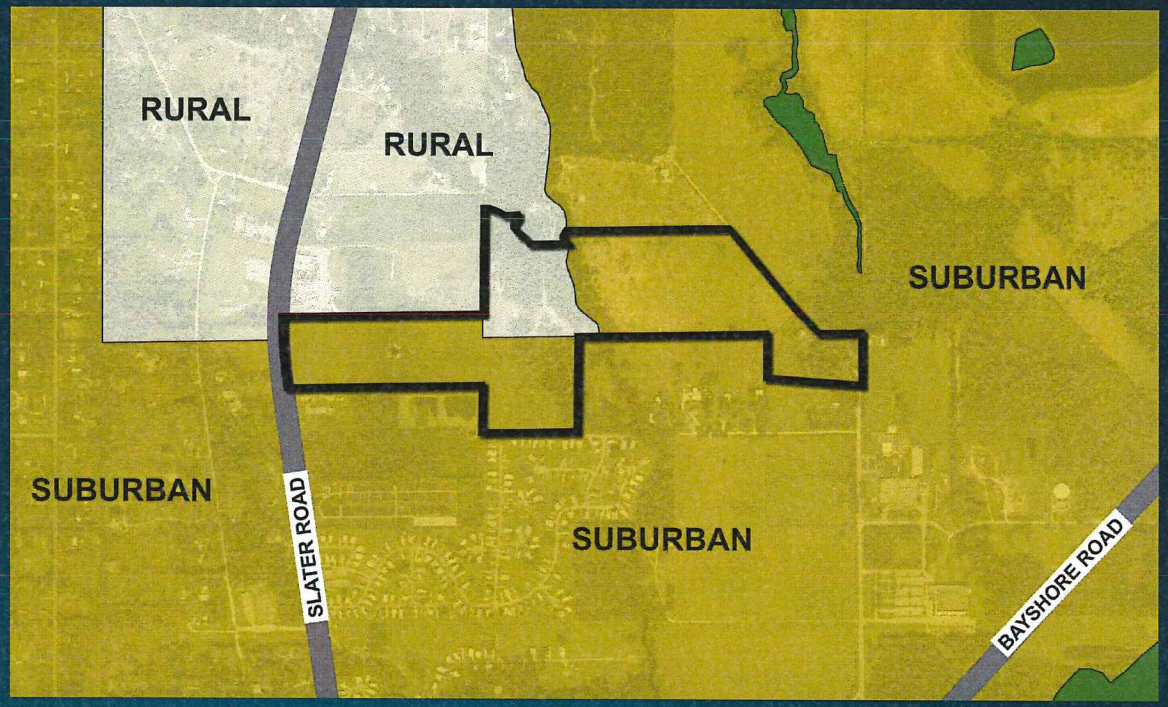
- From Ag-2 to RPD
- 66 Acres
- North Ft Myers Planning Community
  - LDC Sec 33-1532
  - July 11, 2017
  - N. Ft Myers Rec Center
  - Recommendation of approval



Jennifer

Future Land Use

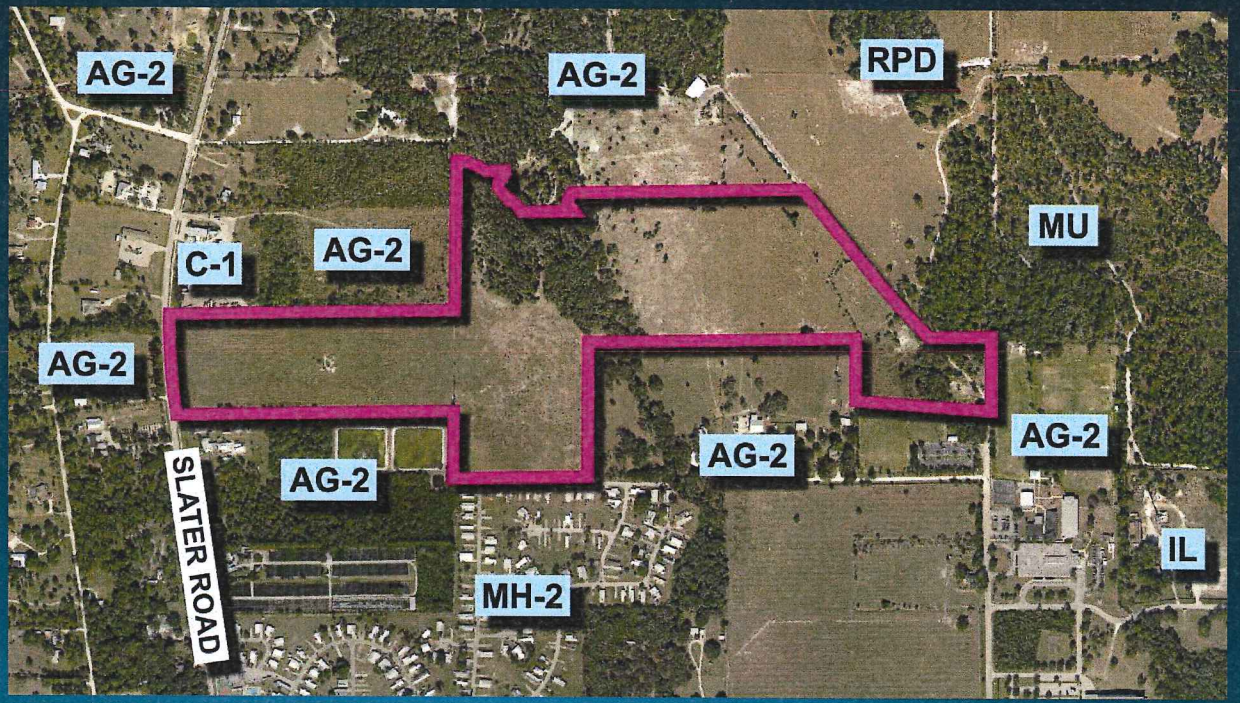
- Rural 11 acres
  - Policy 1.1.5
  - 1 du/ac = 11 units
- Suburban
  - 55 acres
  - Policy 1.4.1
  - 6 du/ac = 330 units
- Allowable density = 341 unit
- Proposed density = 330 units



Jennifer

Zoning

- North: C-1 & Ag-2
- South: Ag-2 & MH-2
- East: RPD & MU
- West: Ag-2



Jennifer

Acreage Allocation

- Policy 1.7.6
- Suburban
  - 6,690 ac available
  - 55 ac requested
- Rural
  - 500 ac available
  - 11 ac requested

Jennifer

Public Facilities

- Objective 2.1, Policies 2.1.1 & 2.1.2
- Objective 2.2, Policy 2.2.1
- Policy 5.1.3
- Water & Sewer Standards 4.1.1 and 4.1.2

Police ~ Fire ~ Medical ~ LeeTran

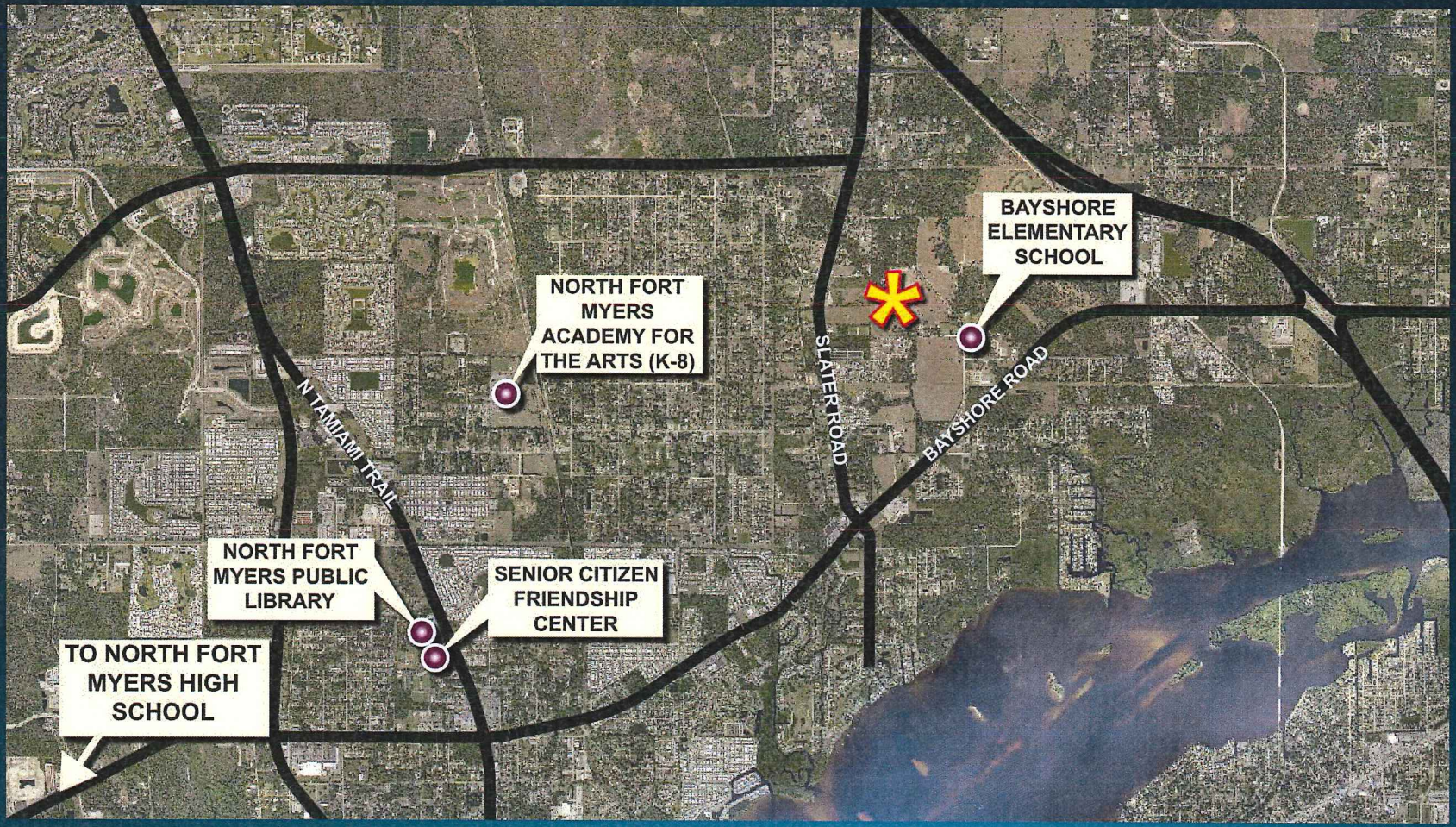
Jennifer



DCI2016-00024

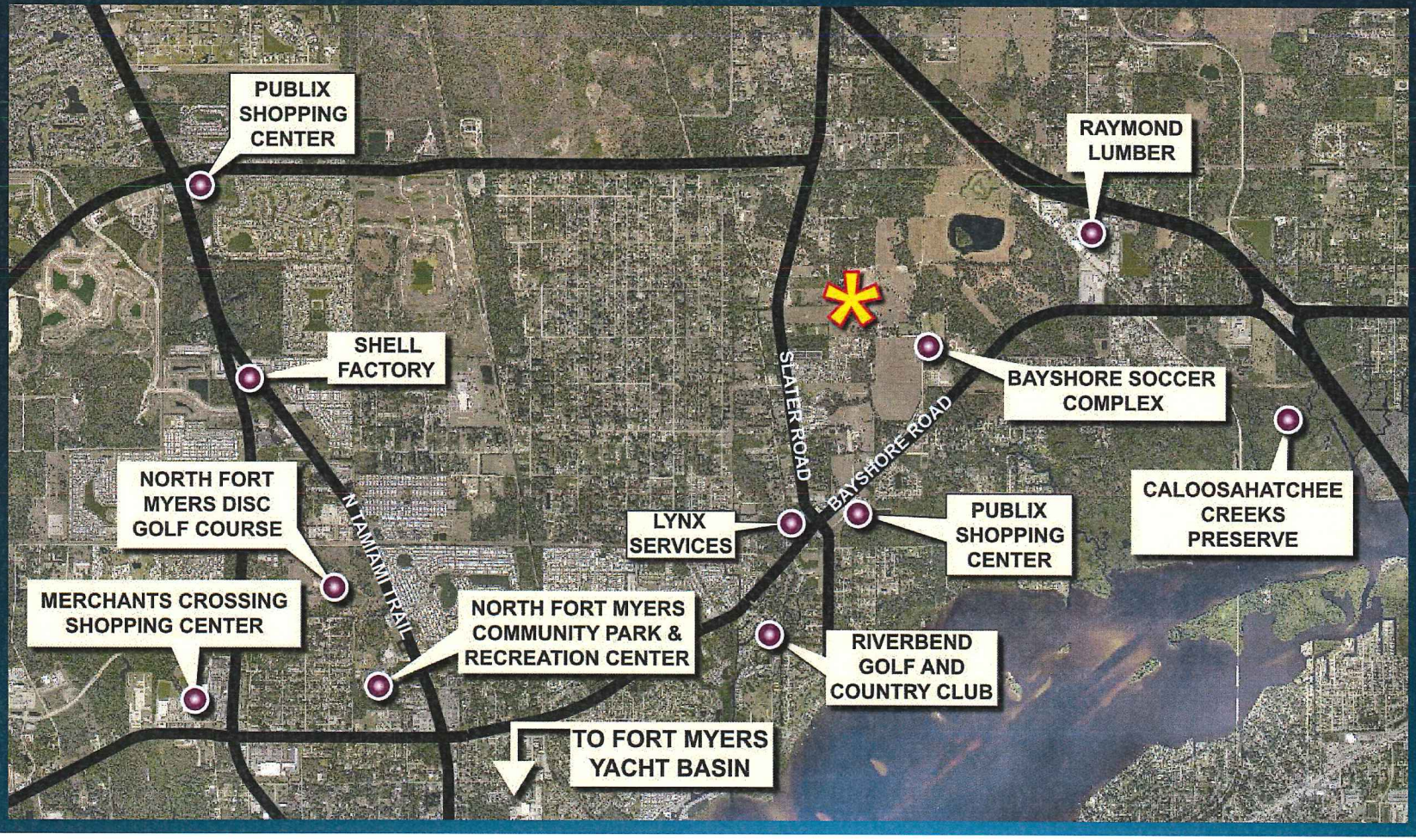
Schools & Libraries

Jennifer



Jennifer

Shopping ~ Employment ~ Parks



Jennifer

Compatibility

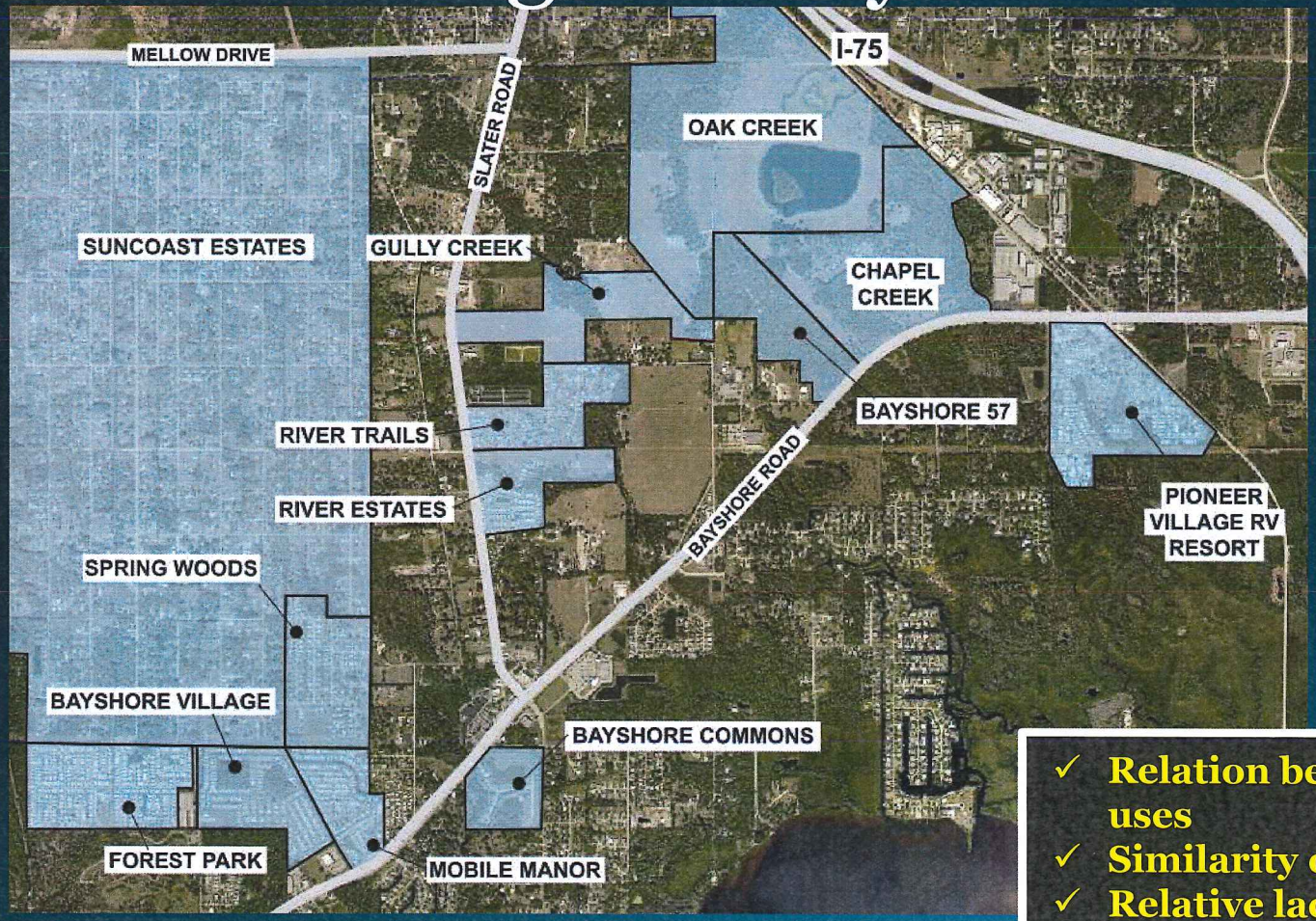
- Goal 5, Objective 5.1, Policies 5.1.5 & 5.1.10

Compatible means, in describing the **relation between two land uses**, buildings or structures, or zoning districts, the state wherein those two things exhibit either a positive relationship based on fit, **similarity** or reciprocity **of characteristics**, or a neutral relationship based on a **relative lack of conflict** (actual or potential) or on a failure to communicate negative or harmful influences one to another.

- Lee County LDC

Jennifer

Surrounding Density



Mobile Home Manor	7.2 du/ac
Pioneer Village	7.0 du/ac
Bayshore Commons	6.0 du/ac
Forest Park	5.5 du/ac
Gully Creek RPD	5.0 du/ac
Bayshore 57	4.7 du/ac
Chapel Creek	4.5 du/ac
Bayshore Village	4.5 du/ac
Oak Creek	3.7 du/ac
Spring Woods	3.0 du/ac
River Trails / Estates	2.6 du/ac
Bayshore Estates	2.0 du/ac
Suncoast Estates	1.5 du/ac

- ✓ **Relation between two land uses**
- ✓ **Similarity of characteristics**
- ✓ **Relative lack of conflict**

Compatibility

Jennifer



DEVELOPMENT	TYPE	LOT SIZE	LOT WIDTH	LOT DEPTH	HEIGHT
Chapel Creek	Single Family	6500	50	100	35'
	Townhouse	1530	18	85	35'
	Multifamily	NA	NA	NA	35'
Bayshore 57	Single Family	6500	50	100	35'
	Townhouse	1530	18	85	35'
	Multifamily	NA	NA	NA	35'
Oak Creek	Single Family	5000	50	100	35'
	Townhouses	1800	18	100	35'
	Multifamily	NA	NA	NA	35'
Gully Creek RPD	Single Family (R-1)	6500	50	120	35'
	Townhouses	2000	20	100	35'
	Multifamily	NA	NA	NA	35'
	Two-family Attached	3600	35	120	35'

- ✓ **Relation between two land uses**
- ✓ **Similarity of characteristics**
- ✓ **Relative lack of conflict**

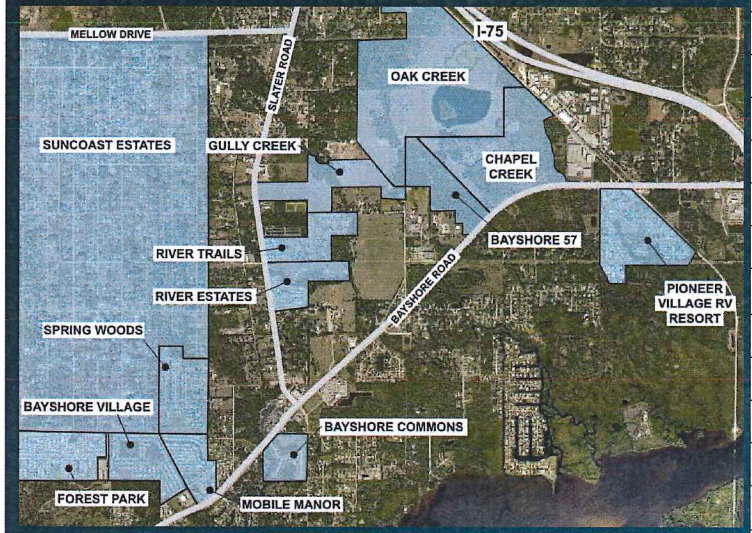
Proposed equal or less intense than approved

Compatibility

Jennifer

Proposed equal or less intense than approved

Proposed more intense than approved



- ✓ **Relation between two land uses**
- ✓ **Similarity of characteristics**
- ✓ **Relative lack of conflict**

DEVELOPMENT	TYPE	LOT SIZE	LOT WIDTH	LOT DEPTH	HEIGHT
Chapel Creek	Single Family	6500	50	100	35'
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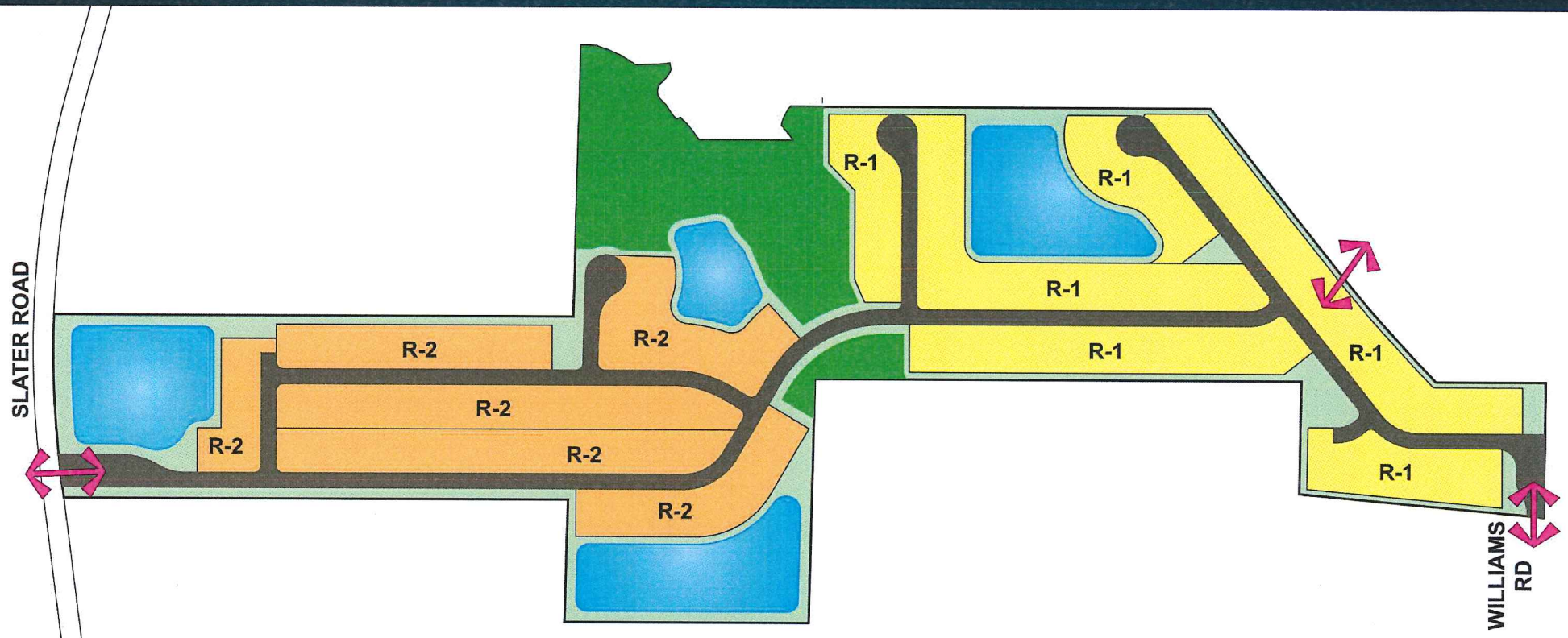
Oak Creek	Single Family	5000	50	100	35'
	Townhouses	1800	18	100	35'
	Multifamily	NA	NA	NA	35'
Bayshore Commons	Single Family	5850	65	90	35
	Two-family Attached	3420	20	90	35
	Townhouses	1800	20	90	35
Gully Creek RPD	Single Family (R-1)	6500	50	120	35'
	Townhouses	2000	20	100	35'
	Multifamily	NA	NA	NA	35'
	Two-family Attached	3600	35	120	35'
Spring Woods	Mobile Home	5000	50	100	35'
River Trails / Estates	Mobile Home	5000	50	100	35'
Forest Park	Mobile Home	5000	50	100	35'
Suncoast Estates	Mobile Home	5000	50	100	35'
Pioneer Village	Mobile Home	5000	50	100	35'
Mobile Home Manor	Mobile Home	5000	50	100	35'
Bayshore Village	Mobile Home	5000	50	100	35'

DCI2016-00024

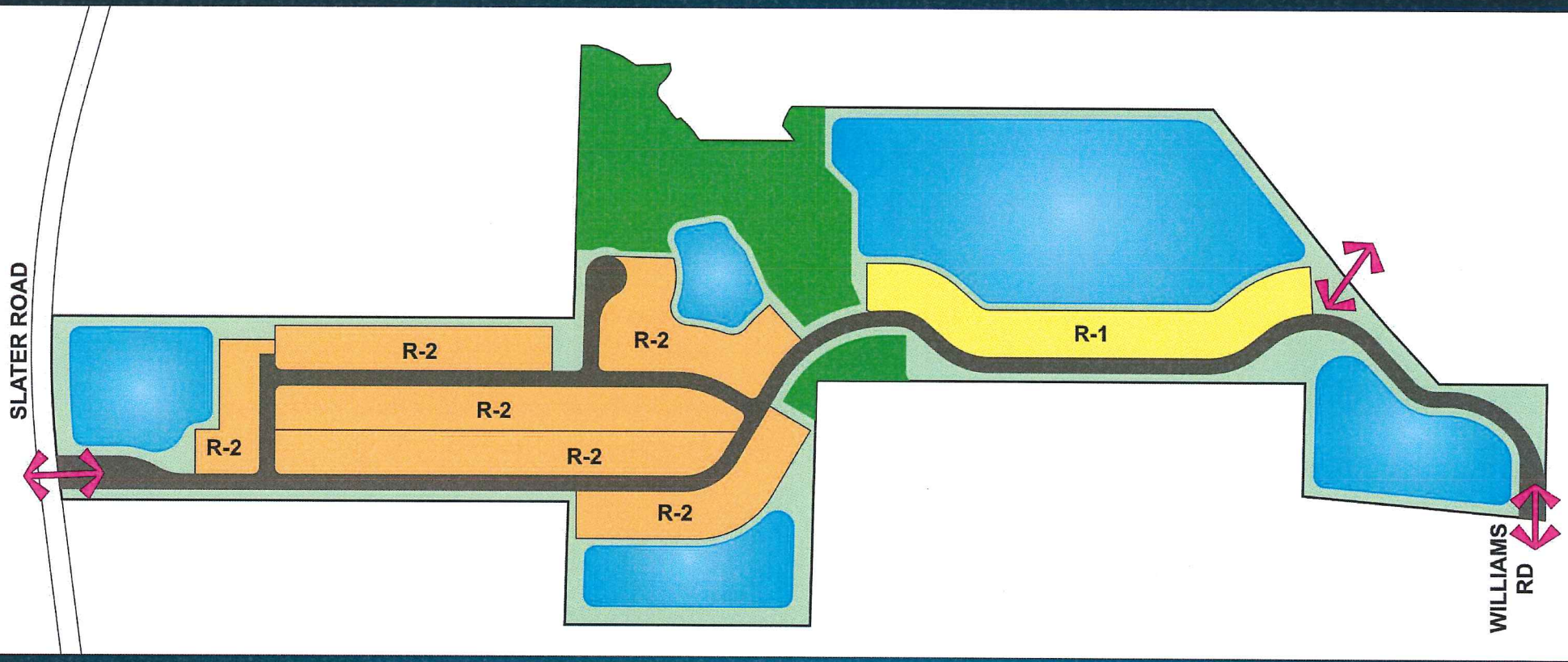
MASTER CONCEPT PLAN A

Jennifer



MASTER CONCEPT PLAN B

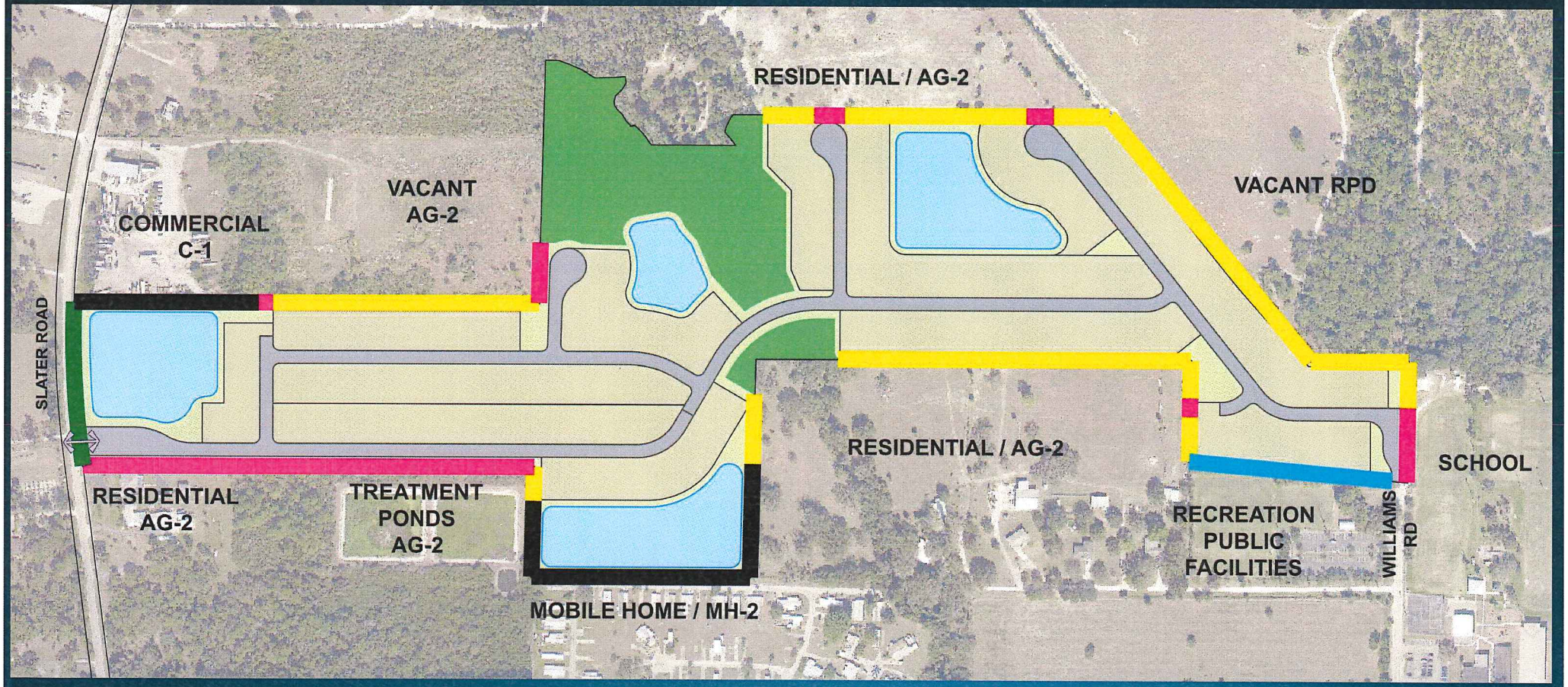
Jennifer



Buffers

- LDC Sec. 10-416(d)(1) & 10-416(d)(9)

Jennifer



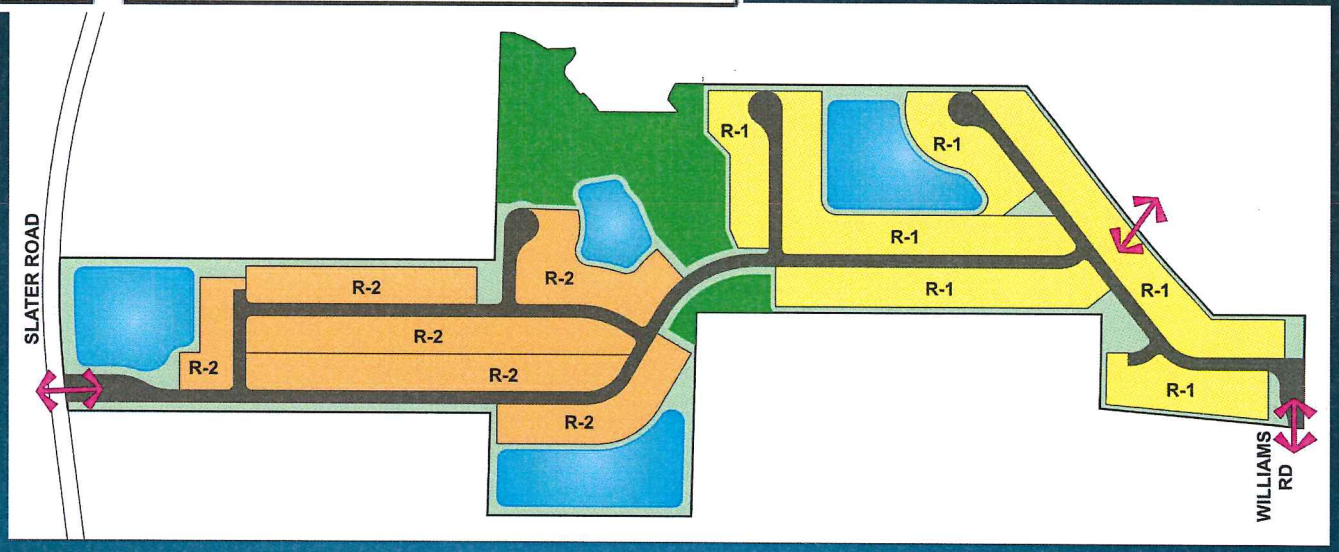
Jennifer

Open Space

- LDC Sec 10-415(a)

TOTAL PROJECT AREA:	66.4 AC
AREA WITH LOTS > 6500 SF	– 29.1 AC
AREA SUBJECT TO OPEN SPACE REQUIREMENTS	37.3 AC

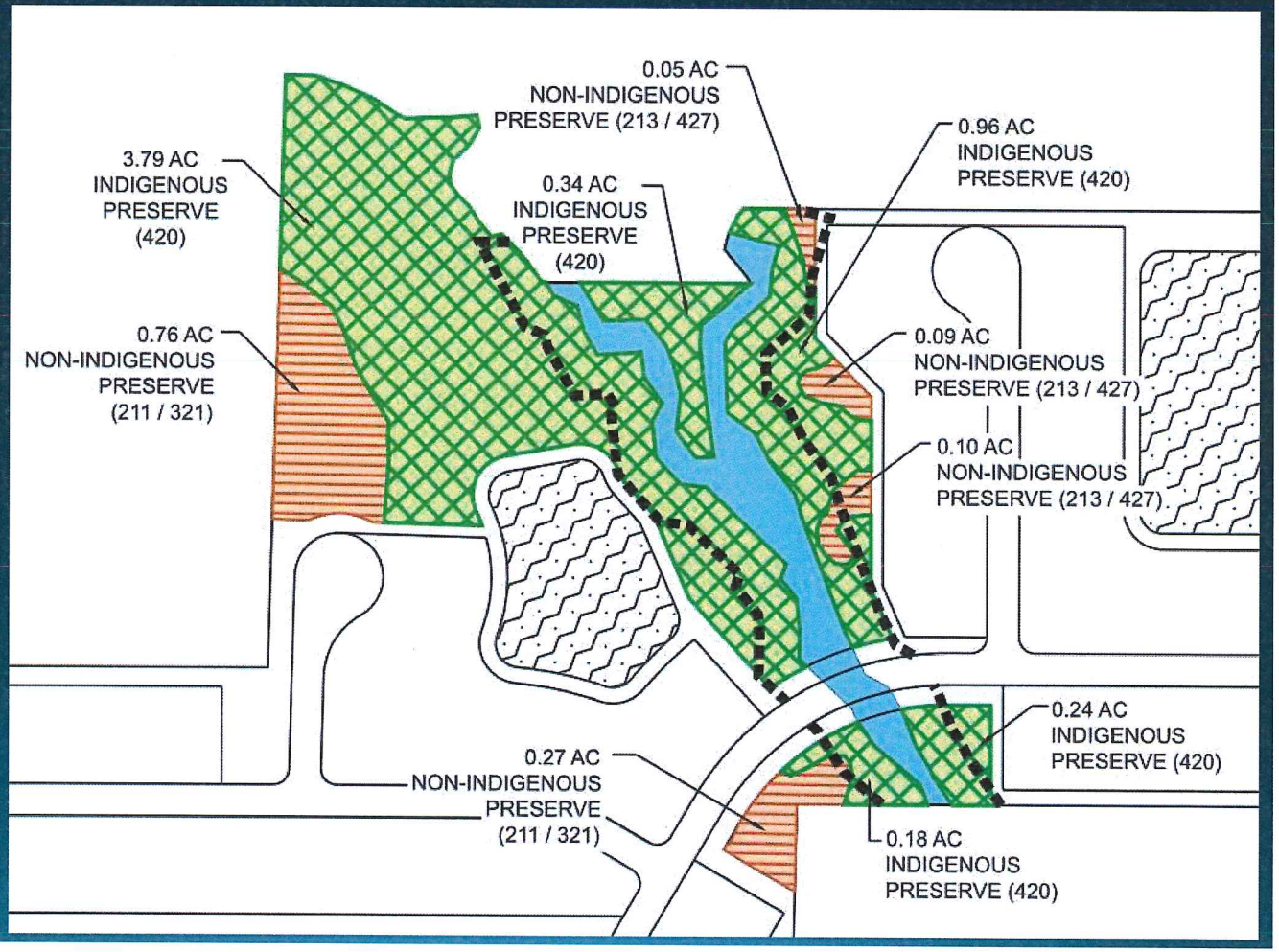
OPEN SPACE REQUIRED: (37.3 @ 40%)	14.9 AC
OPEN SPACE PROVIDED:	15.7 AC



Indigenous & Waterway Buffer

Jennifer

- LDC Sections
  - 10-415(b)
  - 10-416(b)(3)(a)
  - 10-416(d)(9))



Gopher Tortoise

Jennifer

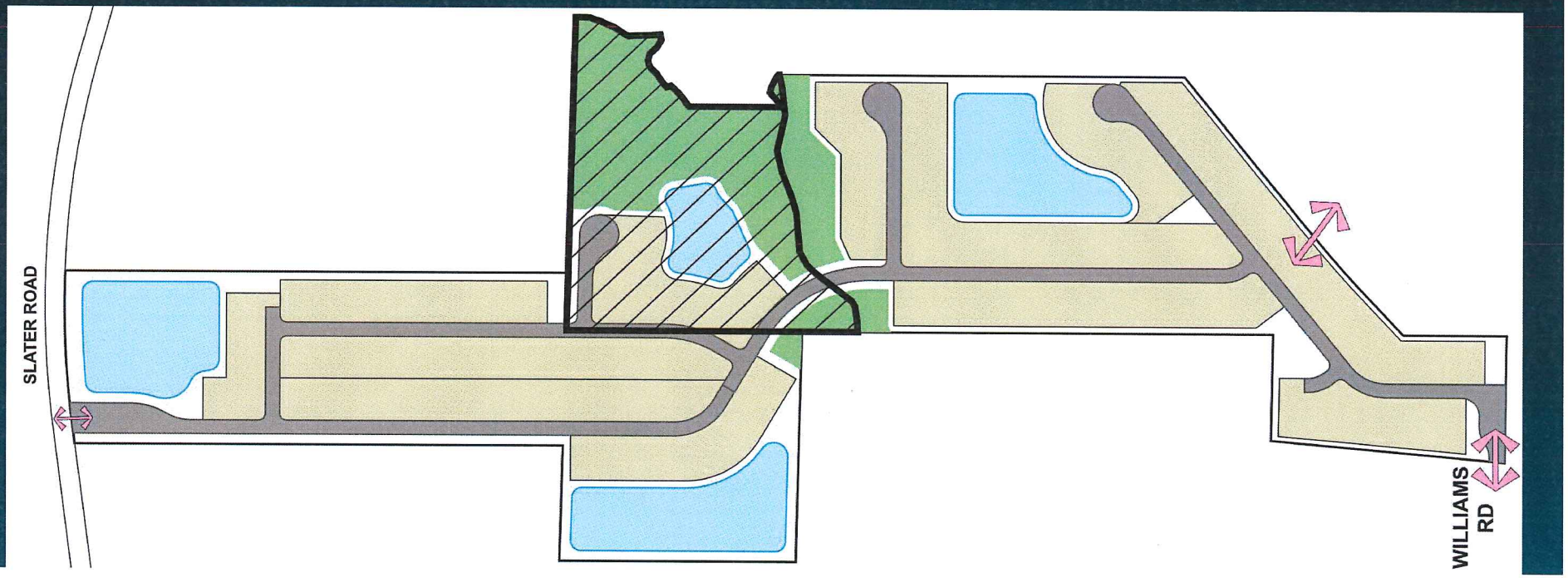
- Conditions 10a & 10b
- 25' inside conservation easement



Jennifer

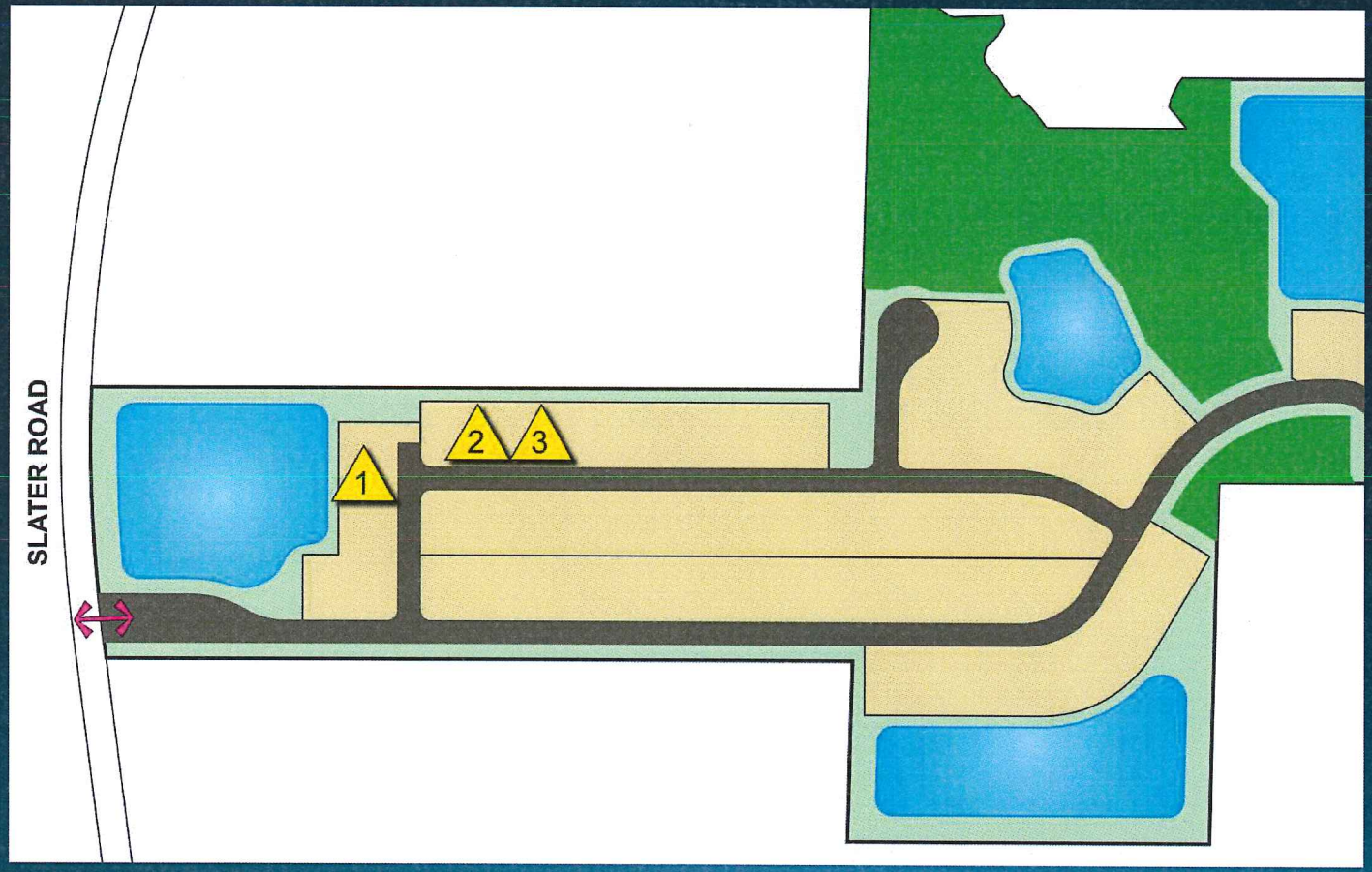
Rural FLU

- Policy 5.1.10
  - No density may be allocated from Suburban to Rural
- 11 acres ~ 11 unit density cap



Jennifer

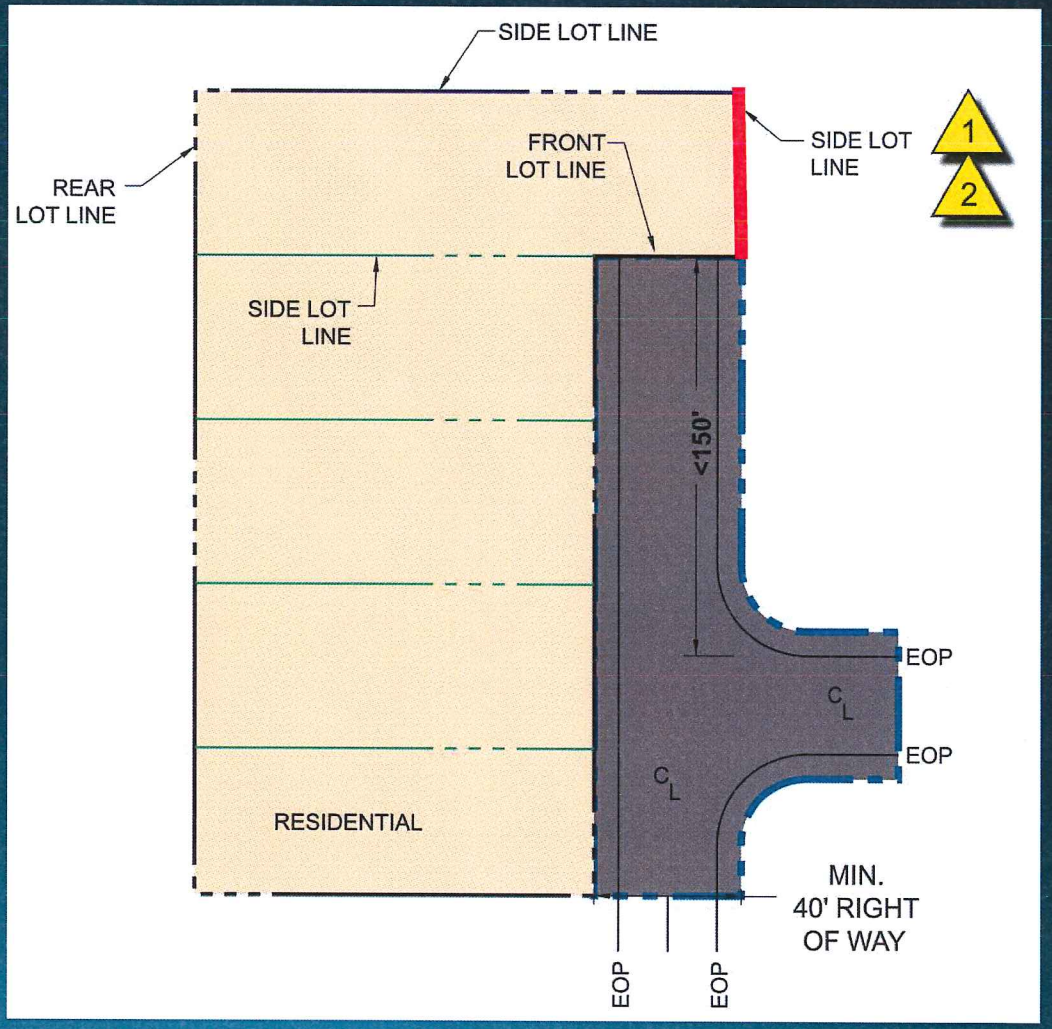
Deviation 1 – 3



Jennifer

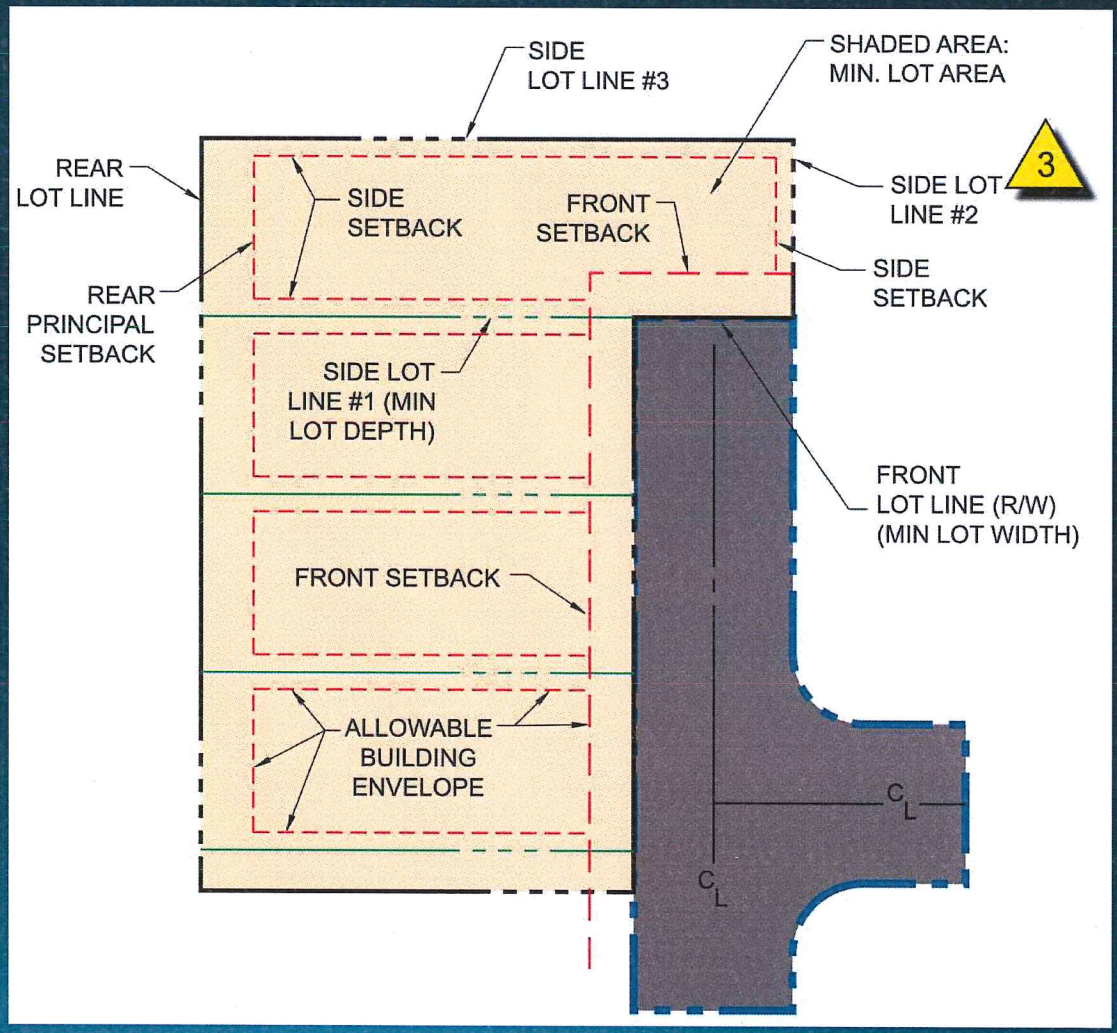
Deviation 1 & 2

- LDC 10-254 which requires side lot lines at right angles to streets
- LDC 10-296(p)(1) which requires cul de sacs on dead-end streets



Deviation 3

- LDC 10-703 which specifies how lots are measured



Deviation 1-3 Example

- Camden Square (Z-14-015)



DEVIATION 1 - 3

Jennifer

Project Benefit:

- ✓ Creates premium lot



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DEVIATION 1 - 3

Jennifer

Project Benefit:

- ✓ Provides additional open space



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DEVIATION 1 - 3

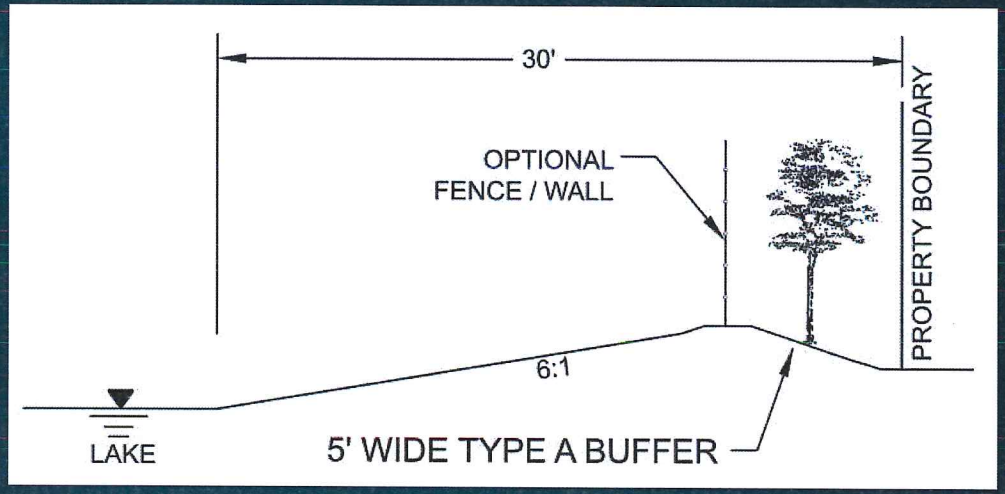
Jennifer

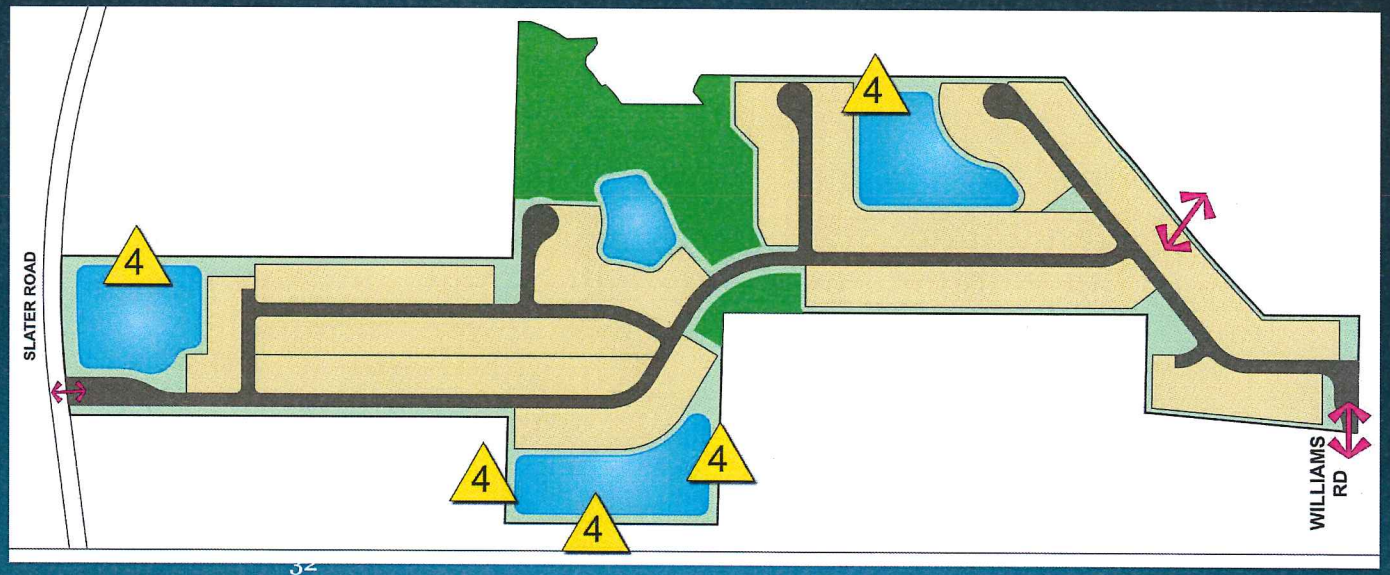
- Additional project Benefit
  - Requires less land allocation for road right of ways
- Public Safety
  - Florida fire code allows dead-end streets without cul de sacs if less than 150'
  - Approval from local fire district to be obtained prior to D.O. approval
  - Proven successful in other Lee County developments

Jennifer

Deviation 4

- Deviation from LDC Section 10-329(d)(1)a.3 which requires excavation setback of 50 feet to allow 30 feet.





DCI2016-00024

Jennifer

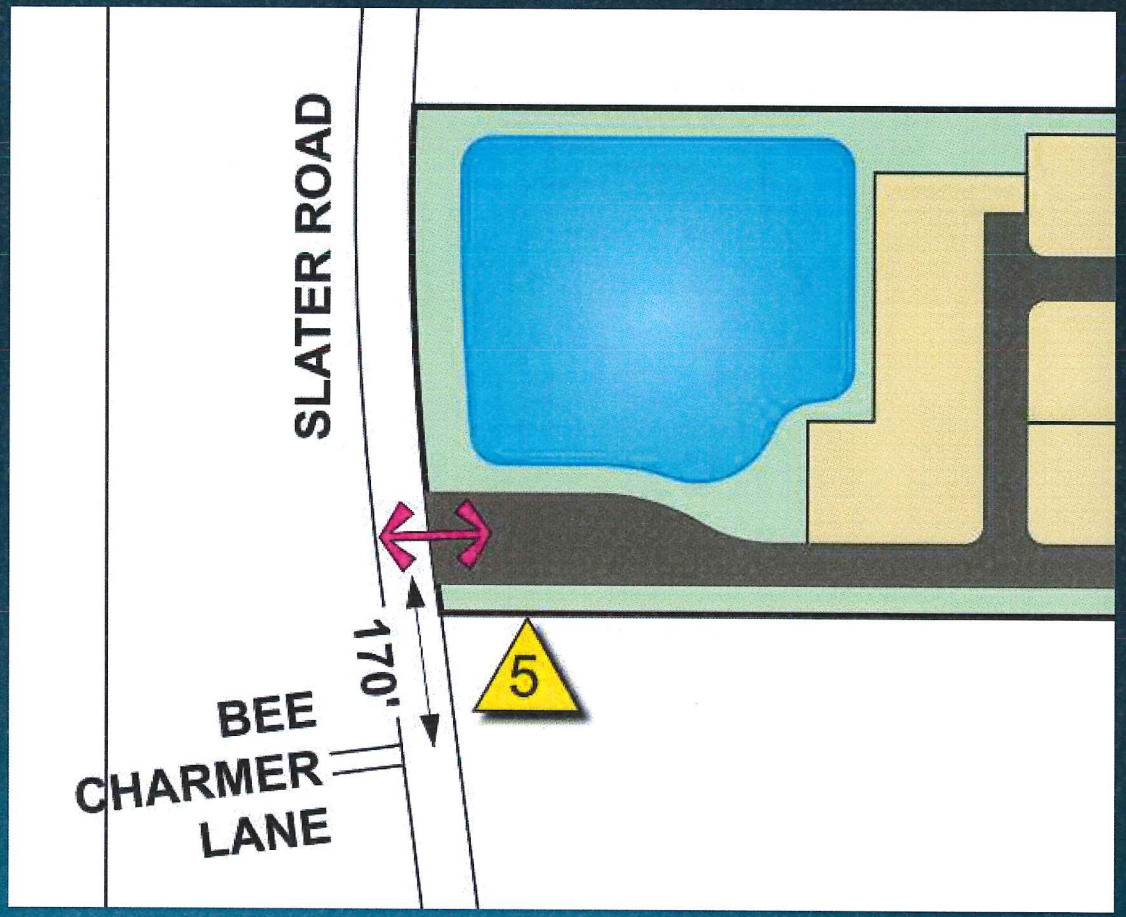
Deviation 4

- Project Benefit
  - Enhances development through optimum land use
  - Increases on-site lake excavation material
    - Cost savings and reduces construction traffic

- Public safety
  - Applicant agrees to staff safety barrier conditions
  - No detriment to public safety, health or welfare

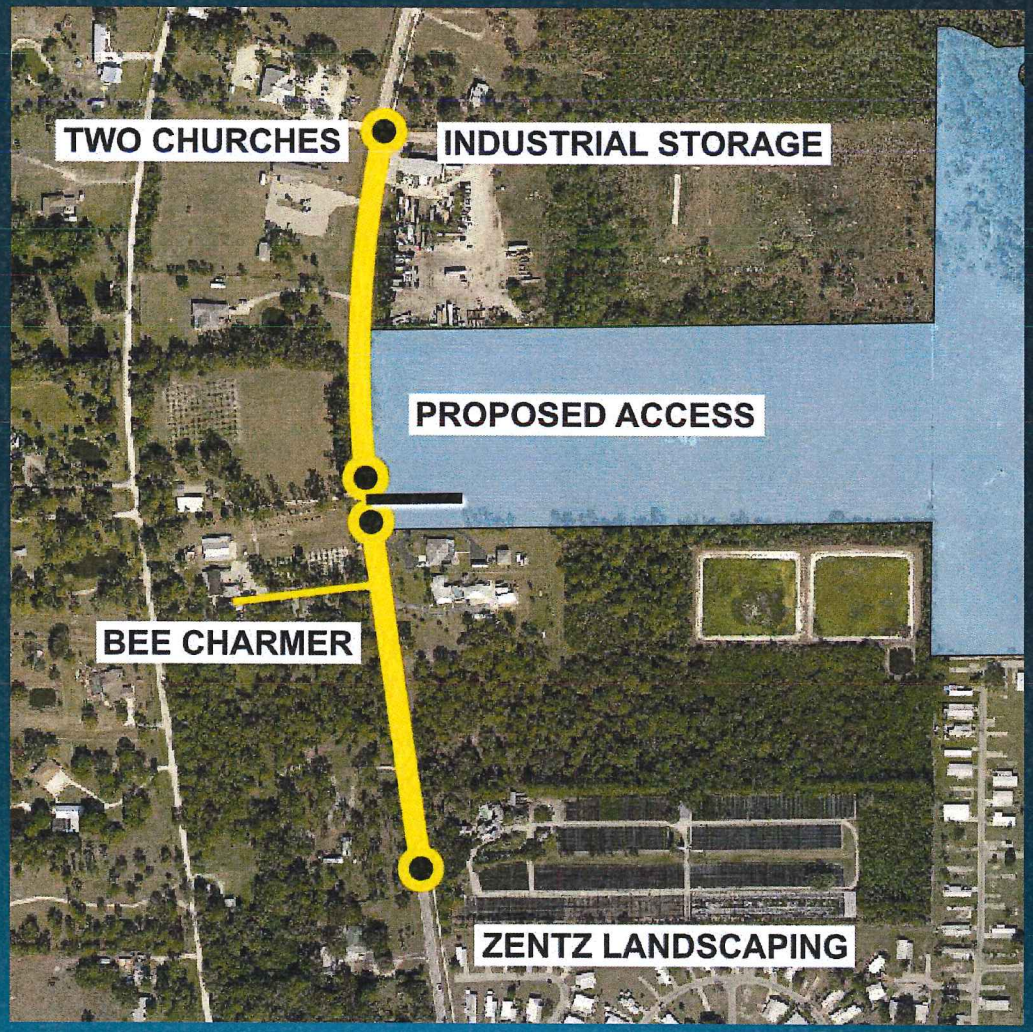
Deviation 5

- Deviation from LDC Section 10-285(a) which requires intersection separation of 440' to allow 170'.



Deviation 5

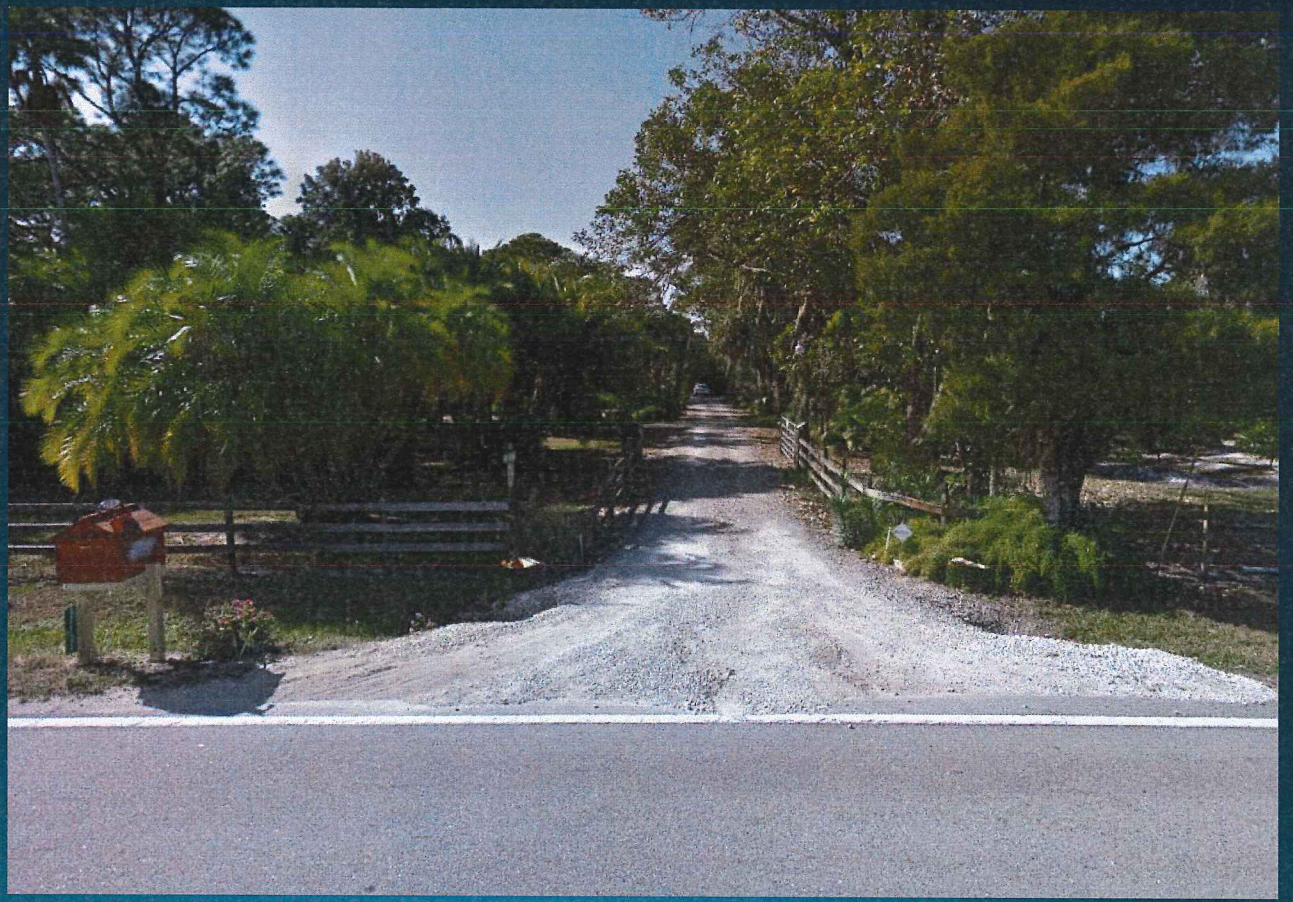
- Proposed half way between more intense traffic generators (+/- 800 feet)



Jennifer

Bee Charmer Lane

- Not detrimental to public safety:
  - Functions as a private driveway
  - Dirt road
  - Not County maintained



Jennifer

Bee Charmer Lane

- Not detrimental to public safety:
  - Low traffic generator
  - No thru connection to Shelby Lane



DCI2016-00024

Jennifer

Deviation 5

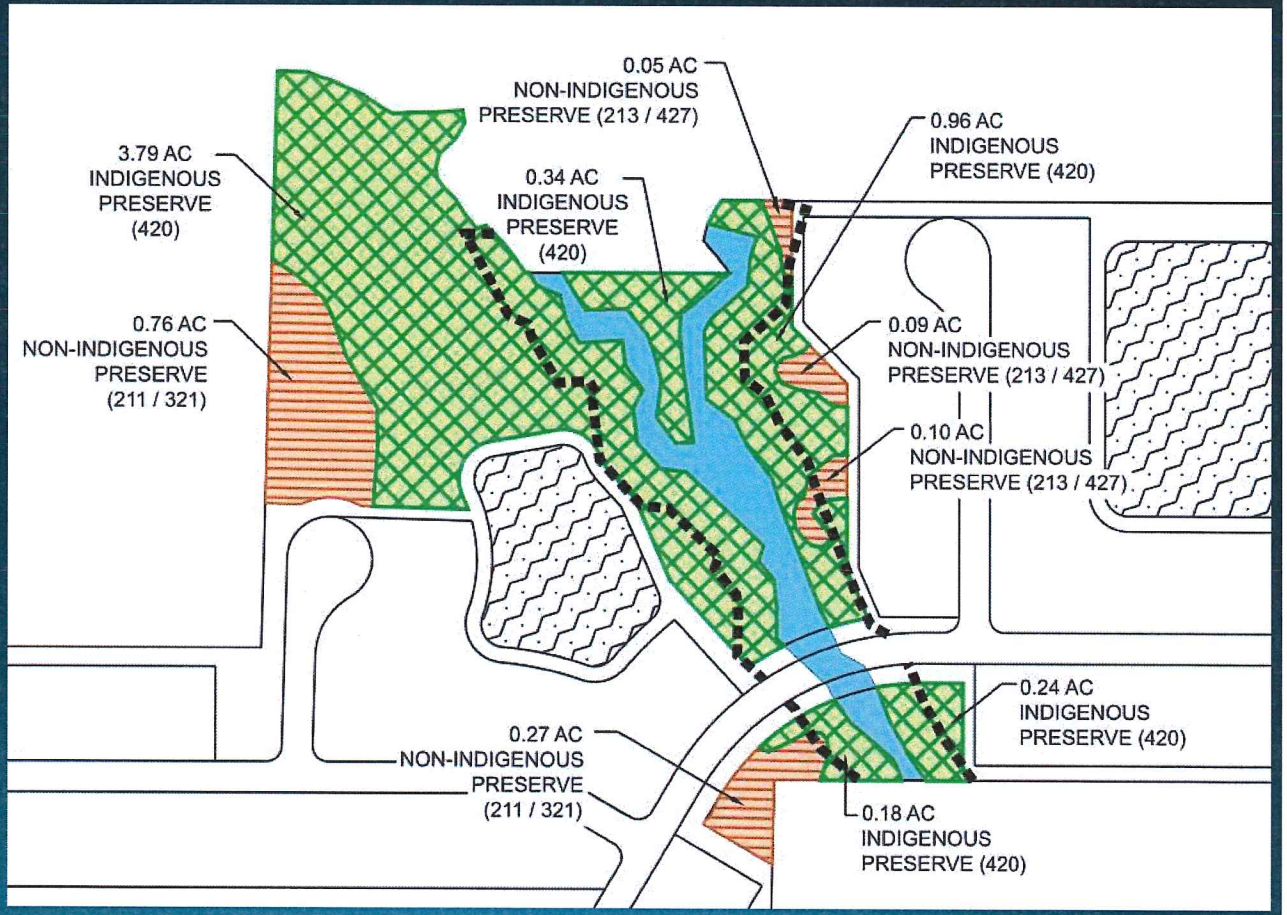
- Project Benefit
  - Lake provides buffer to existing industrial storage yard



Barrett Stejskal

Onsite Wetlands

- Located along Foose Gully and Daughtrey's Creek
- Incorporated into the proposed preservation areas



Protected Species

- Gopher Tortoise
  - Proposed revised condition 10a:

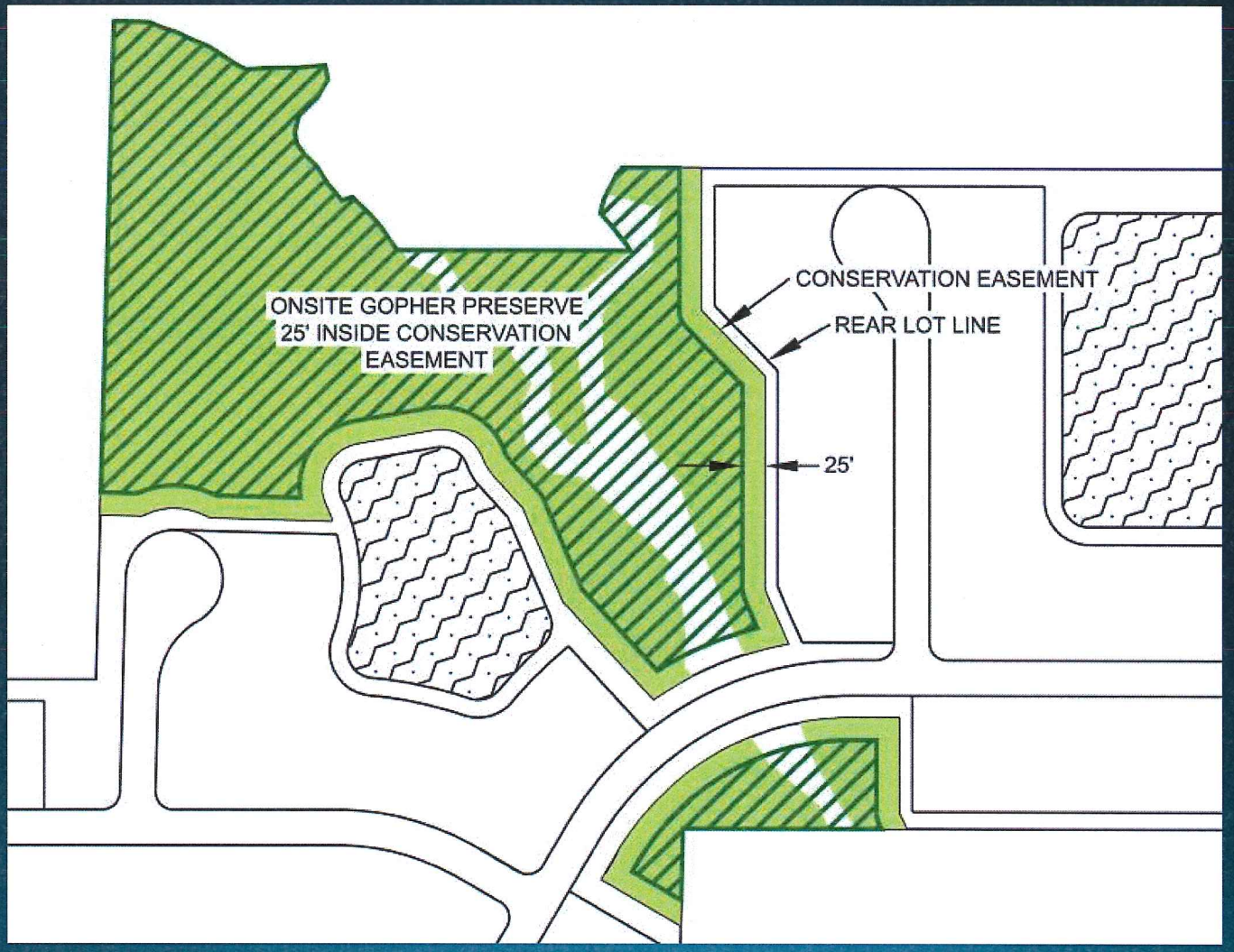
    Prior to issuance of a development order, an off-site management plan will be prepared which will address all gopher tortoises that will be relocated from within the development footprint to an off-site FWC approved mitigation bank. Also prior to the development order, an on-site protected species management plan will be prepared which addresses the on-site gopher tortoise that are currently located and will remain within the indigenous and non-indigenous preserve areas.

Protected Species

- Gopher Tortoise
  - Proposed revised condition 10b:

Prior to clearing pursuant to the vegetation removal permit a gopher tortoise fence shall be installed around the limits of the preserves to ensure that no impacts will occur to any gopher tortoise burrow located in the preserve. Gopher tortoises located in the 25-foot buffer area to the preserves shall either be relocated to the preserve or relocated off-site in accordance with FWC criteria. No machinery or mechanical excavation of gopher tortoise burrows can occur within the indigenous preserve or onsite preserve areas.

Gopher Tortoise

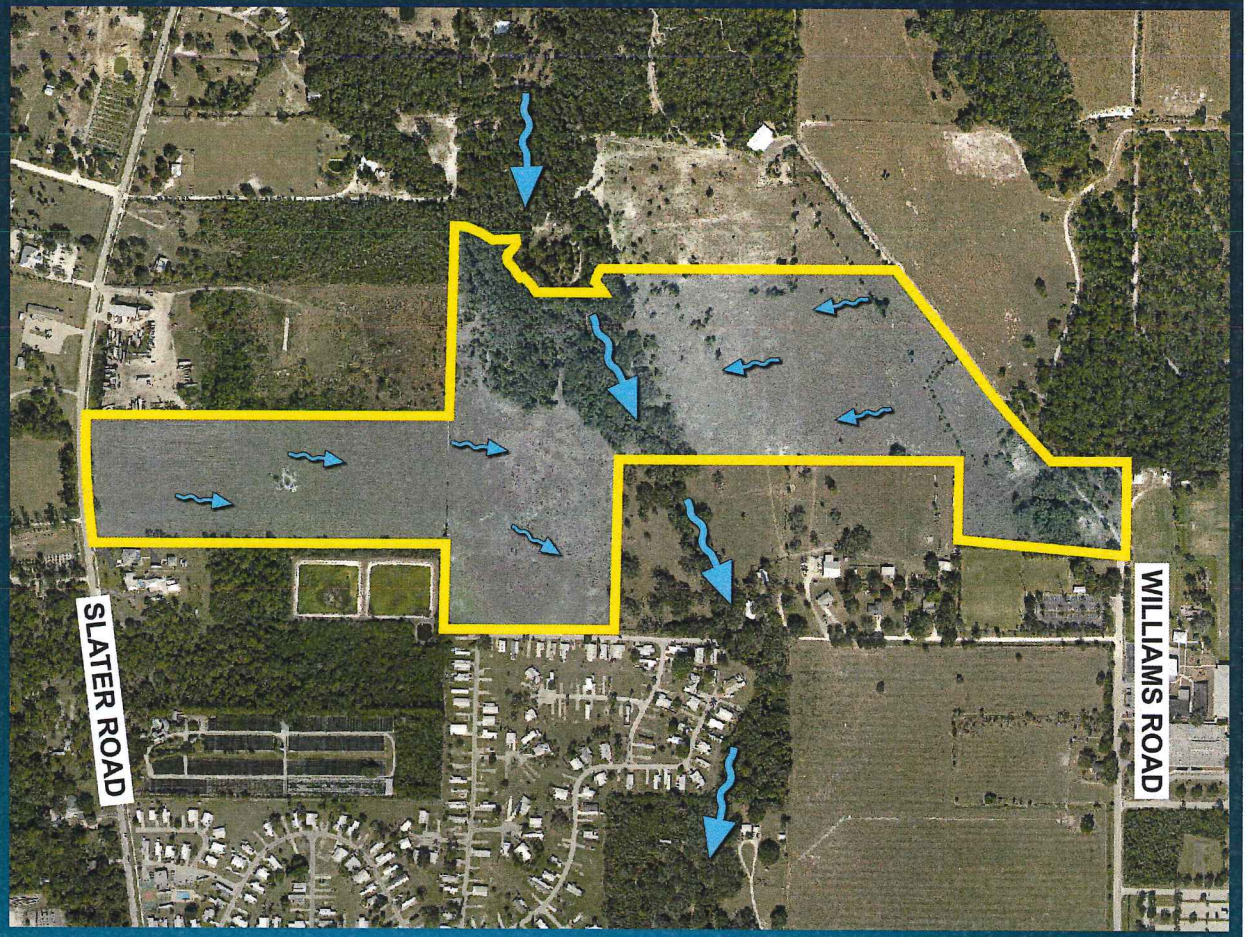


Wes Kayne, P.E.

Existing Drainage

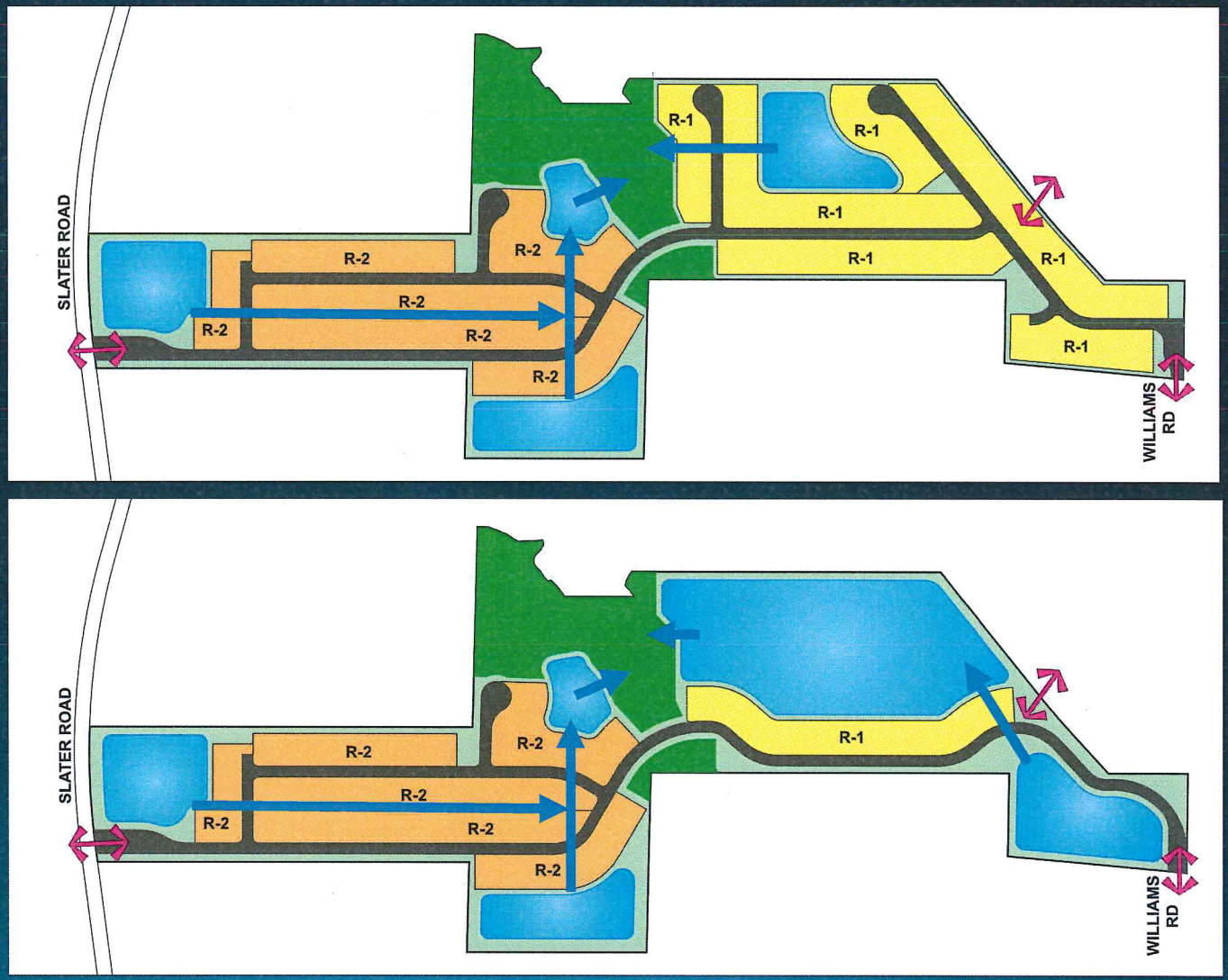
Wes

- Daughtrey Creek watershed
  - Existing creek bisects the site
  - Site sheet flows to the creek
  - Creek flows south across Bayshore Road, eventually to Caloosahatchee River.



Proposed Drainage

- Independent stormwater management basins either side of existing creek.
  - Wet detention areas will provide stormwater treatment and attenuation prior to discharging to the existing creek via control structures.



Utilities



- Received Letters of Availability for potable water from Lee County Utilities and wastewater from Florida Governmental Utility Authority.
- 12" watermain located 1,000 ft south on Slater Road, 12" watermain along Myakka Drive adjacent to the site, and 16" watermain adjacent to the site along Williams Road.
- Florida Governmental Utility Authority (FGUA) 4", 8", 16" forcemains located along Williams Rd, Bayshore Rd, and Mellow Rd, respectively.

Lee County Utilities Letter of Availability

Wes

Lee County
Southwest Florida
BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief
Hearing Examiner

October 13, 2016 Via E-Mail

Ashley Butler
Barraco and Associates, Inc.
2271 McGregor Blvd., Suite 100
Fort Myers, FL 33901

RE: Potable Water Availability
17220 Slater Road, Gully Creek
STRAP #s: 19-43-25-00-00009.0000, 19-43-25-00-00014.0020, and 19-43-25-00-00009.0030

Dear Ms. Butler:

The subject parcels are located within Lee County Utilities Future Service Area as depicted on Map 6 of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation near the parcel mentioned above about 1,000 feet south or 2,600 feet north on Slater Road. However, in order to provide service to them, developer funded system enhancements such as line extensions will be required.

Your firm has indicated that this project will consist of 110 single family residential units and 220 multi-family residential units with an estimated flow demand of approximately 82,500 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water 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 the North Lee County Water Treatment Plant.

Prior to beginning design work on this project, please meet with Jessica Muñoz to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service, and the approval of all State and local regulatory agencies.

Recycled Paper

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
lee-county.com
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

When you are ready to move forward with your project, please contact Ms. Janelle D. Kusiolek, Development Review Project Coordinator at 407-629-6900 ext. 109 or via email at JKusiolek@cpvmserv.com to schedule a pre-development meeting. Please note that this meeting is MANDATORY prior to submitting construction plans for review by the FGUA.

If you should have any further questions please feel free to contact Ms. Kusiolek directly.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Robert W. Dickson, P.E.
Capital Program Manager

RWD/jck

CC: Michael Currier, South Region Area Manager

Encl.
1. Utility Locates
2. Plan Submission Instructions
3. Property Appraiser's Information
4. Fee Statement/Receipt
5. Mandatory Pre-Development Meeting Information

FGUA Letter of Availability

Wes

FGUA Operations Office
Government Services Group, Inc.
280 Wekiva Springs Rd., Ste 2000
Longwood, FL 32779-6026
(877) 552-3482 Toll Free
(407) 629-6900 Tel
(407) 629-6963 Fax

May 22,2015

Gully Creek LLC
10471 Six Mile Cypress Pkwy
Fort Myers, FL 33966

%Julie Danielewski
Barraco and Associates Inc
2271 McGregor Blvd Ste 100
Ft. Myers, FL 33901
julieD@barraco.net

RE: Wastewater Availability – LOA ID#: 15 - 22
19-43-25-00-00009.0000; 19-43-25-00-00014.0020
Gully Creek
None Assigned/17220 Slater Rd., North Fort Myers, FL 33917

Dear Ms. Danielewski:

Pursuant to the submitted Application for Service Availability, please be advised that wastewater lines are in operation in the vicinity of the proposed project 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 Residential Community with 212 (Max) Homes with an estimated flow of 53,000 GPD for wastewater. FGUA presently has sufficient treatment capacity to accommodate these flows. Please contact Lee County Utilities for inquiries regarding the availability of water service to this property.

The FGUA Utilities Operations Manual requires the project engineer to perform hydraulic computations to determine what impact this project will have on our existing system. A site map showing the approximate location of the utilities is included for your reference.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date hereof. Florida Governmental Utility Authority will commit to serve only upon final acceptance of the infrastructure constructed by the developer, receipt of all appropriate connection fees, an executed Utility Infrastructure Conveyance and Service Agreement, the approval of all state and local regulatory agencies and proper project closeout. Further, this letter of availability of wastewater service is to be utilized for development review for this project only.

FGUA Board of Directors
LEA ANN THOMAS, Chair, Polk County / DOUG MEURER, P.E., Lee County / KEN CHEEK, P.E., Citrus County
SHANE PARKER, P.E., Hendry County / BRUCE KENNEDY, P.E. Pasco County / MICHAEL YUCKS, DeSoto County
FILIP MELLINGER, Marion County

When you are ready to move forward with your project, please contact Ms. Janelle D. Kusiolek, Development Review Project Coordinator at 407-629-6900 ext. 109 or via email at JKusiolek@govmserv.com to schedule a pre-development meeting. Please note that this meeting is MANDATORY prior to submitting construction plans for review by the FGUA.

If you should have any further questions please feel free to contact Ms. Kusiolek directly.

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Robert W. Dickson, P.E.
Capital Program Manager

RWD/jdk

CC: Michael Currier, South Region Area Manager

Encl.
1. Utility Locates
2. Plan Submission Instructions
3. Property Appraiser's Information
4. Fee Statement/Receipt
5. Mandatory Pre-Development Meeting Information

Ted Treesh

Ted

Transportation

- Traffic Study prepared based on "worst case" development parameters
  - 120 Multi-Family Dwelling Units & 210 Single Family Dwelling Units.

- Access provided to the site from Slater Road (Principal Access) and to Bayshore Road (via Williams Road)

Ted

Transportation

- Future Level of Service evaluated for the Year 2022
  - Slater Road & Bayshore Road shown to operate at Level of Service "C" both with and without the project in 2022
  - Turn Lanes at site access drives to be evaluated at time of Local Development Order application
- Condition 5

Jennifer Sapen, AICP

CONCLUSION

Jennifer

- Agree with staff findings and recommendation of approval
- Compatible with existing or planned uses in surrounding area
- Request will not adversely affect environmentally critical areas or natural resources
- Urban services are available and adequate

Jennifer

CONCLUSION

- Will not place undue burden on existing transportation or planned infrastructure facilities and site will be served by streets with capacity to carry traffic generated by the development
- Deviations enhance the proposed development and protect public health, safety and welfare
- Recommended conditions and regulations provide sufficient safeguards to the public interest

APPLICANT'S
EXHIBIT # 2
DCI2016-00024

Inge & Associates, Inc.
Mining and Real Estate Consultants
5571 Halifax Ave.
Fort Myers, FL 33912
Phone: 239-454-4999 Fax: 239-454-2773
Email: ron@ingeandassociates.com

November 15, 2017

Mr. Richard Shine
6640 Bright Road
North Fort Myers, FL 33917

RE: Gulley Creek

Dear Mr. Shine:

Just a brief note to follow up on my recent voicemails and also my discussion with Ms. Grant in early October.

When we appeared before the North Fort Myers Community Planning Panel, we committed to meeting with you to discuss the Gulley Creek project.

We would like to meet with you, at your convenience, to discuss the property, so please advise a date/time/location that would be convenient.

You can contact us at the phone number/email address on this letterhead.

Thank you very much.

Sincerely,

Ronald E. Inge, President

APPLICANT'S
EXHIBIT # 3
DCI2016000024

RESOLUTION NUMBER Z-15-034

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

WHEREAS, Randy Thibaut ("Applicant") for Enclaves Investment LLC filed an application to amend the Commercial Planned Development/Residential Planned Development (CPD/RPD) known as the Enclaves of Eagle Nest per Resolution Z-06-053(A), 78.46± acres, to request approval of a new Master Concept Plan (MCP) and the construction of 26 additional dwelling units ("Request"); and,

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on November 18, 2015, and the record was closed on December 1, 2015, to allow for additional written submissions; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for the Request, Case #DCI2015-00011, and recommended Approval of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on January 6, 2016, before the Lee County Board of County Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to amend the Enclaves of Eagle Nest CPD/RDP. The proposed amendment includes a new MCP for the residential component of the project and increases the approved number of dwelling units by 26 units (unit count to change from 174 to 200 single-family and/or two-family attached dwellings). Maximum proposed building height in the RPD is 35 feet. No changes were proposed to the CPD. Development will connect to public potable water and sanitary sewer services. No blasting is requested.

The property is located in the Suburban Future Land Use Category and the North Fort Myers Planning Community. The property is legally described in attached Exhibit "A." The current zoning of the property and surrounding properties is shown in attached

Exhibit "B." The Request is APPROVED, SUBJECT TO conditions and deviations in Section 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. **Master Concept Plan/Development Parameters**

Development must be consistent with the 5-page Master Concept Plan entitled "Master Concept Plan - Enclaves CPD/RPD," last revised 9-15-15, date-stamped "RECEIVED SEP 16 2015 COMMUNITY DEVELOPMENT," and attached as Exhibit "C," except where modified by the conditions below.

Development must comply with the LDC except where deviations have been approved in this rezoning resolution.

The following zoning approvals are superseded by this zoning resolution:

Zoning Resolution Z-06-053(A), as amended by ADD2009-00011, ADD2009-00028(a) and ADD2014-00052.

Maximum Commercial Floor Area for the Commercial Planned Development (CPD): 100,000 square feet, which may consist of a combination of office and or/retail uses.

Maximum Number of Dwelling Units for the Residential Planned Development (RPD): 200 single-family and/or two-family attached.

2. **Permitted Uses and Site Development Regulations**

a. **Schedule of Uses**

Commercial Uses (CPD area)

Accessory Uses and Structures
Administrative Office
Animal Clinic or Kennel – no outdoor runs
ATM - Automatic Teller Machine
Auto Parts Store – no installation
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Bar or Cocktail Lounge
Boat Parts Store

Business Services, Groups I and II – excluding bail bonding, armored care service, automobile claims adjusters, and automobile repossessing services.
Car Wash – only in conjunction with the Convenience Food and Beverage Store.
Cleaning and Maintenance Services
Contractors and Builders Group I only
Convenience Food and Beverage Store – limited to 1, and not on Outparcel #4.
Day Care, Child or Adult
Drive-Through for Any Permitted Use – no drive-through for package stores.
Drugstore/Pharmacy
Entrance Gates and Gatehouses
EMS, Fire or Sheriff's Office
Essential Services
Essential Services Facilities, Group I only
Excavation, Water Retention - not to include removal of excavated material from site. *No blasting.*
Fences, Walls
Food and Beverage Service
Food Stores, Group I only
Gift and Souvenir Shop
Health Care Facilities, Group III
Hardware Store
Hobby, Toy and Game Shop
Household and Office Furnishings, Groups I and II
Insurance Companies
Laundry and Dry Cleaning, Group I only
Lawn and Garden Supply Stores
Medical Office
Non-Store Retailer - all groups
Parcel and Express Service
Package Store - no stand-alone package stores. No drive-through for this use. Limited to grocery-retail parcel as part of a multi-occupancy commercial building.
Paint, Glass and Wallpaper
Parking Lot, Accessory, Public Parking, Temporary
Personal Services, Groups I, II and III - excluding Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, and Tattoo Parlors.
Pet Services, Pet Shop - no outdoor runs
Post Office
Real Estate Sales Office
Rental and Leasing Establishments, Groups I and II
Repair Shops, Groups I and II

Restaurant, Fast Food – limited to 1, not on Outparcel #4
Restaurants, Groups I, II and III - and *subject to* Condition 7
Schools, Commercial
Self-Service Fuel Pumps – maximum of 16
Signs in accordance with Chapters 30 and 33
Social Services, Groups I and II
Specialty Retail Shops, Groups I, II, III, IV
Storage - indoor only, no warehouse or mini-warehouse
Supermarket
Temporary Uses - construction office, construction trailer
Used Merchandise Stores, Groups I and II
Variety Store

Residential Uses (RPD Area)

Accessory Uses and Structures
Dwelling Units - single-family and two-family attached – 200 maximum
Entrance Gate or Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include removal of excavated material from site. No blasting.
Fences, Walls
Home Occupation, no outside help
Model Home, Model Display Center, Model Display Group – *See* Condition 6
Real Estate Sales Office - *See* Condition 6
Recreation Facilities, Private On-Site
Residential Accessory Uses and Structures
Signs in accordance with Chapters 30 and 33 - *See* Deviation 6
Temporary Uses – sales center, temporary construction trailer

b. **Commercial Site Development Regulations**

Minimum Lot Areas and Dimensions

Lot Size:	1.0 acres
Lot Width:	170 feet
Lot Depth:	200 feet

Minimum Setbacks

Street:	25 feet (public)/20 feet (private)
Side:	15 feet
Rear:	20 feet
Water body:	25 feet
Accessory Uses:	In accordance with the LDC
Setbacks from Preserves:	25 feet (all buildings)
Minimum Perimeter Setbacks:	25 feet
Minimum Building Separation:	20 feet
Maximum Lot Coverage:	40%
Maximum Building Height:	35 feet/2 stories

c. **Residential Development Regulations**

DEVELOPMENT REGULATIONS	SINGLE-FAMILY (R-1)	SINGLE-FAMILY (R-2)	TWO-FAMILY ATTACHED (R-2)	RECREATION (PRIVATE)
Minimum Lot Width	50 feet	40 feet	30 feet	100 feet
Minimum Lot Depth	130 feet	84 feet	120 feet	120 feet
Minimum Lot Area	6,500 square feet	4,800 square feet	3,600 square feet	12,000 square feet
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage	45%	55%	70%	40%
Minimum Setbacks	-	-	-	-
Street	25 feet public/20 feet private *	25 feet public/20 feet private *	25 feet public/20 feet private *	25 feet public/20 feet private *
Side	5 feet	5 feet	5 feet/0 feet**	10 feet
Rear Yard (principal)	10 feet	10 feet	15 feet	10 feet
Rear Yard (accessory)	5 feet	5 feet	5 feet	5 feet
Preserve (accessory)	25 feet	25 feet	25 feet	25 feet
Preserve (principal)	30 feet	30 feet	30 feet	30 feet

Notes: * Setback will be reduced to 15 feet for side entry garages
** 0-foot setback applies to internal lot line

3. **Concurrency**

Zoning approval does not constitute a finding that the project meets the concurrency requirements of the Lee Plan or LDC. The developer must demonstrate compliance with concurrency requirements prior to issuance of a local development order.

4. **Blasting Prohibited**

Development Blasting is prohibited.

5. **Accessory Uses (CPD only)**

Accessory uses must be located on the same tract, parcel or outparcel as the principal use. Those accessory uses must be incidental and subordinate to the principal use.

6. **Model Units/Real Estate Sales**

a. Number Permitted - Model units are limited to a maximum of 10.

b. Floor Plan - The floor plan of each model unit must be a different design.

c. Location:

Residential Area - Real estate sales are limited to model locations.

Commercial Area - Real estate sales are permitted as shown on the MCP.

d. Inventory:

Residential Area - Real estate sales are limited to sale of lots and units in the development.

Commercial Area - Real estate sales are not limited.

e. Hours of Operation:

Residential Parcel - Model units and real estate sales are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

Commercial Parcels - Real estate sales are not limited.

f. Dry Models - Dry models are prohibited.

7. **Consumption on Premises (COP)** (Commercial area only)

a. Consumption on premises is permitted only in conjunction with a Group III Restaurant.

b. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

c. The location of outdoor consumption on premises must be consistent with the MCP.

d. Outdoor consumption on premise, limited to one with a maximum of 2,500 square feet of seating area may be approved by administrative amendment to this zoning approval without a public hearing.

The applicant must provide the detail of the proposed outdoor seating area consistent with the requirements of the LDC.

8. **Vehicular/Pedestrian Impacts**

Zoning approval does not address mitigation of vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

9. **Lee Plan Consistency**

This zoning approval 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).

10. **Transportation Improvements**

Improvements to the northbound approach to the Bayshore Road (State Road 78), Slater Road/Coon Road are considered site-related and must be constructed with site infrastructure. The design, permitting, right-of-way dedication, construction, signal modification, etc., components of those improvements are also site-related improvements to be paid for by the developer. The realignment of the existing intersection will be the developer's option.

The design of the Bayshore Road (State Road 78), Slater Road/Coon Road intersection is subject to review and approval by Florida Department of Transportation and Lee County Department of Transportation.

11. **Buffers**

Development order plans must reflect buffering consistent with the MCP and the LDC.

12. **Trash Compactor**

No more than one trash compactor may be located south of the principal commercial building. The compactor must be fully enclosed and operated electronically.

13. **Dumpster**

Dumpsters serving the grocery store may not be located south of the portion of the building shown on Tract A of the MCP.

14. **Eagle Protection Measures within CPD Area**

The Enclaves of Eagles Nest Bald Eagle Management Plan (BEMP) for Nest LE-026B, dated April 2009, and prepared by Passarella and Associates, is incorporated in this resolution of approval with the following conditions:

a. Delivery trucks are prohibited from lining up for waiting or unloading along the access way in the rear of the grocery/retail center;

b. Dumpsters must be secured to deter the bald eagles from foraging in dumpster areas;

c. The commercial owner's documents must include the terms of the BEMP;

d. Development Services staff must review and approve the proposed interior conditions during nesting season for development within 660' of the nest prior to CPD local development order approval; and

e. The local development order for CPD Outparcel 4 must reflect the enhanced right-of-way buffer along Bayshore Road and include 18' "view corridors" in two locations. In addition, development of Outparcel 4 must be consistent with the conservation measures outlined in the BEMP.

15. **Utilities**

Development of the project must connect to public water and public sewer.

16. **Species Protection**

The developer of the RPD must submit a protected species survey with the application for a development order. The developer must submit a gopher tortoise management plan for development areas that will impact gopher tortoises. The gopher tortoise management plan must include information on proposed relocation efforts reviewed and approved by the Florida Fish and Wildlife Conservation Commission (FWC).

17. **Development Permits**

County development permits do not establish a right to obtain permits from state or federal agencies. Further, they do not establish liability on the part of the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

SECTION C. DEVIATIONS:

1. **Excavation Setback**. Deviation (1) seeks relief from the §10-329(d)(1)3 requirement that all excavations are to be set back 50 feet from private property lines under separate ownership. The deviation would allow a 0 foot setback for an interior lake that crosses parcel boundaries. This deviation is APPROVED.

2. **Signs**. Deviation (2) seeks relief from the LDC Chapter 30, Division 3, requirements that limit off-site signs to directional signs for residential developments and semi-public bodies, bench and bus shelter signs or billboards, to allow an off-site residential project entrance sign. This deviation is APPROVED.

3. **Signs**. Deviation (3) seeks relief from the §30-152(2)(d)(4) requirement that residential project identification signs have a minimum setback of 15 feet from public rights of way or 15 feet from the entranceway pavement on private streets, to allow a 7-foot setback for a residential project sign. This deviation is APPROVED, SUBJECT TO the following conditions.

    a. The signs must be consistent with the project's architectural theme.
    b. Residential project identification signs are limited to monument style signs.

c. Signs may not exceed 10 feet in height.
d. Signs must be substantially consistent with the designs reflected on the 4-page set of drawings attached as Exhibit "D." These drawings are preliminary and subject to change in conformity with LDC Chapter 30.

4. **Signs**. Deviation (4) seeks relief from the §30-153(3)(a) requirement which allows multi-occupancy complexes with five or less establishments one ground-mounted sign, to allow two signs on Outparcel 3 and two signs on Outparcel 4. This deviation is APPROVED.

5. **Buffers**. Deviation (5) seeks relief from the LDC §10-416(d) requirement of a minimum 5 foot Type "A" buffer between commercial properties, to allow no internal buffer between project Tracts A and B. This deviation is APPROVED.

6. **Tree Requirements**. Deviation (6) seeks relief from the §10-416 requirement of 1 general tree for every 3,500 square feet of development area to allow the general tree requirement to be satisfied within the CPD consistent with development order DOS2008-00022. This deviation is APPROVED.

7. **Lots**. Deviation (7) seeks relief from the §10-254 requirement that side lot lines be at right angles to straight street lines and radial to curve street lines where practical, to allow the design reflected on the MCP for the last lot at the terminal end of small dead-end roadways. This deviation is APPROVED.

8. **Cul-de-sac**. Deviation (8) seeks relief from the §10-296(p)(1) requirement that a dead-end street be closed at one end by a circular turn-around, to allow an alternative turnaround in three locations on the MCP. This deviation is APPROVED.

9. **Excavation Bank Slopes**. Deviation (9) seeks relief from the §10-329(d)(4) requirement that excavation bank slopes at 6:1, to allow a 4:1 lake slope on the existing lake depicted on the MCP. This deviation is APPROVED.

10. **Lot Depth**. Deviation (10) seeks relief from the §10-703 requirement that lot depth be measured in accordance with the illustrations shown in the MCP, Exhibit C, Sheet 3, to allow lot width and depth to be measured as indicated on the MCP in three locations. This deviation is APPROVED.

11. **Required Street Access**. Deviation (11) seeks relief from the §10-291(3) requirement that residential development of more than 5 acres provide more than 1 means of ingress and egress, to allow 1 primary access for the residential area identified as "R-1" on the MCP. This deviation is APPROVED.

12. **Connection Separation**. Deviation (12) seeks relief from the §10-285(a) requirement that there be intersection separations of 330 feet on collector roads, to allow a 262-foot intersection separation on Donald Road. This deviation is APPROVED.

SECTION D. EXHIBITS:

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: Sign Detail Plans

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

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

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

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

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

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

3. The rezoning satisfies the following criteria:

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

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

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

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

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

Commissioner Brian Hamman made a motion to adopt the foregoing resolution, seconded by Commissioner John Manning. The vote was as follows:

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Absent
Brian Hamman	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 6th day of January, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Franklin B. Mann, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

Neysa Borkert
Assistant County Attorney
County Attorney's Office

2016 JAN 14 PM 3:49

Case No. DCI2015-00011

RECEIVED
MINUTES OFFICE

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

DESCRIPTION
Parcel in
Section 30, Township 43 South, Range 25 East
Lee County, Florida

A tract or parcel of land being all of Tracts 3, 4, 5 and 6 and a portion of Tract 2 of the record plat of "Enclaves at Eagle Landing" recorded in Instrument No. 2011000173496, Lee County Records, lying in Section 30, Township 43 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the Southeast corner of said Tract 3 run S88°30'37"W along the South line of said record plat for 2,336.10 feet to the Southwest corner of said Tract 6; thence run N00°53'11"W along the West line of said Tract 6 for 442.00 feet to the Northwest corner of said Tract 6; thence run Easterly along a non-radial arc of a curve to the right of radius 630.00 feet (delta 30°48'20")(chord bearing N72°34'10"E)(chord 334.66 feet) for 338.73 feet to the Southeast corner of Tract 7 as shown on said record plat; thence run N00°14'09"W along the East line of said Tract 7 and a non-radial line for 92.49 feet to an intersection with the South line of said Tract 2; thence run N88°43'30"E along said South line for 431.01 feet; thence run N00°10'19"W for 677.54 feet to the Northwest corner of said Tract 3; thence run N88°34'17"E along the North line of said Tract 3 for 1,580.31 feet to the Northeast corner of said Tract 3; thence run S00°02'19"E along the East line of said Tract 3 for 1,300.47 feet to the POINT OF BEGINNING.
Containing 57.07 acres, more or less.

Bearings hereinabove are state plane for the Florida West Zone (NAD1983/90 Adjustment) and are based on East line of the Southeast Quarter of the Southeast Quarter to bear S00°02'19"E.

4/22/15
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23279 - Enclaves Land Solutions\Descriptions\23279SK02.doc

Applicant's Legal Checked
by BSJ 4/24/15

RECEIVED
APR 22 2015
COMMUNITY DEVELOPMENT

DCI 2015-00011

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

EXHIBIT A

INSTR # 2011000173496, Doc Type PLAT, Pages 10, Recorded 06/09/2011 at 04:09
PM, Charlie Green, Lee County Clerk of Circuit Court, Deputy Clerk EGRIFF

J:\2226\DWG\SURVEY\PLAT\2226TP01.DWG - TUE, 6-14-2011 - 1:53 PM
HBS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERS • LAND SURVEYORS • LAND PLANNERS
2271 MCGREGOR BLVD., SUITE 100, P.O. DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170 • WWW.BARRACO.US • FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION • ENGINEERING 5665 • SURVEYING LB 4946

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2011000173496

SHEET 1 OF 10

MAY 2011

DESCRIPTION

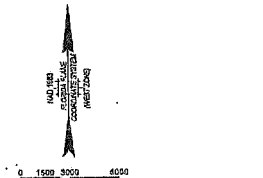
A TRACT OR PARCEL OF LAND LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 30 RUN NO0°09'14"W ALONG THE EASTERLY LINE OF SAID SECTION 30 FOR 55.01 FEET TO THE NORTH RIGHT OF WAY LINE OF CORKSCREW ROAD AS RECORDED IN COUNTY COMMISSIONERS MINUTES BOOK 5 AT PAGES 427-430 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING.

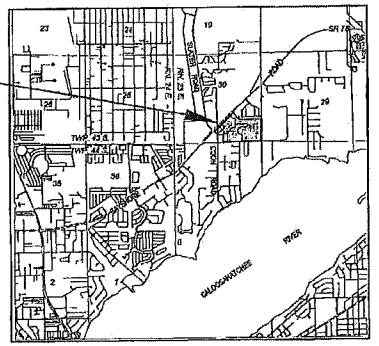
FROM SAID POINT OF BEGINNING RUN S89°50'37"W ALONG SAID NORTHERLY RIGHT OF WAY LINE FOR 2,336.19 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2027, PAGE 650 OF SAID PUBLIC RECORDS; THENCE RUN N00°09'14"W ALONG SAID EASTERLY LINE FOR 412.35 FEET TO THE NON-TANGENT CORNER OF SAID LANDS; THENCE RUN S89°23'37"W ALONG THE NORTHERLY LINE OF SAID LANDS AND A WESTERLY PROLONGATION THEREOF FOR 295.62 FEET TO A POINT ON A NON-TANGENT CURVE ALSO BEING THE EASTERLY RIGHT-OF-WAY OF ALASKA ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 2323, PAGE 4176 OF SAID PUBLIC RECORDS; THENCE RUN NORTHWESTERLY ALONG AN ARC OF CURVE TO THE LEFT OF RADIUS 5905.58 FEET (DELTA 17°39'55") (CHORD BEARING N09°38'29"W) (CHORD=1813.28 FEET) FOR 1821.37 FEET TO A POINT OF TANGENCY; THENCE RUN N18°28'26"W FOR 1,191.55 FEET TO A POINT ON A NON-TANGENT CURVE AND POINT BEING ON THE SOUTHERLY RIGHT OF WAY LINE OF BAYSHORE ROAD (STATE ROAD 78, FED.AID NO. 13(19)-2007); THENCE RUN NORTHEASTERLY ALONG SAID RIGHT OF WAY LINE ALONG AN ARC OF CURVE TO THE RIGHT OF RADIUS 3,317.72 FEET (DELTA 01°34'21") (CHORD BEARING N42°52'45"E) (CHORD=90.91 FEET) FOR 90.92 FEET TO A POINT OF TANGENCY; THENCE RUN N43°39'55"E ALONG SAID RIGHT OF WAY LINE FOR 1,434.57 FEET TO A POINT ON THE WESTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4045, PAGE 4017 OF SAID PUBLIC RECORDS; THENCE RUN S46°16'05"E ALONG THE WESTERLY LINE OF SAID LANDS FOR 429.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LANDS; THENCE RUN N43°39'55"E ALONG THE SOUTHERLY LINE OF SAID LANDS FOR 591.58 FEET TO A POINT ON THE EASTERLY LINE OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE RUN S00°09'14"E ALONG THE EAST LINE SAID FRACTION FOR 1,451.79 FEET TO THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 30; THENCE RUN N89°54'11"E ALONG THE NORTH LINE OF SAID FRACTION FOR 1,314.93 FEET TO THE NORTHEAST CORNER OF SAID FRACTION; THENCE RUN S00°09'21"E ALONG THE EAST LINE OF SAID FRACTION FOR 1,303.47 FEET TO THE POINT OF BEGINNING.

CONTAINING 118.91 ACRES, MORE OR LESS.

BEARINGS HEREINABOVE ARE STATE PLANE FOR THE FLORIDA WEST ZONE (NAD1983/90 ADJUSTMENT) AND ARE BASED ON EAST LINE OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER TO BEAR N00°09'21"E.



PROJECT LOCATION



VICINITY MAP
SCALE 1" = 2000'

NOTICE:
LANDS DESCRIBED IN THIS PLAT MAY BE SUBDIVIDED BY THE DEVELOPER WITHOUT THE ROADS, DRAINAGE, WATER AND SEWER FACILITIES BEING ACCEPTED FOR MAINTENANCE BY LEE COUNTY. ANY PURCHASER OF A LOT IN THIS SUBDIVISION IS ADVISED TO DETERMINE WHETHER THE LOT MAY BE SUBJECT TO ASSESSMENT OR CALLED UPON TO BEAR A PORTION OR ALL OF THE EXPENSE OF CONSTRUCTION, MAINTENANCE OR IMPROVEMENT OF ROAD, DRAINAGE, WATER AND SEWER FACILITIES.

NOTICE:
THIS PLAT, AS RECORDED IN ITS GRAPHIC FORM, IS THE OFFICIAL DEPICTION OF THE SUBDIVIDED LANDS DESCRIBED HEREIN AND WILL IN NO CIRCUMSTANCES BE SUPPLANTED IN AUTHORITY BY ANY OTHER GRAPHIC OR DIGITAL FORM OF THE PLAT. THERE MAY BE ADDITIONAL RESTRICTIONS THAT ARE NOT RECORDED ON THIS PLAT THAT MAY BE FOUND IN THE PUBLIC RECORDS OF LEE COUNTY.

DEDICATION

KNOW ALL MEN BY THESE PRESENTS THAT YA EAGLES NEST LAND HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, GPY ASSOCIATES LLC, A FLORIDA LIMITED LIABILITY COMPANY AND BAYOU, LLC, A FLORIDA LIMITED LIABILITY COMPANY, THE OWNERS OF THE HEREIN DESCRIBED LANDS HAVE CAUSED THIS PLAT OF ENCLAVES AT EAGLE LANDING, A SUBDIVISION LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA TO BE MADE AND DO HEREBY:

1. RESERVE TRACT 1 TO GPY ASSOCIATES LLC, A FLORIDA LIMITED LIABILITY COMPANY, FOR COMMERCIAL DEVELOPMENT.
2. RESERVE TRACTS 2 AND 4 TO YA EAGLES NEST LAND HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR FUTURE DEVELOPMENT.
3. RESERVE TRACT 3 TO YA EAGLES NEST LAND HOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, FOR INDIGENOUS PRESERVE AND OPEN SPACE IN ACCORDANCE WITH ZONING RESOLUTION Z-07-013A.
4. DEDICATE ALL INFRASTRUCTURE ELEMENTS WITHIN TRACT 2 TO ENCLAVES OF EAGLE LANDING COMMERCIAL PROPERTY OWNERS ASSOCIATION, WITH THE RESPONSIBILITY FOR MAINTENANCE, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE RESPONSIBILITY FOR MAINTENANCE OF THE STORMWATER RETENTION AND DRAINAGE FACILITIES.
5. DEDICATE ALL INFRASTRUCTURE ELEMENTS WITHIN TRACTS 5 AND 7 TO ENCLAVES AT EAGLE LANDING COMMERCIAL PROPERTY OWNERS ASSOCIATION, WITH THE RESPONSIBILITY FOR MAINTENANCE, WHICH INCLUDES, BUT IS NOT LIMITED TO, THE RESPONSIBILITY FOR MAINTENANCE OF THE CONSERVATION AREA AND WHICH SHALL INCLUDE THE PROVISIONS FOR MAINTENANCE REQUIRED IN SOUTH FLORIDA WATER MANAGEMENT PERMIT 36-00008-P AND LEE COUNTY DEVELOPMENT ORDER #DCI2005-00072.
6. DEDICATE TRACT 8 TO LEE COUNTY FOR PUBLIC RIGHT-OF-WAY.
7. DEDICATE TO LEE COUNTY UTILITIES ALL LEE COUNTY UTILITY EASEMENTS (LCUE).
8. DEDICATE ALL PUBLIC UTILITY EASEMENTS SHOWN ON THE PLAT TO LICENSED PUBLIC AND PRIVATE UTILITY COMPANIES FOR THE PURPOSE OF CONSTRUCTION, INSTALLATION, MAINTENANCE AND OPERATION OF THEIR UNDERGROUND FACILITIES AND APPURTENANCES, WHETHER ABOVE OR BELOW GROUND, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE SPECIFIC UTILITY EASEMENT AGREEMENTS ENTERED INTO FOR FACILITIES, INCLUDING CABLE TELEVISION SERVICES, TELEPHONE, GAS OR ELECTRIC. IN THE EVENT A PUBLIC UTILITY COMPANY DAMAGES ANY EXISTING IMPROVEMENTS, THEN THE PUBLIC UTILITY COMPANY CAUSING THE DAMAGE WILL BE SOLELY RESPONSIBLE FOR CONDUCTING SUCH DAMAGE.
9. DEDICATE TO LEE COUNTY A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER EASEMENT 1 AND THE L.O.D.D.T. AREA (AS SHOWN ON SHEET 3 OF 10) FOR MAINTENANCE OF THE STORM WATER DRAINAGE STRUCTURE #01-348 LOCATED ON TRACT 6.
10. DEDICATE TO THE OWNERS OF LOT 6, 2, AND 3, A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER EASEMENT 2 (AS SHOWN ON SHEETS 4, 5 & 10 OF 10).
11. DEDICATE TO THE OWNERS OF LOT 4 AND TRACT 8, A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER EASEMENT 2 (AS SHOWN ON SHEETS 4, 5 & 10 OF 10).

IN WITNESS WHEREOF, THE OWNERS ABOVE HAVE CAUSED THIS DEDICATION TO BE MADE AND SIGNED THIS ____ DAY OF _____, 2011.

WITNESS: _____
PRINT NAME: Kara Van Buskirk

WITNESS: _____
PRINT NAME: Stephen Colleran

GPY ASSOCIATES, LLC,
A FLORIDA LIMITED LIABILITY COMPANY
BY: NORTH TOWN ASSOCIATES, LLC
A FLORIDA LIMITED LIABILITY COMPANY
ITS MANAGING MEMBER

BY: JAMES E. KINSEY JR.
ITS: MANAGER

WITNESS: _____
PRINT NAME: Thomas Vincent

WITNESS: _____
PRINT NAME: Cheryl Burden

BAYOU, LLC,
A FLORIDA LIMITED LIABILITY COMPANY
BY: ITS MANAGER, INC.
A FLORIDA CORPORATION, AS
ITS MANAGING MEMBER

BY: JEFFREY T. HALVORSEN, PRESIDENT

WITNESS: _____
PRINT NAME: Joseph C. Eicke

WITNESS: _____
PRINT NAME: William Gardner

YA EAGLES NEST LAND HOLDINGS, LLC
A DELAWARE LIMITED LIABILITY COMPANY

BY: DAVID GONZALEZ
ITS: MANAGER

ACKNOWLEDGMENT

STATE OF FLORIDA NEW JERSEY
COUNTY OF LEE HUDSON

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 11th DAY OF July, 2011, BY DAVID GONZALEZ, MANAGER OF YA EAGLES NEST LANDHOLDINGS, LLC, A DELAWARE LIMITED LIABILITY COMPANY, WHO IS ME PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

Arlene M. Kilanowski
NOTARY PUBLIC - STATE OF FLORIDA NEW JERSEY
Arlene M. Kilanowski
NAME - PRINTED
2394
COMMISSION #
Sept. 8, 2011
MY COMMISSION EXPIRES

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 23 DAY OF June, 2011, BY JAMES E. KINSEY JR., MANAGER OF GPY ASSOCIATES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO [YES] PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

Amy Justice
NOTARY PUBLIC - STATE OF FLORIDA
Amy Justice
NAME - PRINTED
EE 058192
COMMISSION #
July 14, 2014
MY COMMISSION EXPIRES

ACKNOWLEDGMENT

STATE OF FLORIDA
COUNTY OF LEE

THE FOREGOING DEDICATION WAS ACKNOWLEDGED BEFORE ME THIS 30th DAY OF June, 2011, BY JEFFREY T. HALVORSEN, PRESIDENT OF BAYOU, LLC, A FLORIDA LIMITED LIABILITY COMPANY, WHO [YES] PERSONALLY KNOWN TO ME OR [ ] HAS PRODUCED _____ AS IDENTIFICATION.

Cheryl Burden
NOTARY PUBLIC - STATE OF FLORIDA
Cheryl Burden
NAME - PRINTED
DD 927972
COMMISSION #
May 3, 2014
MY COMMISSION EXPIRES

APPROVALS

THIS PLAT IS ACCEPTED AND APPROVED BY THE BOARD OF COUNTY COMMISSIONERS, LEE COUNTY, FLORIDA THIS 23rd DAY OF June, 2011.

CHAIRMAN OF THE BOARD
PRINT NAME: FRANK MANN

CHARLIE GREEN
CLERK OF COURT

MICHAEL JACOB
ASSISTANT COUNTY ATTORNEY

PETER L. ECKENRODE
DIRECTOR, DIVISION OF DEVELOPMENT SERVICES

MARY GIBBS
DIRECTOR, DEPARTMENT OF COMMUNITY DEVELOPMENT

REVIEW BY THE DESIGNATED COUNTY P.S.M. DETERMINED THAT THIS PLAT CONFORMS TO THE REQUIREMENTS OF CHAPTER 177, PART 1 OF THE FLORIDA STATUTES.

MICHAEL L. HANNON
PROFESSIONAL SURVEYOR AND MAPPER

CERTIFICATE

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF ENCLAVES AT EAGLE LANDING, A SUBDIVISION LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, WAS PREPARED UNDER MY DIRECTION AND SUPERVISION AND COMPLIES WITH ALL OF THE SURVEY REQUIREMENTS OF CHAPTER 177, PART I, OF THE FLORIDA STATUTES. I FURTHER CERTIFY THAT THE PERMANENT REFERENCE MONUMENTS (P.R.M.'S) HAVE BEEN PLACED AT THE LOCATIONS SHOWN ON THIS PLAT.

DONE THIS 22nd DAY OF June, 2011.

SCOTT A. WHEELER (FOR THE FIRM LB4946)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5548

CLERK'S CERTIFICATION

I HEREBY CERTIFY THAT THE ATTACHED PLAT OF ENCLAVES AT EAGLE LANDING, A SUBDIVISION LYING IN SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA WAS FILED FOR RECORD AT 4:09PM, THIS 3RD DAY OF AUGUST, 2011 AND DULY RECORDED AS INSTRUMENT NUMBER 2011000173496 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

CHARLIE GREEN
CLERK OF COURT
IN AND FOR LEE COUNTY

DCI 2015-00011

DCS 2006-00022 / PLT 2006-00003

J:\2235\DWG\SURVEYING\PLAT\2357PLT.DWG - WED, 6-22-2011 - 3:28 PM
THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
3271 McGREGOR BLVD., SUITE 201, P.O. DRAWER 2800, FORT MYERS, FLORIDA 33902-1906
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 3995 - SURVEYING L.B. 3995

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

KEYMAP SHEET

INSTRUMENT NUMBER 20110000173496

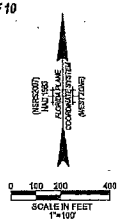
SHEET 2 OF 10

LEGEND

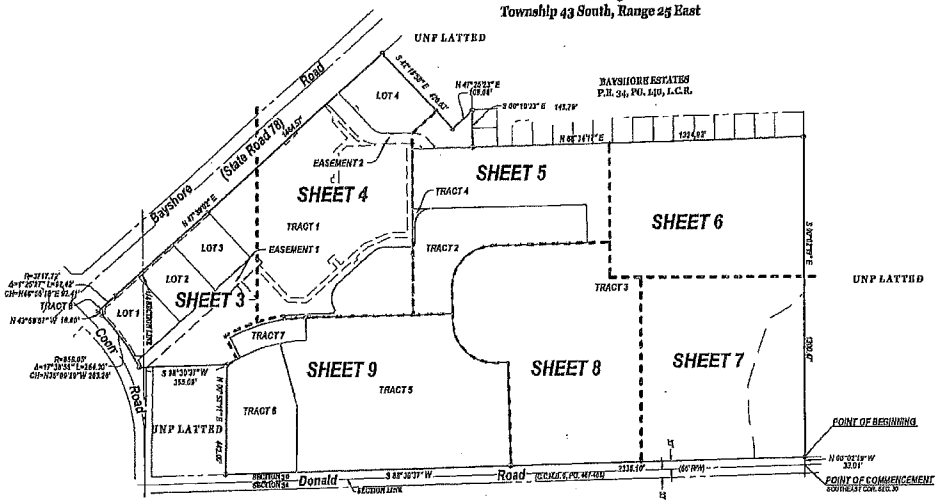
Δ= DELTA	L.B.E. = LANDSCAPE BUFFER EASEMENT
Ac.= ACRES	L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION EASEMENT
A.E. = ACCESS EASEMENT	L.C.E.C.E. = LEE COUNTY ELECTRIC COOPERATIVE EASEMENT
(C) = CALCULATED	L.C.R. = LEE COUNTY RECORDS
CB = CHORD BEARING	L.C.U.E. = LEE COUNTY UTILITY EASEMENT
C.C.M.B. = COUNTY COMMISSIONERS MINUTES BOOK	L.M.E. = LAKE MAINTENANCE EASEMENT
CD = CHORD DISTANCE	L.S.E. = LIFT STATION EASEMENT
CH = CHORD BEARING AND DISTANCE	(M)= MEASURED
C/L = CENTER LINE	N/R = NON-RADIAL
C.M. = CONCRETE MONUMENT	O.R. = OFFICIAL RECORD
COR. = CORNER	P.B. = PLAT BOOK
D.B. = DEED BOOK, LEE COUNTY RECORDS	P.C. = POINT OF CURVATURE
D.E. = DRAINAGE EASEMENT	PG. = PAGE
FD. = FOUND	PROP. = PROPERTY
FRAC. = FRACTION	P.T. = POINT OF TANGENCY
INSTR. NO. = INSTRUMENT NUMBER	P.U.E. = PUBLIC UTILITY EASEMENT
I.P. = IRON ROD	R=RADIUS
L=LENGTH	SEC.=SECTION
L.A.E. = LAKE ACCESS EASEMENT	SF= SQUARE FEET
L.B. = LICENSED BUSINESS	

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, MYERS WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 5 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 6 & 7 - CONSERVATION TRACT
TRACT 8 - PUBLIC RIGHT OF WAY



Section 30
Township 43 South, Range 25 East



NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD 83/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ⊙ = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB 6940 UNLESS OTHERWISE NOTED.

DOS 2005-00022 / PLT 2003-00003

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

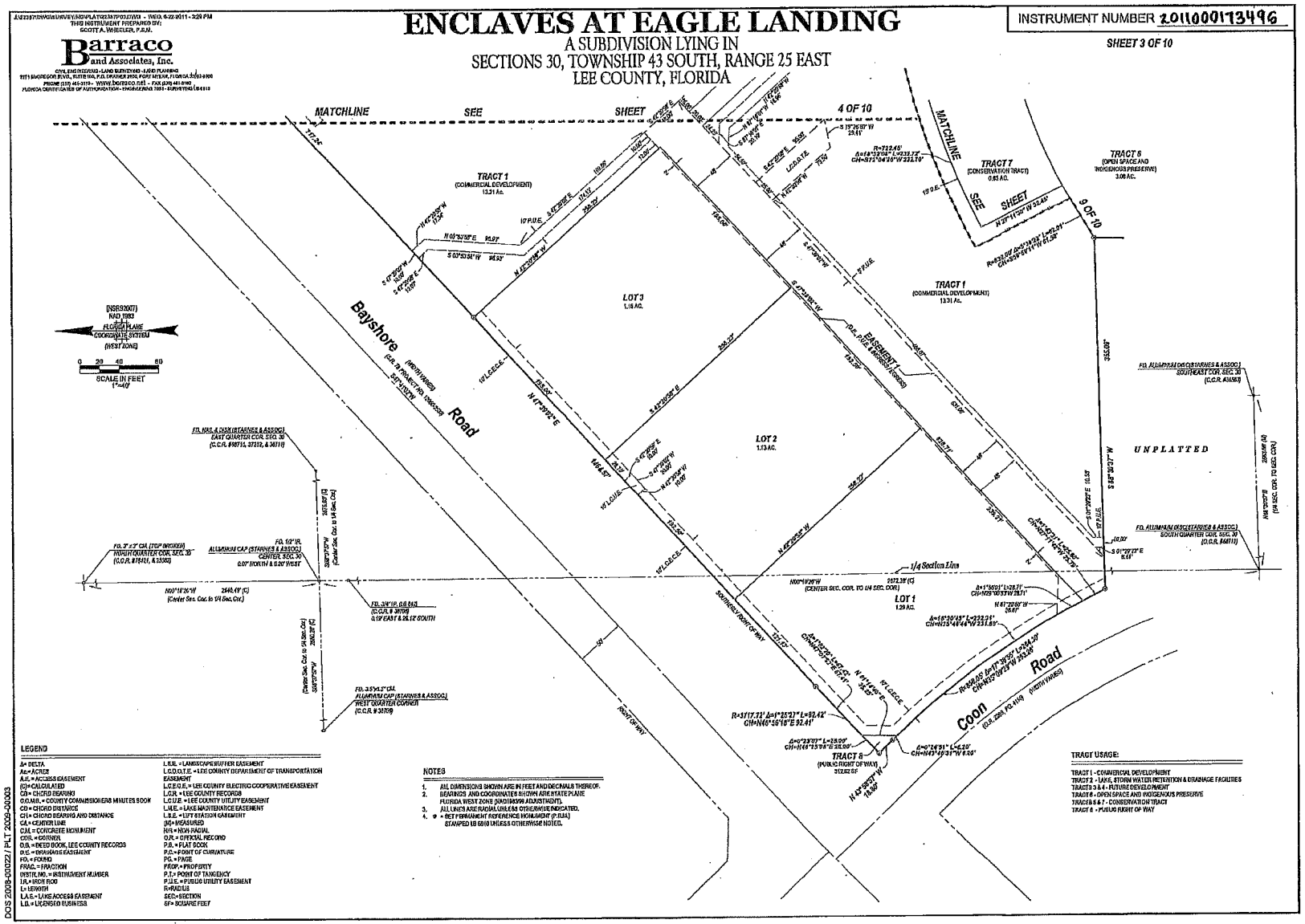
INSTRUMENT NUMBER 201100017349G

SHEET 3 OF 10

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
7171 BARRACOR BLVD., SUITE 100, P.O. DRAWER 2906, FORT MYERS, FLORIDA 33902-9906
PHONE (239) 481-3919 - WWW.BARRACO.NET - FAX (239) 481-3940
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 7851 - SURVEYING LB4419

THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

J:\2009\09-00122\DWG\SUBDIVISION\09-00122 SUB.DWG - 6-22-2011 - 3:29 PM



LEGEND

Δ= DELTA	L.B.E. = LANDSCAPE BUFFER EASEMENT
Ac.= ACRES	L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
A.E. = ACCESS EASEMENT	EASEMENT
(C)=CALCULATED	L.C.E.C.E. = LEE COUNTY ELECTRIC COOPERATIVE EASEMENT
CB= CHORD BEARING	L.C.R. = LEE COUNTY RECORDS
C.C.M.R. = COUNTY COMMISSIONERS MINUTES BOOK	L.C.U.E. = LEE COUNTY UTILITY EASEMENT
CD = CHORD DISTANCE	L.M.E. = LAKE MAINTENANCE EASEMENT
CH = CHORD BEARING AND DISTANCE	L.S.E. = LIFT STATION EASEMENT
CL = CENTER LINE	(M)= MEASURED
C.M. = CONCRETE MONUMENT	N/R = NON-RADIAL
COR. = CORNER	O.R. = OFFICIAL RECORD
D.B. = DEED BOOK, LEE COUNTY RECORDS	P.B. = PLAT BOOK
D.E. = DRAINAGE EASEMENT	P.C. = POINT OF CURVATURE
FD. = FOUND	PG. = PAGE
FRAC. = FRACTION	PROP. = PROPERTY
INSTR. NO. = INSTRUMENT NUMBER	P.T. = POINT OF TANGENCY
I.R. = IRON ROD	P.U.E. = PUBLIC UTILITY EASEMENT
L= LENGTH	R=RADIUS
L.A.E. = LAKE ACCESS EASEMENT	SEC.=SECTION
L.B. = LICENSED BUSINESS	SF= SQUARE FEET

NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NADS3/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ● = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB 6919 UNLESS OTHERWISE NOTED.

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, STORM WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 5 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 6 & 7 - CONSERVATION TRACT
TRACT 8 - PUBLIC RIGHT OF WAY

DOS 2009-00122 / PLT 2009-00003

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2011000173496

SHEET 4 OF 10

Barraco and Associates, Inc.
CIVIL ENGINEERING · LAND SURVEYING · LAND PLANNING
2271 MCGREGOR BLVD., SUITE 100, P.O. DRAWER 2800, FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170 · WWW.barraco.net · FAX (239) 461-3169
FLORIDA CERTIFICATE OF AUTHORIZATION · ENGINEERING · SURVEYING · MAPPING

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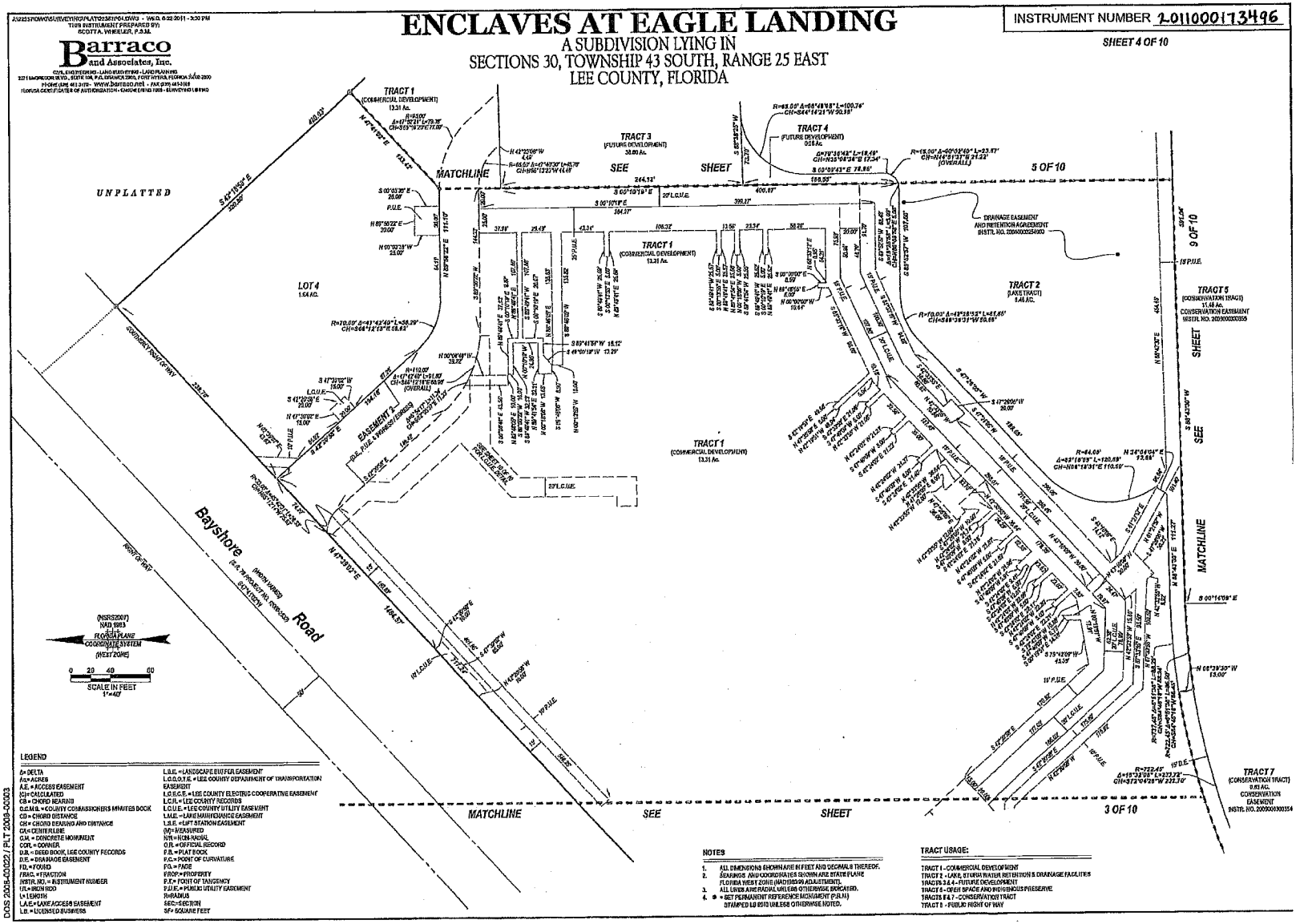
THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.



LEGEND

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Ac.= ACRES	L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION
A.E. = ACCESS EASEMENT	EASEMENT
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INSTR. NO. = INSTRUMENT NUMBER	P.T.= POINT OF TANGENCY
I.R.= IRON ROD	P.U.E. = PUBLIC UTILITY EASEMENT
L= LENGTH	R=RADIUS
L.A.E.= LAKE ACCESS EASEMENT	SEC.=SECTION
L.B. = LICENSED BUSINESS	SF= SQUARE FEET

NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD/1983/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ● = SET PERMANENT REFERENCE MONUMENT (PRM) STAMPED LB 2512 UNLESS OTHERWISE NOTED.

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, EXTERNAL WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 6 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 5 & 7 - CONSERVATION TRACT
TRACT 8 - PUBLIC RIGHT OF WAY

J:\2010\DWG\SURVEY\ENCPLAT123257P.DWG - WED, 8-25-2011 - 3:50 PM
THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
2271 McGREGOR BLVD., SUITE 100, P.O. DRAWER 1600, FORT MYERS, FLORIDA 33902-1600
PHONE (239) 461-3170 - WWW.BARRACO.BIZ - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING EB-0 - SURVEYING LB 6849

INSTRUMENT NUMBER 2011000173496

SHEET 5 OF 10

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

(NSRS2007)
NAD 1983
FLORIDA STATE PLANE
COORDINATE SYSTEM
(WEST ZONE)

0 20 40 80
SCALE IN FEET
1"=40'

MATCHLINE SEE SHEET 6 OF 10

MATCHLINE SEE SHEET 8 OF 10

MATCHLINE SEE SHEET 9 OF 10

SEE SHEET 4 OF 10

North line of the SE1/4 of Sec 30

Lot 4

Lots 3

Lots 2

Lots 1

Block "C"

Block "A"

Lots 1

Lots 2

"Bayshore Estates" P.B. 24, PG. 100, LEE.

1334.93'

1336.27'

N 89°34'17" E

Horizon Road N. E.

(60.00' WIDE)

FD. 4"x4" CM. ALUMINUM DISK (NOT LEGIBLE) 1' BELOW GRADE 0.21' NORTH & 0.17' WEST

S 00°10'23" E 118.79'

N 47°19'35" E 109.06'

UNPLATTED

TRACT 1 (COMMERCIAL DEVELOPMENT) 13.31 Ac.

99.13'

470.10'

S 47°19'35" E

N 42°40'25" E 124.44'

MATCHLINE

R=53.00' Δ=47°40'33" L=44.10' CH=N66°13'23"W 42.83'

S 42°20'08" E 53.21'

N 42°20'08" W 0.49'

R=53.00' Δ=47°40'33" L=45.76' CH=S66°13'25"E 44.46'

EASEMENT 2 (D.E., P.U.E. & INGRESS / EGRESS)

LOT 4 1.64 AC.

244.12'

S 00°10'08" E

346.38'

N 89°34'17" E

TRACT 3 (FUTURE DEVELOPMENT) 38.80 Ac.

N 01°21'05" W 169.68'

755.65'

632.24'

S 89°27'23" W

TRACT 2 (LAKE TRACT) 5.48 AC.

DRAINAGE EASEMENT AND RETENTION AGREEMENT INSTR. NO. 2006000254500

N 89°23'07" E

MATCHLINE

TRACT 3 (FUTURE DEVELOPMENT) 38.80 Ac.

R=170.00' Δ=66°33'08" L=197.53' CH=S43°35'13"W 240.15'

N 01°21'05" W 140.09'

103.16'

36.94'

15' P.U.E.

TRACT 2 (LAKE TRACT) 5.48 AC.

R=85.00' Δ=33°48'08" L=100.74' CH=S44°14'21"W 99.29'

TRACT 4 (FUTURE DEVELOPMENT) 0.58 Ac.

73.39'

Δ=10°36'42" L=15.49' CH=N33°08'06"E 17.34'

R=15.00' Δ=89°03'40" L=23.31' CH=N44°48'19"E 21.22' (OVERALL)

S 00°09'45" E 79.99'

100.00'

454.18'

N 89°09'E

S 89°43'26" W

594.04'

TRACT 5 (CONSERVATION TRACT) 11.48 Ac. CONSERVATION EASEMENT INSTR. NO. 2006000200355

LEGEND

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A.E. = ACCESS EASEMENT	L.C.E.C.E. = LEE COUNTY ELECTRIC COOPERATIVE EASEMENT
(C)= CALCULATED	L.C.R. = LEE COUNTY RECORDS
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C.C.B.B. = COUNTY COMMISSIONERS MINUTES BOOK	L.M.E. = LAKE MAINTENANCE EASEMENT
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D.B. = DEED BOOK, LEE COUNTY RECORDS	P.O.= POINT OF CURVATURE
D.E. = DRAINAGE EASEMENT	POL = POLE
F.I. = FOUND	PROP.= PROPERTY
FRAC. = FRACTION	P.T.= POINT OF TANGENCY
INSTR. NO. = INSTRUMENT NUMBER	P.U.E. = PUBLIC UTILITY EASEMENT
I.R.= IRON ROD	R=RADIUS
L= LENGTH	SEC.=SECTION
L.A.E. = LAKE ACCESS EASEMENT	SF= SQUARE FEET
L.S. = LICENSED SURVEYOR	

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, STORM WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 5 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 3 & 7 - CONSERVATION TRACT
TRACT 6 - PUBLIC RIGHT OF WAY

NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS ARE COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ● = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB 6849 UNLESS OTHERWISE NOTED.

DOS 2008-00022 / PLT 2009-00003

J:\2235\DWG\SURVEY\INSPLAT\2235PP09.DWG - WED, 6-22-2011 - 3:31 PM
THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

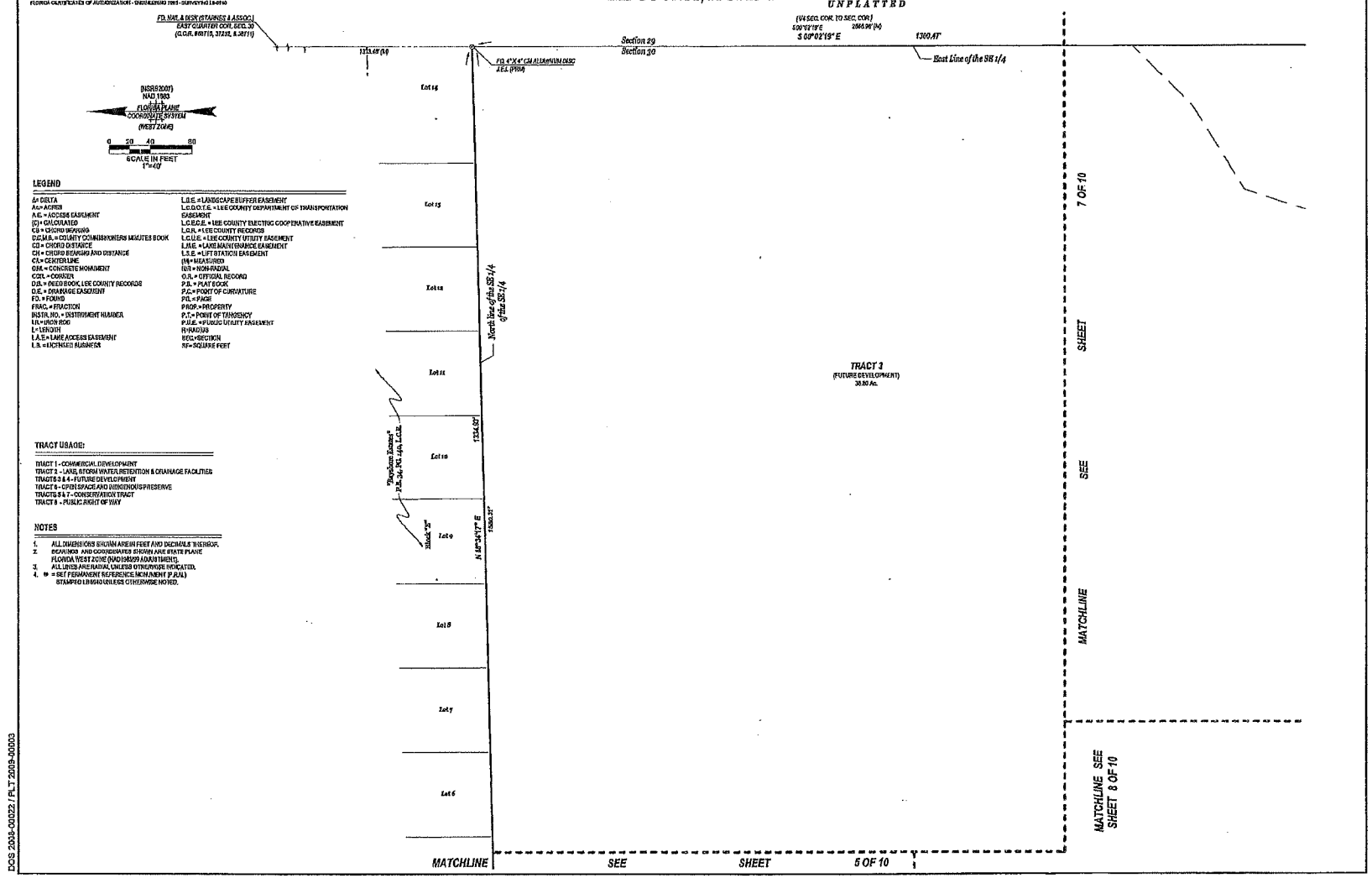
Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
2271 MCGREGOR BLVD., SUITE 100, P.O. DRAWER 1803, FORT MYERS, FLORIDA, 33902-1803
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1985 - SURVEYING LB-642

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2011000173496

SHEET 6 OF 10



LEGEND

Δ= DELTA	L.B.E. = LANDSCAPE BUFFER EASEMENT
Ac= ACRES	L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION EASEMENT
A.E. = ACCESS EASEMENT	L.C.E.C.E. = LEE COUNTY ELECTRIC COOPERATIVE EASEMENT
(C) = CALCULATED	L.C.R. = LEE COUNTY RECORDS
CB = CHORD BEARING	L.C.U.E. = LEE COUNTY UTILITY EASEMENT
C.C.M.B. = COUNTY COMMISSIONERS MINUTES BOOK	L.M.E. = LAKE MAINTENANCE EASEMENT
CD = CHORD DISTANCE	L.S.E. = LIFT STATION EASEMENT
CH = CHORD BEARING AND DISTANCE	(M)=MEASURED
CL= CENTERLINE	NR = NON-RADIAL
C/M. = CONCRETE MONUMENT	O.R. = OFFICIAL RECORD
COR. = CORNER	P.B. = PLAT BOOK
D.B. = DEED BOOK, LEE COUNTY RECORDS	P.C. = POINT OF CURVATURE
D.E. = DRAINAGE EASEMENT	PG. = PAGE
FD. = FOUND	PROP.=PROPERTY
FRAC. = FRACTION	P.T. = POINT OF TANGENCY
INSTR. NO. = INSTRUMENT NUMBER	P.U.E. = PUBLIC UTILITY EASEMENT
I.R. = IRON ROD	R=RADIUS
L= LENGTH	SEC.=SECTION
L.A.E. = LAKE ACCESS EASEMENT	SF=SQUARE FEET
L.B. = LICENSED BUSINESS	

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, STORM WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 5 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 6 & 7 - CONSERVATION TRACT
TRACT 8 - PUBLIC RIGHT OF WAY

NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ⊕ = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB#642 UNLESS OTHERWISE NOTED.

DOS 2009-00022 / PLT 2009-00003

J:\2235\ACAD\SURVEY\[ADDPLAT2235].DWG - WED, 8-22-2011 - 1:33 PM

THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING - LAND PLANNING
3271 MAGNOLIA BLVD., #140 E YOA, P.O. DRAWER 1900, FORT MYERS, FLORIDA 33902
PHONE (239) 481-3175 - WWW.BARRACO.NET - FAX (239) 481-3183
FLORIDA CERTIFICATION OF AUTHORIZATION - ENGINEERING 1365 - SURVEYING LB 6450

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 201100173496

SHEET 8 OF 10

(NSRS2007)
NAD 1983
FLORIDA STATE PLANE
COORDINATE SYSTEM
(WEST ZONE)

0 20 40 80
SCALE IN FEET
1"=40'

MATCHLINE SEE SHEET 7 OF 10

MATCHLINE SEE SHEET 6 OF 10

MATCHLINE SEE SHEET 5 OF 10

N 01°21'35" W 155.68'

SHEET SEE MATCHLINE

N 88°38'01" E 345.32'

LEGEND

Δ= DELTA
Ac.= ACRES
A.E. = ACCESS EASEMENT
(C)= CALCULATED
CB = CHORD BEARING
C.C.M.D. = COUNTY COMMISSIONERS MINUTES BOOK
CD = CHORD DISTANCE
CH = CHORD BEARING AND DISTANCE
C/L= CENTER LINE
C.M. = CONCRETE MONUMENT
COR. = CORNER
D.B. = DEED BOOK, LEE COUNTY RECORDS
D.E. = DRAINAGE EASEMENT
FD. = FOUND
FRAC. = FRACTION
INSTR. NO. = INSTRUMENT NUMBER
I.R.= IRON ROD
L= LENGTH
L.A.E = LAKE ACCESS EASEMENT
L.B. = LICENSED BUSINESS
L.B.E. = LANDSCAPE BUFFER EASEMENT
L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION EASEMENT
L.C.E.C.E. = LEE COUNTY ELECTRIC COOPERATIVE EASEMENT
L.C.R. = LEE COUNTY RECORDS
L.U.E. = LEE COUNTY UTILITY EASEMENT
L.M.E. = LAKE MAINTENANCE EASEMENT
L.S.E. = LIFT STATION EASEMENT
(M)= MEASURED
NGVD = NEAR GRADUAL
O.R. = OFFICIAL RECORD
P.B. = PLAT BOOK
P.C. = POINT OF CURVATURE
PG. = PAGE
PROP. = PROPERTY
P.T. = POINT OF TANGENCY
P.U.E. = PUBLIC UTILITY EASEMENT
R=RADIUS
SEC.=SECTION
SF= SQUARE FEET

TRACT 2
(LAKE TRACT)
5.40 AC.

TRACT 3
(FUTURE DEVELOPMENT)
38.89 Ac.

TRACT USAGE:

TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, STORM WATER RETENTION & DRAINAGE FACILITIES
TRACTS 3 & 4 - FUTURE DEVELOPMENT
TRACT 5 - OPEN SPACE AND INDIGENOUS PRESERVE
TRACTS 6 & 7 - CONSERVATION TRACT
TRACT 8 - PUBLIC RIGHT OF WAY

NOTES

1. ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. BEARINGS AND COORDINATES SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983/90 ADJUSTMENT).
3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ⊕ = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB 6450 UNLESS OTHERWISE NOTED.

R=170.00' Δ=95°53'35" L=284.72'
CH=S43°35'13"W 340.19'

N 01°21'35" W 149.00'
103.16'

15' P.U.E.

R=170.00' Δ=99°08'24" L=287.29'
CH=S48°24'47"E 240.84'

SEE MATCHLINE

S 88°38'01" W 345.32'

N 01°27'49" W 416.24'

SHEET 9 OF 10

DRAINAGE EASEMENT AND RETENTION AGREEMENT (INSTR. NO. 2004000264593)

TRACT 5
(CONSERVATION TRACT)
11.49 Ac.
CONSERVATION EASEMENT
INSTR. NO. 2006000300356

Donald Road (AKA SOUTH ROAD) (C.R.846 & PC. 407/49)

South Line of the SE 1/4

53' 53'

1335.16'

N 88°38'01" W 2635.16' (MEAS.) (CAL. TO REC. 2634')

SECTION 30 SECTION 31

12' L.C.E.C.E. O.R. 1414 PG. 1330 (EASEMENT IS CENTERED ON UTILITY POLES PER DEED)

4'

S 88°38'01" E

664.42'

30.00'

FD. ALUMINUM DISC (STANTEC & ASSOC) SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER

FD. 3"X3" CCM (TOP BROKEN)

DCS 2008-00022 / PLT 2003-00013

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN
SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

INSTRUMENT NUMBER 2011000173496

SHEET 9 OF 10

J:\2025\PLOTS\SURVEY\PLAT\2025TP10.DWG - WED, 8-27-2025 - 3:33 PM

THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
2271 MCGREGOR BLVD., SUITE 100, P.O. DRAWER 1903, FORT MYERS, FLORIDA 33902-1903
PHONE (239) 461-3170 - WWW.BARRACO.NET - FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION - ENGINEERING 1746 - SURVEYING LB 6648

0 20 40 80
SCALE IN FEET
1"=40'

GRID NORTH IS BASED ON THE NORTH AMERICAN DATUM OF 1983 (NAD83) 1990 ADJUSTMENT, THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 30 BEARS S 01°27'25" E

LEGEND

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AC.= ACRES	L.C.D.O.T.E. = LEE COUNTY DEPARTMENT OF TRANSPORTATION EASEMENT
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TRACT 1 - COMMERCIAL DEVELOPMENT
TRACT 2 - LAKE, STORM WATER RETENTION & DRAINAGE FACILITIES
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TRACT 8 - PUBLIC RIGHT OF WAY

NOTES

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MATCHLINE SEE SHEET 4 OF 9

TRACT 2 (LAKE TRACT) 9.48 Ac.

MATCHLINE SEE SHEET 5 OF 10

MATCHLINE SEE SHEET 3 OF 10

TRACT 1

TRACT 7 (CONSERVATION TRACT) 0.81 AC. CONSERVATION EASEMENT INSTR. NO. 2009000120354

TRACT 5 (CONSERVATION TRACT) 11.48 Ac. CONSERVATION EASEMENT INSTR. NO. 2009000025355

TRACT 6 (OPEN SPACE AND INDIGENOUS PRESERVE) 3.05 AC.

TRACT 3 (FUTURE DEVELOPMENT) 30.80 Ac.

DRAINAGE EASEMENT AND RETENTION AGREEMENT INSTR. NO. 2009000025000

MATCHLINE SEE SHEET 8 OF 10

HARNEY LANE UNPAVED

Donald Road (80' PUBLIC ROAD)

SECTION 30 / SECTION 31

South Line of the SE 1/4

FD. NAIL & TIN TAG (NO IDENTIFICATION)

FD. ALUMINUM DISC (STAMPED S 4/5 T30) SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER

FD. 3.5X3.5' CM. (TOP BROKEN)

DOS 2008-00122 / PLT 2008-00003

J:\2228\DWG\SURVEY\PLAT\2228PP10.DWG - WED, 8-22-2011 - 3:34 PM
THIS INSTRUMENT PREPARED BY:
SCOTT A. WHEELER, P.S.M.

Barraco and Associates, Inc.
CIVIL ENGINEERING • LAND SURVEYING • LAND PLANNING
7231 LAKEWOOD ESTATE, UNITE 105, P.O. BRAYDEN PARK, FORT MYERS, FLORIDA 33912-2660
PHONE (239) 461-3170 • WWW.BARRACO.NET • FAX (239) 461-3169
FLORIDA CERTIFICATION OF AUTHORIZATION • ENGINEERING 27853 • SURVEYING LB-6749

ENCLAVES AT EAGLE LANDING

A SUBDIVISION LYING IN SECTIONS 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST LEE COUNTY, FLORIDA

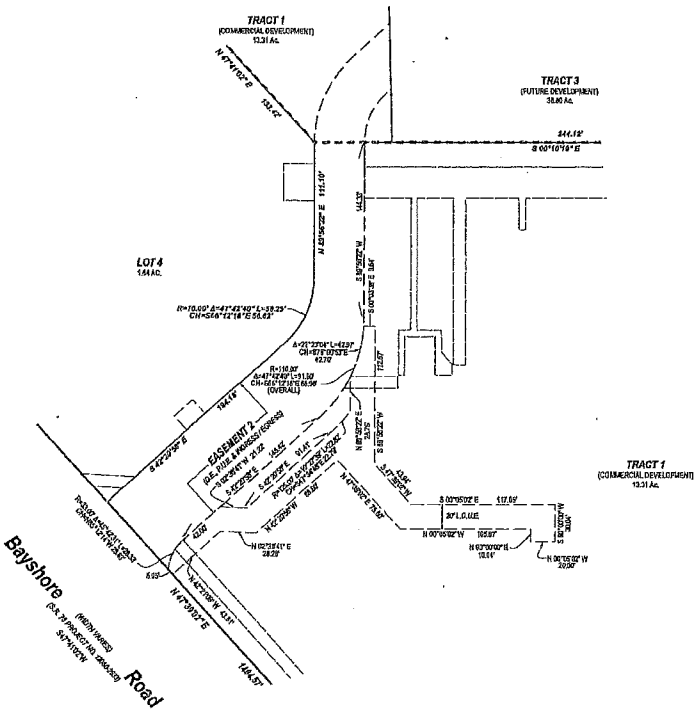
"DETAIL SHEET"

INSTRUMENT NUMBER 2011000173496

SHEET 10 OF 10

(NSRS2007)
NAD 1983
FLORIDA PLANE
COORDINATE SYSTEM
(WEST ZONE)

0 20 40 80
SCALE IN FEET
1"=40'



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NOTES

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3. ALL LINES ARE RADIAL UNLESS OTHERWISE INDICATED.
4. ● = SET PERMANENT REFERENCE MONUMENT (P.R.M.) STAMPED LB 6949 UNLESS OTHERWISE NOTED.

DOS 2008-00022 / PLT 2008-00003

DCI2015-00011 **Zoning Map**

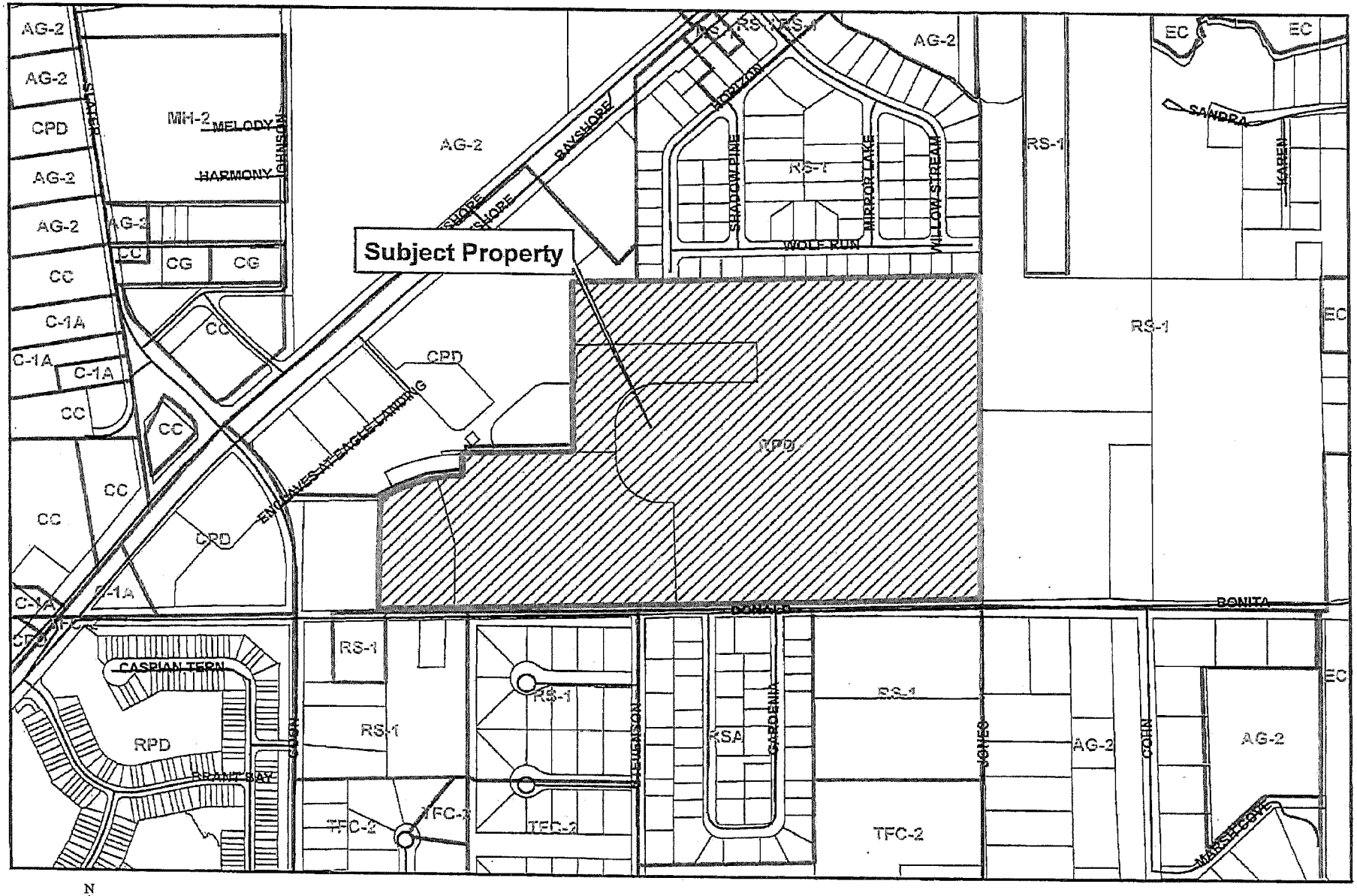


EXHIBIT B

MASTER CONCEPT PLAN

FOR

ENCLAVES CPD/RPD

RESIDENTIAL PLANNED DEVELOPMENT

PART OF SECTION 30, TOWNSHIP 43 SOUTH, RANGE 25 EAST
NORTH FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS
DONALD ROAD
NORTH FORT MYERS, FLORIDA 33917

PROJECT DATUM
FLORIDA STATE PLANE WEST ZONE (NAD1983/90)
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING
CURRENT: RPD
PROPOSED: RPD

RECORD PLAT
DOS 2008-00022 / PLT 2009-00003

FLOOD ZONE
ACCORDING TO F.I.R.M. NO. 12071C0278F, MAP REVISED: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN ZONE "X"

STRAP NUMBERS
30-43-25-00-00023.0000

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
S. FLORIDA WATER MANAGEMENT DISTRICT	PENDING	-
LEE COUNTY DEVELOPMENT ORDER	PENDING	-
FLORIDA DEPARTMENT OF HEALTH	PENDING	-
FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION	PENDING	-
F.D.O.T. CONNECTION PERMIT	PENDING	-
F.D.O.T. DRAINAGE CONNECTION PERMIT	PENDING	-
F.D.O.T. UTILITY PERMIT	PENDING	-
ARMY CORPS OF ENGINEERS	PENDING	-
F.D.E.P. NOTICE OF INTENT	PENDING	-

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER
CARL A BARRACO

PROJECT MANAGEMENT
STEVE COLEMAN

DESIGN ENGINEER
TIM GAVIN

PROJECT SURVEYOR
SCOTT A. WHEELER, PSM

LEAD DESIGN TECHNICIAN
WES KAYNE

SITE PLANNING
ANGELICA CARLEY

DESIGN STAFF
JAN BILDZUKEWICZ

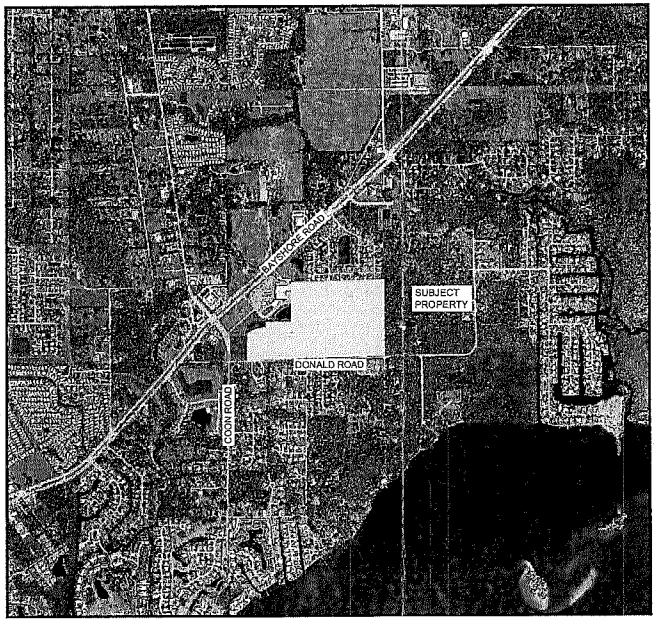
LANDSCAPE DESIGN
BY OTHERS

QUALITY CONTROL
CHRIS VAN BUSKIRK

LAND PLANNER
JENNIFER SAPEN

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 500 1000 2000
SCALE IN FEET

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
It's fast. It's free. It's the law.
www.sunshine811.com

INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23279Z01.DWG
2	MASTER CONCEPT PLAN	B	23279Z02.DWG
3	DETAILS AND DEVIATIONS	-	23279Z03.DWG
4	MCP AERIAL OVERLAY	A-B	23279Z04.DWG
5	OPEN SPACE AND INDIGENOUS PRESERVE MAP	B	23279Z05.DWG

RECEIVED
SEP 16 2015
COMMUNITY DEVELOPMENT

DCI2015-00011

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	PROJLOC2014.JPG
B	BASE PLAN	23279Z00.DWG

Approved as Exhibit C
MCP Page 1 of 5
Resolution # Z-15-034

THESE PLANS ARE A COMPONENT OF THE CONTRACT DOCUMENTS FOR THE REFERENCED PROJECT. TECHNICAL SPECIFICATIONS AND ANY SUPPLEMENTS TO THE CONTRACT DOCUMENTS SHOULD BE REVIEWED FOR MATERIAL, CONSTRUCTION, TESTING AND PERMIT REQUIREMENTS PRIOR TO BIDDING. THIS PLAN SET IS NOT RELEASED FOR CONSTRUCTION UNLESS SPECIFICALLY INDICATED SO IN THE "PLAN STATUS" PORTION OF THE TITLE BLOCK. CONTRACTOR SHALL VERIFY THAT HE HAS THE LATEST PLANS WHICH HAVE BEEN APPROVED AND ACCEPTED BY THE OWNER PRIOR TO CONSTRUCTION.

PLAN STATUS

NOT FOR CONSTRUCTION

EXHIBIT C

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10471 BEN C. PRATT / SIX MILE
CYPRESS PKWY, #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

ENCLAVES CPD/RPD

LEE COUNTY, FLORIDA

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FILE NAME	23279-2012.DWG
LOCATION	J:\23279\DWG\ZONING\
PLOT DATE	TUE, 9-15-2015 - 2:00 PM
PLOT BY	ANGELICA CARLEY

CROSS REFERENCED DRAWINGS

MASTER = BA-COVER-1.DWG

PLAN REVISIONS

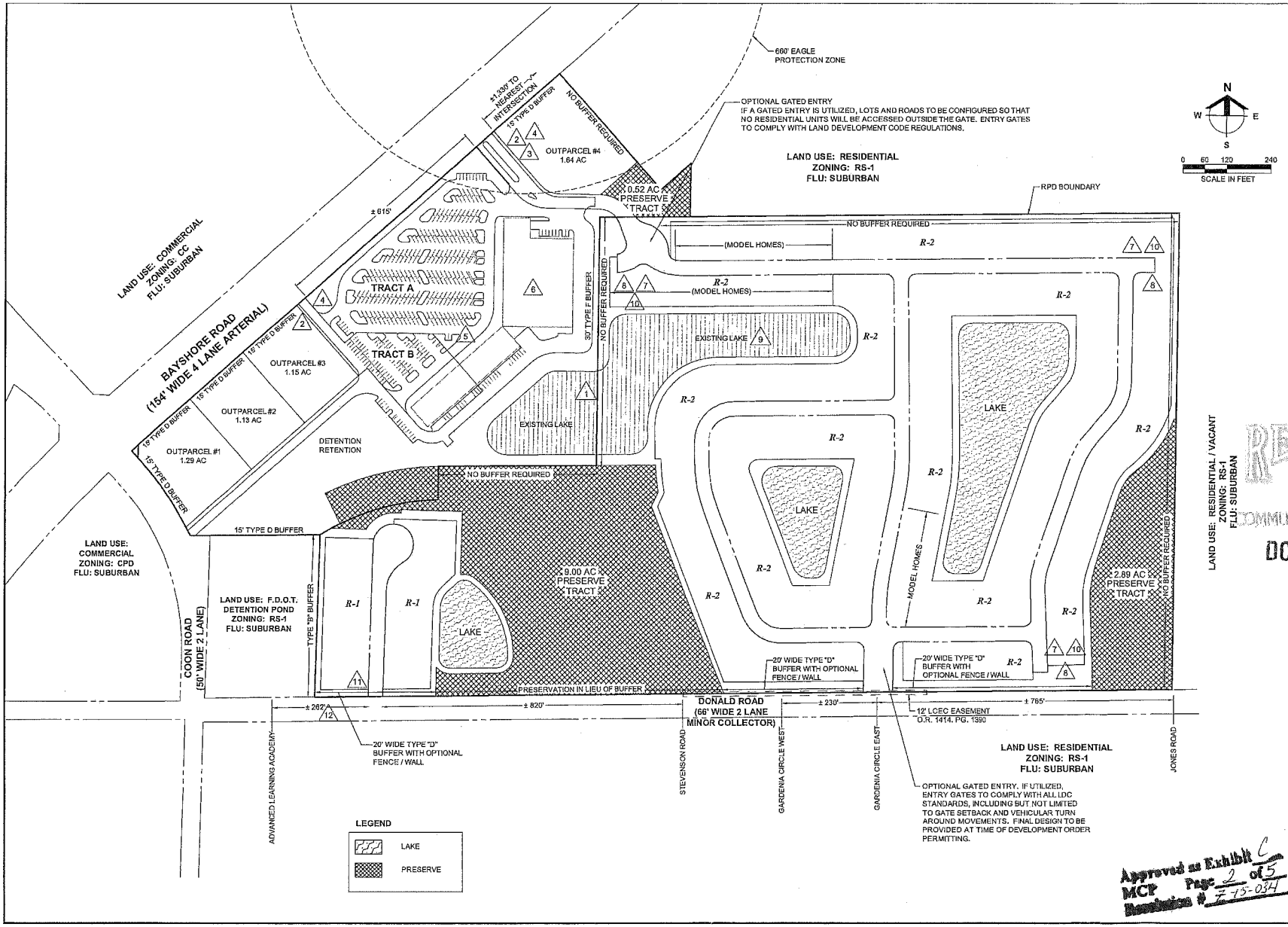
8-18-15	COMMENTS PER LEE COUNTY
7-13-15	ADD CPD AREA
7-30-15	ADDED LCEC EASEMENT
8-13-15	COMMENTS PER LEE COUNTY
8-18-15	

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23279	1



Approved as Exhibit C
MCP Page 2 of 5
Resolution # Z-15-034

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB 6940

PREPARED FOR
Land Solutions inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-5477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

ENCLAVES CPD/RPD

LEE COUNTY, FLORIDA

RECEIVED
SEP 16 2015
COMMUNITY DEVELOPMENT
DCI 2015-00011

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FILE NAME	23279-ZDLDWG
LOCATION	23279ZDWGXDN.DWG
PLOT DATE	TUE, 9-15-2015 - 2:00 PM
PLOT BY	ANGELICA EARLEY

CROSS REFERENCED DRAWINGS
BASEPLAN = 23279ZDBDWG

PLAN REVISIONS

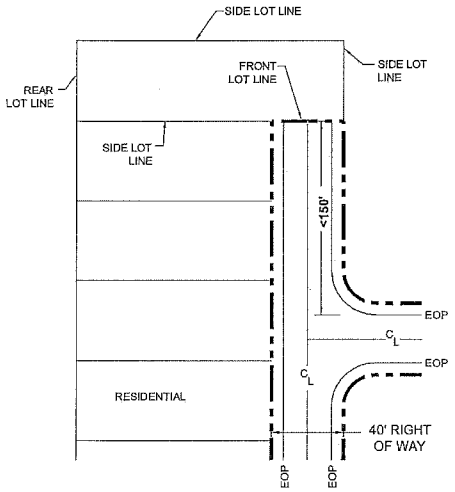
9-15-15	COMMENTS PER LEE COUNTY
7-13-15	ADD CPD AREA
7/20/15	ADDED LCEC EASEMENT
8-13-15	COMMENTS PER LEE COUNTY
9-16-15	

PLAN STATUS

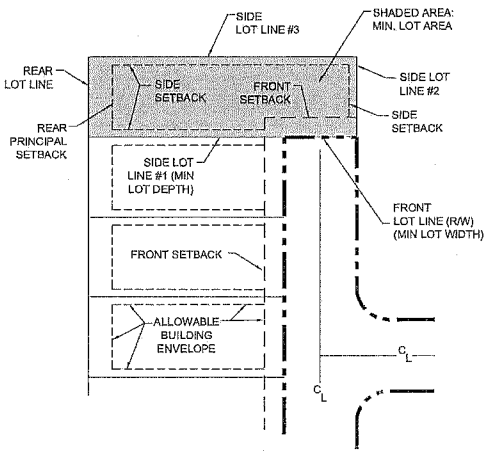
MASTER CONCEPT PLAN

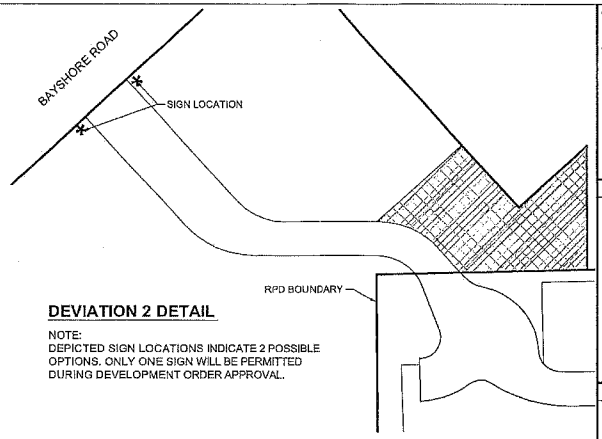
PROJECT / FILE NO.	SHEET NUMBER
23279	2

DEVIATION 7 RIGHT ANGLE SIDE LOT LINE
DEVIATION 8 DEAD-END DETAIL



DEVIATION 10 LOT SIZE DETAIL

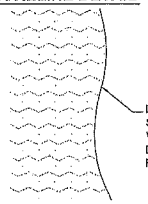




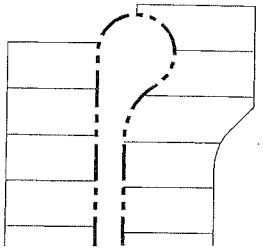
DEVIATION 2 DETAIL

NOTE:
DEPICTED SIGN LOCATIONS INDICATE 2 POSSIBLE OPTIONS. ONLY ONE SIGN WILL BE PERMITTED DURING DEVELOPMENT ORDER APPROVAL.

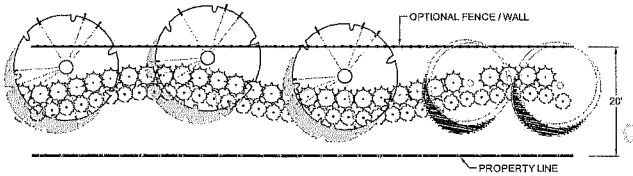
SINUOUS LAKE SHORELINE DETAIL



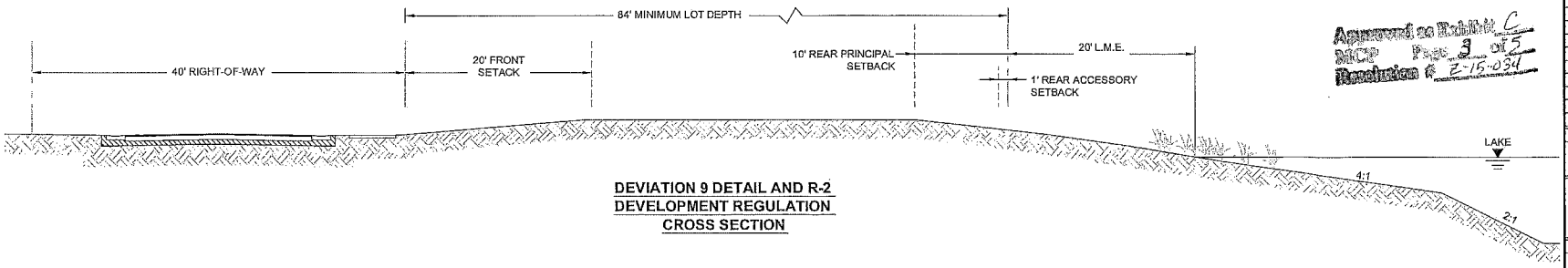
LAKE EDGES WILL BE SINUOUS IN ACCORDANCE WITH LEE COUNTY LAND DEVELOPMENT CODE REGULATIONS



R-1 CUL-DE-SAC DESIGN DETAIL



20' WIDE TYPE "D" LANDSCAPE BUFFER WITH OPTIONAL FENCE / WALL - 100' TYPICAL SECTION
(5 TREES PER 100 LINEAR FEET WITH DOUBLE HEDGE ROW AND OPTIONAL FENCE / WALL)



DEVIATION 9 DETAIL AND R-2 DEVELOPMENT REGULATION CROSS SECTION

Approved as Exhibit C
MCP Page 3 of 5
Resolution # Z-15-034

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DCI 2015-00011

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 461-3139
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR:
Land Solutions Inc.
10471 BEN C. PRATT / SIX MILE CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

ENCLAVES
CPD/RPD

LEE COUNTY, FLORIDA

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FILE NAME	23279-2015.DWG
LOCATION	J:\23279\DWG\ZONING
PLOT DATE	TUE, 9-15-2015 - 2:20 PM
PLOT BY	ANGELICA CARLEY

CROSS REFERENCED DRAWINGS

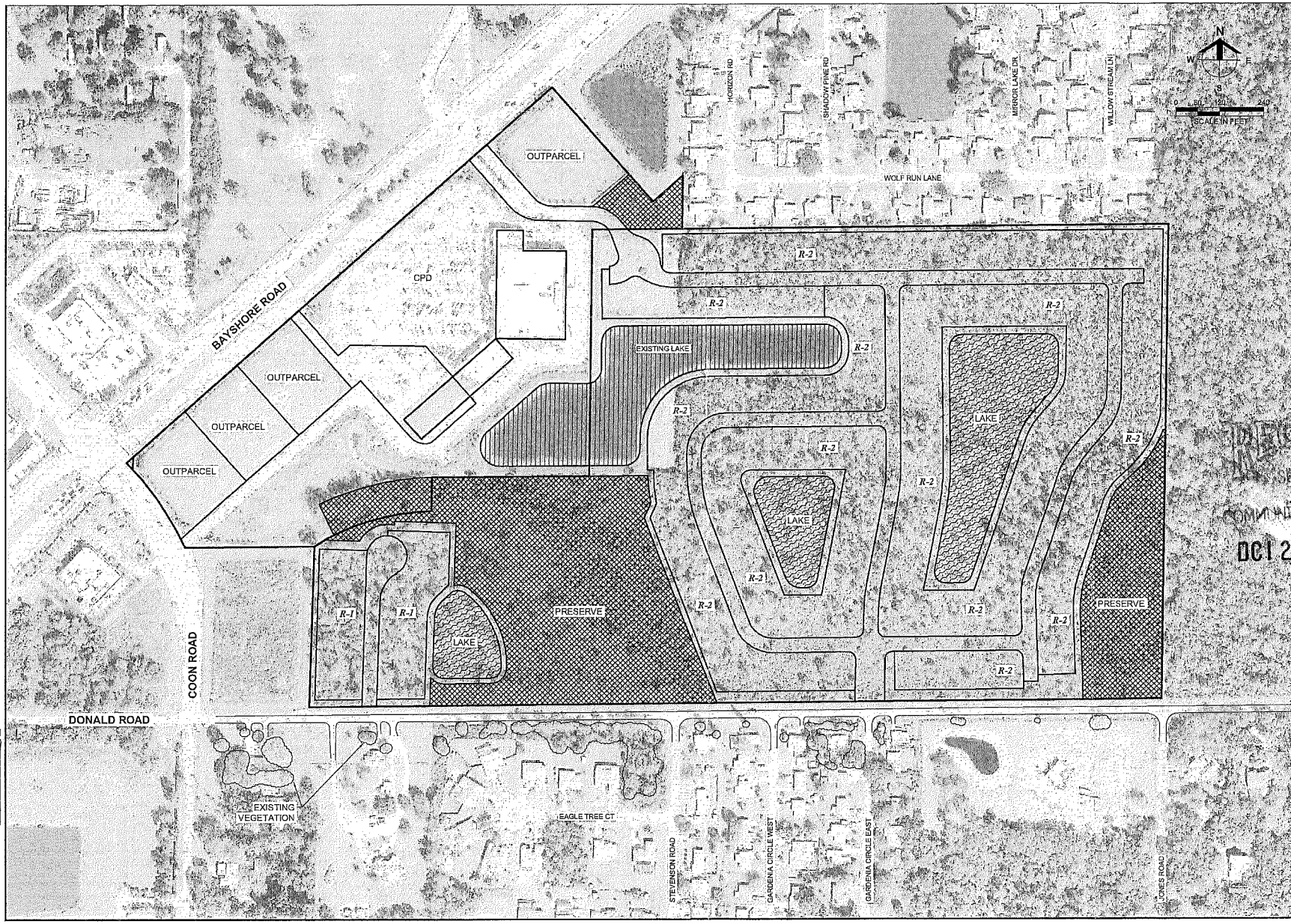
BASEPLAN = 23279ZONE.DWG

PLAN REVISIONS	
6/15/15	COMMENTS PER LEE COUNTY
7-13-15	ADD CCD AREA
7-30-15	ADDED LCEC EASEMENT
8-13-15	COMMENTS PER LEE COUNTY
9-15-15	

PLAN STATUS

DETAILS AND DEVIATIONS

PROJECT / FILE NO.	SHEET NUMBER
23279	3



Approved as Exhibit C
MCP Page 4 of 5
Resolution # Z-15-024

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LAND PLANNING - LANDSCAPE DESIGN
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FLORIDA CERTIFICATES OF AUTHORIZATION
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PHONE (239) 482-1600
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PROJECT DESCRIPTION

ENCLAVES
CPD/RPD

LEE COUNTY, FLORIDA

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LOCATION	J:\23279\DWG\ZONING\
PLOT DATE	TUE, 5-19-2015 - 2:00 PM
PLOT BY	ANGELICA CARLEY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23279BSE.DWG

PLAN REVISIONS

6-15-15	COMMENTS PER LEE COUNTY
7-13-15	ADD CPD AREA
7-29-15	ADDED LCEC EASEMENT
9-13-15	COMMENTS PER LEE COUNTY
9-15-15	

PLAN STATUS

MCP
AERIAL
OVERLAY

PROJECT / FILE NO.	SHEET NUMBER
23279	4

REQUIRED OPEN SPACE AND INDIGENOUS

		AREA	%	REQUIRED OPEN SPACE	%	REQUIRED INDIGENOUS
CPD		20.94 AC	X 30%	6.28 AC	X 50%	3.14 AC
RPD	R-1 (>6500 SF LOTS)	4.95 AC				
	R-2 (<6500 SF LOTS)	52.12 AC	X 40%	20.85 AC	X 50%	10.42 AC
			TOTAL	27.13 AC		13.56 AC

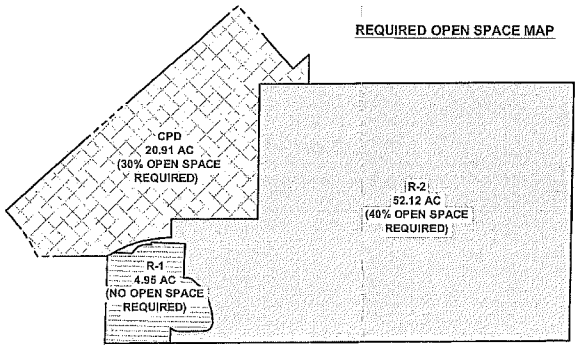
PROVIDED OPEN SPACE

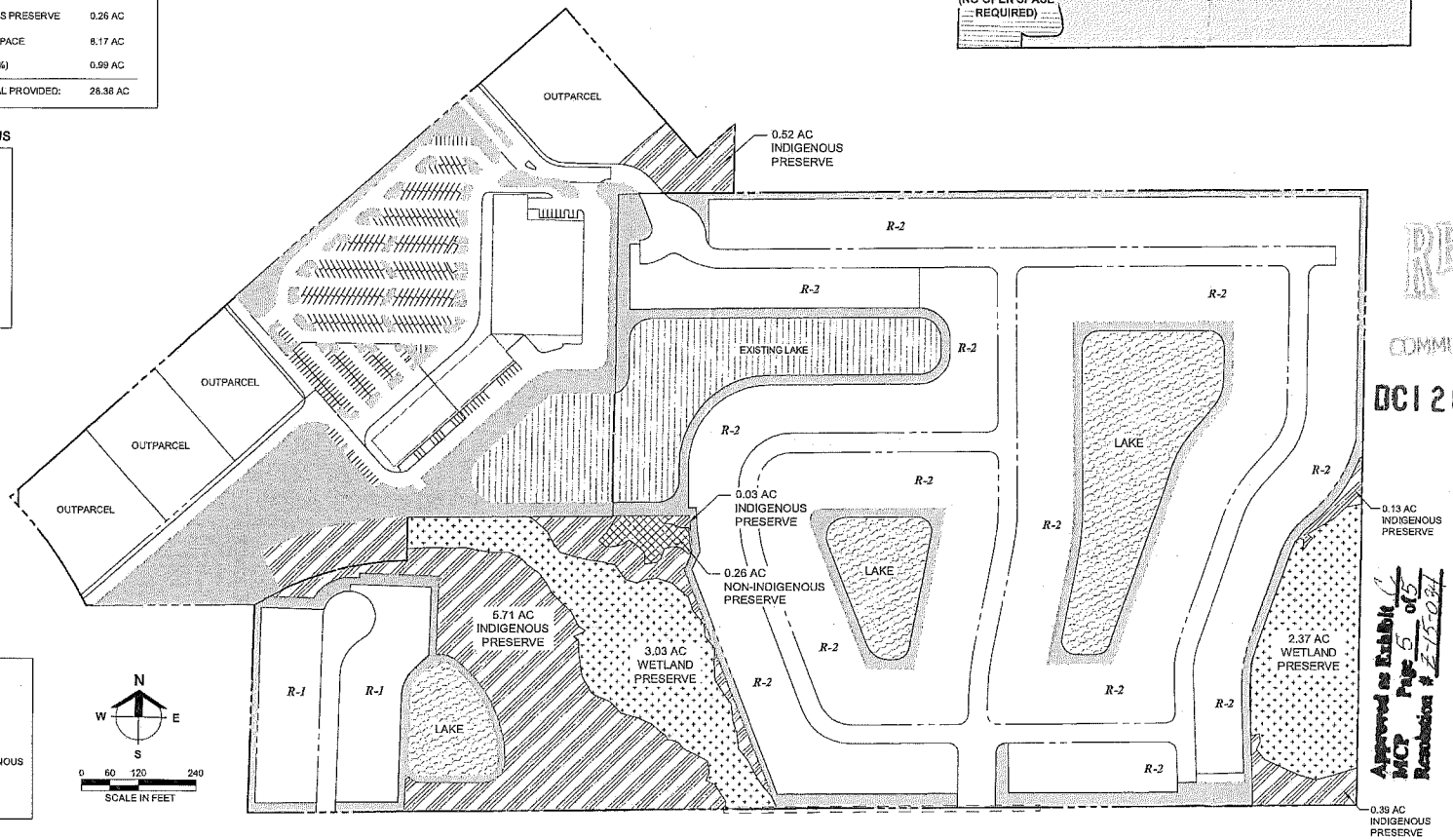
LAKE (27.13 X 25%)	6.78 AC
INDIGENOUS UPLAND PRESERVE	6.78 AC
WETLAND PRESERVE	5.40 AC
NON - INDIGENOUS PRESERVE	0.26 AC
COMMON OPEN SPACE	8.17 AC
OUTPARCELS (20%)	0.99 AC
TOTAL PROVIDED:	28.38 AC

PROVIDED INDIGENOUS

UPLAND INDIGENOUS:	
5.71 AC X 150% =	8.57 AC
(@ 100%)	0.13 AC
(@ 100%)	0.39 AC
(@ 100%)	0.52 AC
(@ 100%)	0.03 AC
WETLAND INDIGENOUS:	
(@ 100%)	3.03 AC
(@ 100%)	2.37 AC
TOTAL PROVIDED:	15.04 AC

REQUIRED OPEN SPACE MAP





LEGEND

- LAKE
- INDIGENOUS PRESERVE
- WETLAND PRESERVE
- NON - INDIGENOUS PRESREVE
- OPEN SPACE

N W E S

0 60 120 240
SCALE IN FEET

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SEP 16 2015
COMMUNITY DEVELOPMENT
DCI2015-00011

Approved Exhibit 1 of 5
MCP Page 5
Resolution # Z-15-024

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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7695 - SURVEYING LB 6940

PREPARED FOR

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PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

ENCLAVES
CPD/RPD

LEE COUNTY, FLORIDA

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FILE NAME	23279 2015.DWG
LOCATION	J:\23279\DWG\ZONING\
PLOT DATE	TUE, 9-15-2015 - 2:01 PM
PLOT BY	ANGELICA CARLSEY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23279BASE.DWG

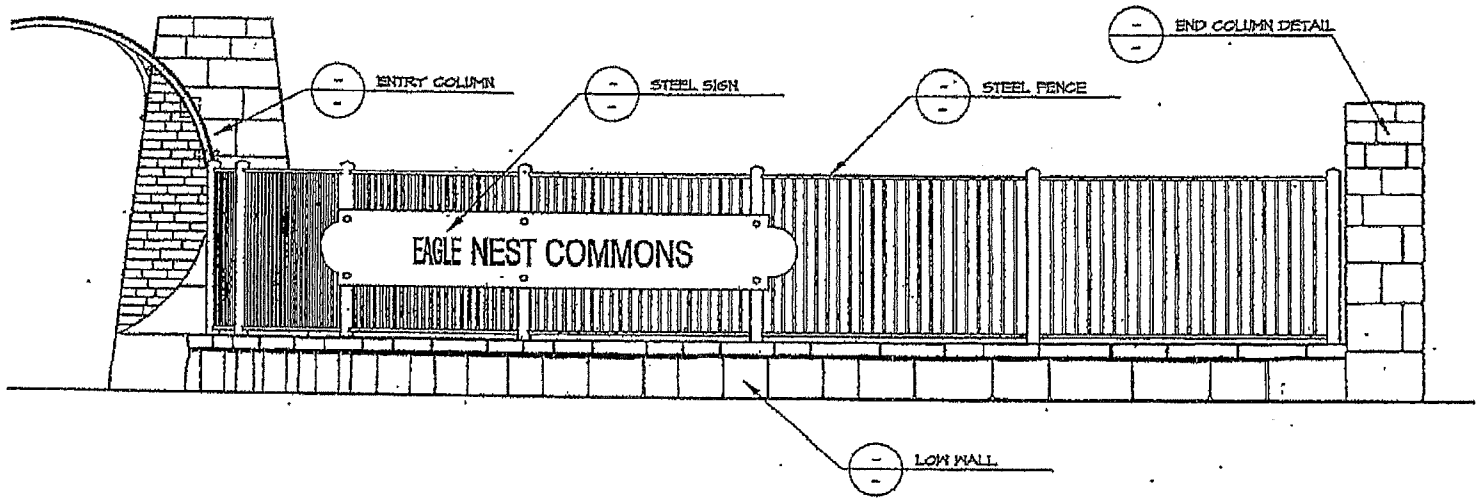
PLAN REVISIONS	
8-15-15	COMMENTS PER LEE COUNTY
7-13-15	ADD CPD AREA
7-30-15	ADDED LCEC EASEMENT
8-13-15	COMMENTS PER LEE COUNTY
9-15-15	

PLAN STATUS

OPEN SPACE
AND INDIGENOUS
PRESERVE MAP

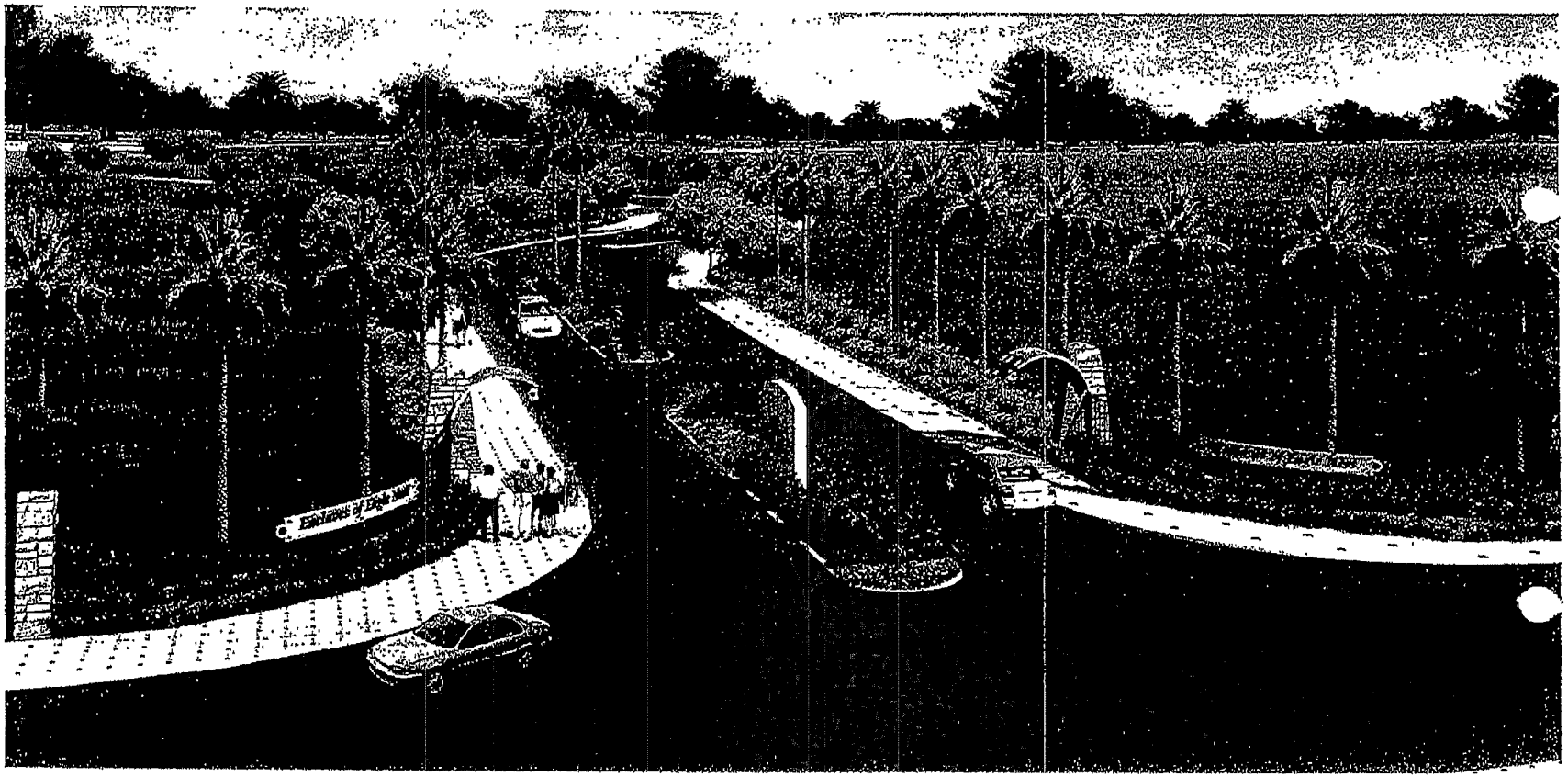
PROJECT / FILE NO.	SHEET NUMBER
23279	5

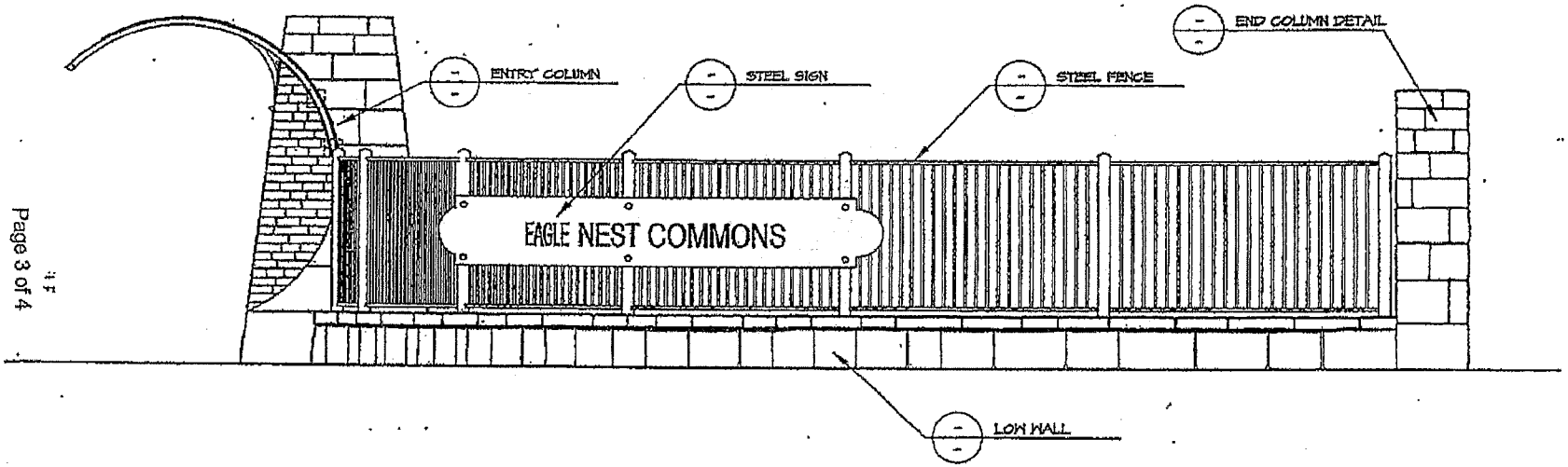
EXHIBIT D



A ENTRANCE WALL
SCALE: 3/8"=1'-0"

07-03-06 MESA





A ENTRANCE WALL

SCALE: 3/8"=1'-0"

07-03-06 MESA



RESOLUTION NUMBER Z-17-005

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

WHEREAS, Randy Thibaut filed an application on behalf of the property owner, Buckingham 16 LLC, to rezone a 16.2± acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Oak View RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on February 1, 2017; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2016-00010 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on April 5, 2017 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 16.2± acre parcel from AG-2 to RPD, to allow development of up to 60 single-family and/or two-family attached residential units on property legally described in Exhibit A.

Maximum building height will be 35 feet.

The property is located in the Suburban Future Land Use Category 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.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the three-page Master Concept Plan (MCP) entitled "Oak View," prepared by Barraco and Associates, Inc., stamped received APR 05 2017, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

This zoning approval allows a maximum of 60 dwelling units

2. Uses and Site Development Regulations

a. Schedule of Uses

Accessory Uses and Structures
Administrative Office
Agricultural Uses (*subject to* Condition 8)
Dwelling Units – Single-family, two-family attached (Maximum 60 units)
Entrance Gates and Gatehouses
Essential Services
Essential Services Facilities, Group I
Excavation, Water Detention and Retention
Fences, Walls
Home Occupation
Models: (*Subject to* Condition 9)
    Model Homes with Real Estate Sales
Parking Lot, Accessory, Temporary
Recreational Facilities, Private On-Site (Recreation Area only) – may include clubhouse and residential amenities.
    Maximum building area: 10,000 square feet.
    No consumption on premises.
Signs
Temporary Uses

b. Site Development Regulations

DEVELOPMENT REGULATIONS	SINGLE-FAMILY R-1	TWO-FAMILY ATTACHED R-2	RECREATIONAL AMENITIES
Minimum Lot Width	50 Feet	30 Feet Per Unit	100 Feet
Minimum Lot Depth	130 Feet	120 Feet	100 Feet
Minimum Lot Area	6,500 S/F	3,600 S/F	10,000 S/F
Maximum Height	35 Feet	35 Feet	35 Feet
Maximum Lot Coverage	45%	60%	30%
Minimum Setbacks			
Buckingham Road	25 Feet	25 Feet	25 Feet
Private Roads	20 Feet *	20 Feet *	20 Feet *
Side	5 Feet	5 Feet/0 Feet **	10 Feet
Rear	10 Feet	10 Feet	10 Feet
Accessory	Per LDC	Per LDC	Per LDC
Preserve	20 Feet	20 Feet	20 Feet
Waterbody	25 Feet	25 Feet	25 Feet

* 15 feet for side entry garages
** 0 feet applies to internal lot line only

3. Single-Family/Two-Family

Single-family dwelling units may be developed on the R-1 and/or R-2 areas noted on the MCP. Two-family attached dwelling units are permitted in areas labeled R-2.

4. No Blasting

Blasting is prohibited.

5. Vehicular/Pedestrian Impacts

Zoning approval 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.

6. Lee Plan Consistency

Zoning approval does not guarantee local development order approval. Future development order must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), as well as the remainder of the Lee Plan.

7. State/Federal Permits

Issuance of a county development permit does not establish a right to obtain permits from state or federal agencies. Further, it does not establish liability on the part of the County if the developer: (a) does not obtain requisite approvals or fulfill obligations imposed by state or federal agencies or (b) undertakes actions that result in a violation of state or federal law.

8. Agricultural Uses

The continuation of existing bona fide agricultural uses on the property in the form of cattle grazing and hay production is permitted in compliance with the following:

a. Bona fide agricultural uses in existence at the time this zoning application was filed, and described in Exhibit D to this resolution, may continue until approval of a local development order for the area containing those uses.

b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.

c. Prior to issuance of a local development order, the property owner must provide written proof, subject to approval by the County Attorney's Office, of the following:

    i. Termination of all agricultural use on the portions of property included in the development order application/approval. Proof must include a sworn affidavit from the titleholder of the property that includes:

ii. the date the agricultural uses ceased;

iii. the legal description of the property subject to the development order;

iv. an affirmative statement that the owner acknowledges and agrees that agricultural uses are illegal and prohibited on the property and a covenant that the owner will not allow further agricultural use of the property until the property is rezoned to permit agricultural use;

v. a statement that the affidavit constitutes a covenant with the County intended to be binding on the owner and its assignees and successors in interest; and

vi. The covenant must be recorded in the public records of Lee County at the owner's expense.

d. Proof of termination of the agricultural tax exemption for the portion of the property included in the development order application/approval. Proof of termination must include a copy of the request to terminate the tax exemption provided to the Property Appraiser.

9. Model Homes/Real Estate Sales

In addition to the requirements set forth in the LDC, model homes and real estate sales activity must comply with the following:

a. Model home sites must be designated on the development order plans.

b. The number of model homes may not exceed 8 at one time.

c. Model home temporary parking areas, model units, model display groups, model display centers, and speculative homes are not permitted.

d. Real estate sales are limited to the model homes, and within recreational area buildings and/or clubhouse.

e. Hours of operation for models and real estate sales: Monday through Sunday, from 8:00 a.m. to 8:00 p.m.

10. Signs Along Western Property Boundary

The developer will install notification signs every 200 feet along the western property boundary to advise Oak View residents of the boundary between Oak View and the Verandah. These signs may not exceed one and one-half square feet in area per sign.

11. Landscaping on Buckingham Road

The development order must require an enhanced 25 foot Type "D" buffer along Buckingham Road including 10 trees per 100 linear feet (which must include live oaks and no palms).

SECTION C. DEVIATIONS:

1. Lots. Deviation (1) seeks relief from the LDC §10-254(c) requirement to provide side lot lines to be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the MCP in the areas where Deviation 1 is to be applied. This deviation is APPROVED.

2. Cul-de-sac. Deviation (2) seeks relief from the LDC §10-296(p)(1) requirement to provide a dead-end street to be closed at one end by a circular turnaround, to allow an alternative turnaround. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to development order approval, the developer must submit documentation from the Fort Myers Shore Fire Department chief confirming the alternate turn-around design is sufficient for emergency-response equipment and vehicle access.

3. Lot Depth. Deviation (3) seeks relief from the LDC §10-703, to allow lot size to be measured in the manner shown on the MCP for the last lot at the terminal end of small dead end roadways without cul-de-sacs. This deviation is APPROVED.

4. Required Street Access. Deviation (4) seeks relief from the LDC §10-291(3) requirement to provide developments of more than five acres to provide more than one means of ingress or egress, to allow one primary access and one emergency stabilized access. This deviation is APPROVED, SUBJECT TO following conditions:

   a. The development order must include a project access to Buckingham Road and a secondary, emergency stabilized access consistent with MCP.

   b. Prior to development order approval, the developer must provide written documentation from the Fort Myers Shores Fire Protection and Rescue District confirming the access points are acceptable and will provide adequate access for emergency vehicles.

SECTION D. EXHIBITS:

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

Exhibit A: Legal description of the property
Exhibit B: Zoning Map (with the subject parcel indicated)
Exhibit C: The Master Concept Plan
Exhibit D: Existing Agricultural Use Affidavit

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 request for RPD zoning on the 16.2 acre parcel is consistent with the Lee Plan. *See*, Lee Plan Vision Statement - Paragraph 4 (Fort Myers Shores Planning Community); Goals 2, 5, 11, 21, 53, 56, 77, 107; Objectives 1.1, 2.1, 2.2, 5.1, 21.6; Policies 1.1.1, 1.1.5, 1.7.6, 2.1.1, 4.1.1, 9.2.2, 21.6.3, 135.1.9; and Lee Plan Tables 1(b). Lee Plan Maps 1, 6, 7 and 16.

3. As conditioned, the RPD zoning designation:

   a. is consistent with County regulations. *See*, LDC §§ 10-416, 33-1482, 34-341(a), 34-411, 34-413, 34-491, 34-612(2), 34-931(b), 34-932, 34-934, 34-935, 34-936, 34-2175(b)(5);

   b. is compatible with existing or planned uses in the surrounding area. *See*, Lee Plan Goal 5; Objectives 2.1, 2.2; and Policies 2.1.1, 5.1.5, 5.2.4, 9.2.2;

   c. will not adversely affect environmentally sensitive areas or natural resources. *See*, Lee Plan Goal 107; Objectives 77.1, 77.3; and Policies 4.1.1, 61.3.1, 61.3.6, 61.3.11; LDC §34-411(g); and

   d. will provide access sufficient to support the proposed development intensity. *See*, Lee Plan Policy 39.1.1.

4. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. *See,* Lee Plan Goal 11; Standard 11.3; and Policies 4.1.2, 38.1.6.

5. Urban services are available to serve the development. These services include public water and sewer, paved streets, parks and recreational facilities, police, fire, and emergency services, urban surface water management, schools, commercial/employment centers and libraries. *See,* Lee Plan Goal 11; Standards 11.1, 11.2, 11.3; Policies 2.2.1, 2.2.2; and Maps 6 and 7.

6. Residential development is appropriate at the proposed location. *See,* Lee Plan Goals 5; and Policies 1.1.1, 1.1.5, 2.1.1, 2.2.2, 5.1.2, 5.1.5, 135.9.5, and 135.9.6.

7. County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. *See*, Lee Plan Policies 5.1.5; and LDC §§ 34-411, and 34-932(c).

8. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts expected from the proposed development. *See*, Lee Plan Objective 4.1; Policy 5.1.5; and LDC §§ 34-145(d)(4)a.2.b), 34-411

9. The requested deviations enhance the planned development and preserve the intent of the LDC to protect the public health, safety and welfare. *See*, LDC §§34-145(d)(4)a.2.c), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

The Board intends that this resolution can be renumbered or relettered and typographical errors that do not affect the intent and are consistent with the Board's action can be corrected with the authorization of the County Manager or his designee, without the need for a public hearing.

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

John Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 5th day of April 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Michelle Miller
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John Manning
John Manning, Chair

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
2017 APR 18 AM 11:10

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

DESCRIPTION

Parcel in
Section 32, Township 43 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Section 32, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast Corner of the Southeast Quarter (SE 1/4) of said Section 32 run N89°46'37"W along the North line of said Fraction for 416.53 feet to an intersection with the Northwesterly right of way line of Buckingham Road, (60 feet wide right of way) and the POINT OF BEGINNING.

From said Point of Beginning run S24°22'35"W along said Northwesterly right of way line of Buckingham Road for 1,215.62 feet to an intersection with the North line of the South 230 feet of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of said Section 32; thence run S89°36'26"W along said North line for 378.27 feet to an intersection with the West line of line of said Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4); thence run N00°41'30"W along said West line for 1,113.40 feet to an intersection with the North line of said Southeast Quarter (SE 1/4); thence run S89°46'37"E along said North line for 893.43 feet to the POINT OF BEGINNING.
Containing 16.21 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Southeast Quarter (SE 1/4) of Section 32 to bear N89°46'37"W.

Scott A. Wheeler (For The Firm) 10/10/16
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23354 - LSI 3600 Buckingham Road\Survey\Descriptions\Sketch\23354SK01.doc

DCI 2016-00010

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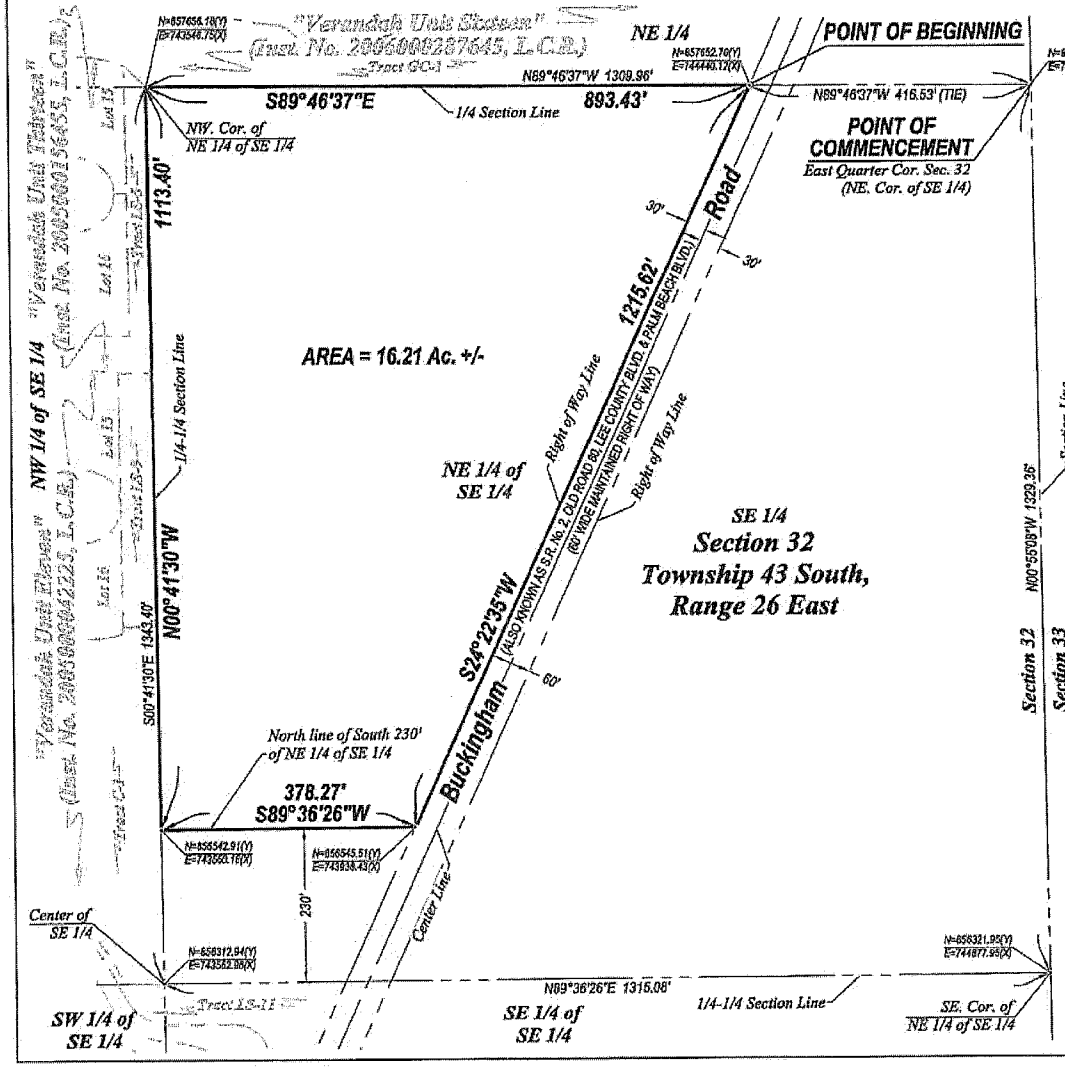
OCT 11 2016
COMMUNITY DEVELOPMENT

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

EXHIBIT A



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OCT 11 2016
COMMUNITY DEVELOPMENT

DCI 2016-00010

Applicant's Legal Checklist
10/12/16

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
9. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
10. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 32 TO BEAR N89°46'37"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

Scott A. Wheeler 10/10/16

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

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

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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATE OF AUTHORIZATION
FIRM-ENGINEERING 7968 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
10481 BEN C. PRATT / SIX MILE
CYPRESS PKWY, #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT DIRECTION

FILE NAME	[illegible]
LAYOUT	1
LOCATION	[illegible]
PLOT DATE	[illegible]
PLOT BY	[illegible]
DRAWING DATA	
ENTRY DATE	10-12-2016
ENTRY BY	[illegible]
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

PLAN REVISIONS

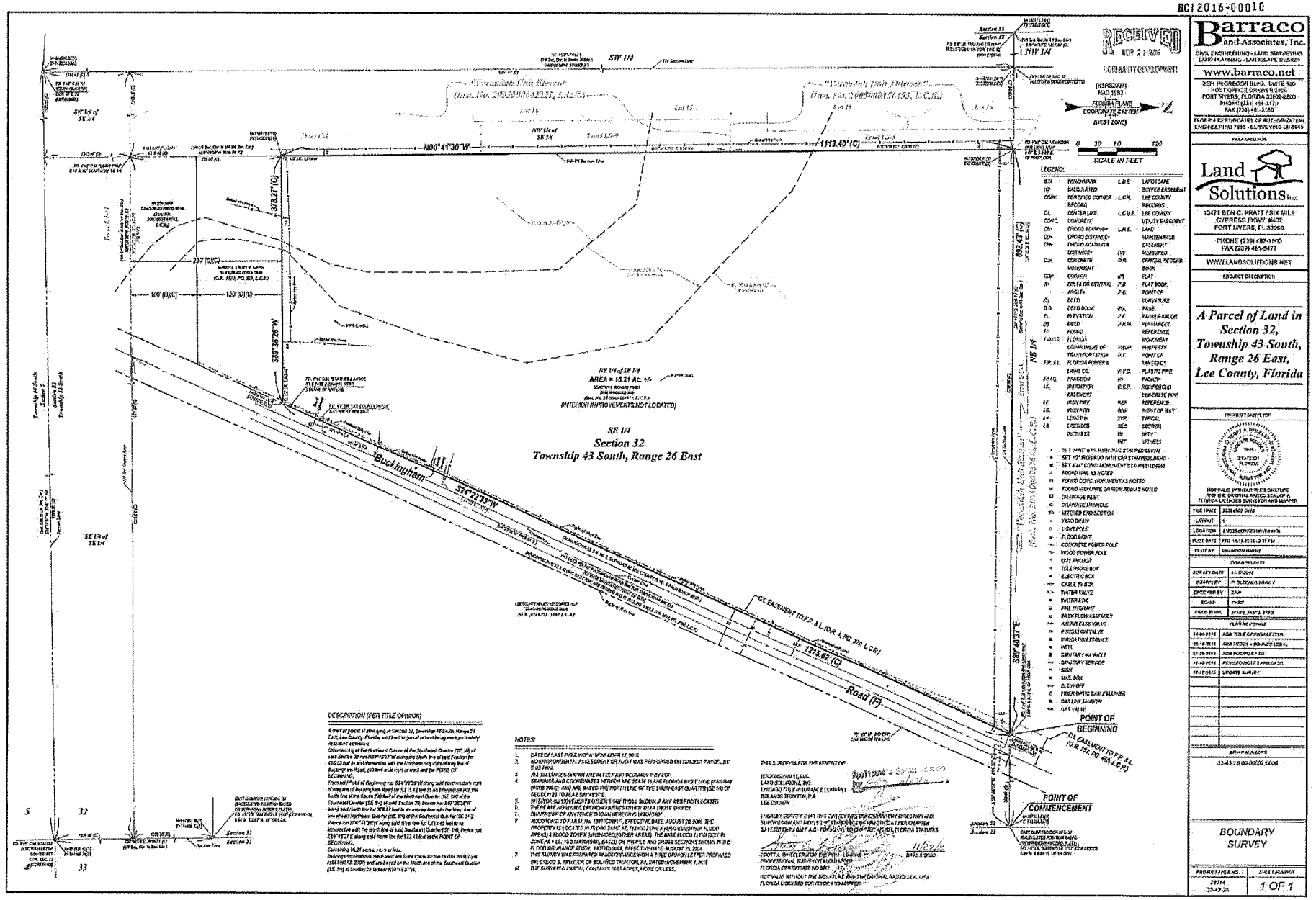
STRAP NUMBERS

32-43-26-00-00002.0000

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT/FILE NO.	SHEET NUMBER
23151 32-43-26	2 OF 2

DCI 2016-00010



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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7355 · SURVEYING LB 6545

PREPARED FOR:

Land Solutions Inc.
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FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-5477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION:

A Parcel of Land in Section 32, Township 43 South, Range 26 East, Lee County, Florida

PROJECT DATA (FILE):

STATE OF FLORIDA
SCOTT A. WHEELER
5907
REGISTERED
SURVEYOR AND MAPPER

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

FILE NAME	32264ALT.DWG
LAYOUT	1
LOCATION	P:\2226 MCGREGOR\FMYR\
PLOT DATE	FRI, 10-28-2016 - 2:31 PM
PLOT BY	BRANDON HARDY

DRAWING DATA:

SURVEY DATE	11-17-2016
DRAWN BY	R. OLSEN/B. HARDY
CHECKED BY	SAW
SCALE	1"=80'
FIELD BOOK	345/12, 345/13, 379/3

PLAN REVISIONS:

11-28-2016	ADD TITLE OPINION LETTER,
09-16-2016	ADD SKETCH + BOUNDARY LINE#4,
07-25-2016	ADD PROPOSED + ESE
11-10-2015	REVISED NOTE 5 AND ADDED 25
11-12-2015	UPDATE SURVEY

STRAP NUMBERS:

32-43-26-00-00002.0000

BOUNDARY SURVEY

PROJECT FILE NO.	SHEET NUMBER
32264	1 OF 1
32-43-26	

DCI2016-00010

ZONING

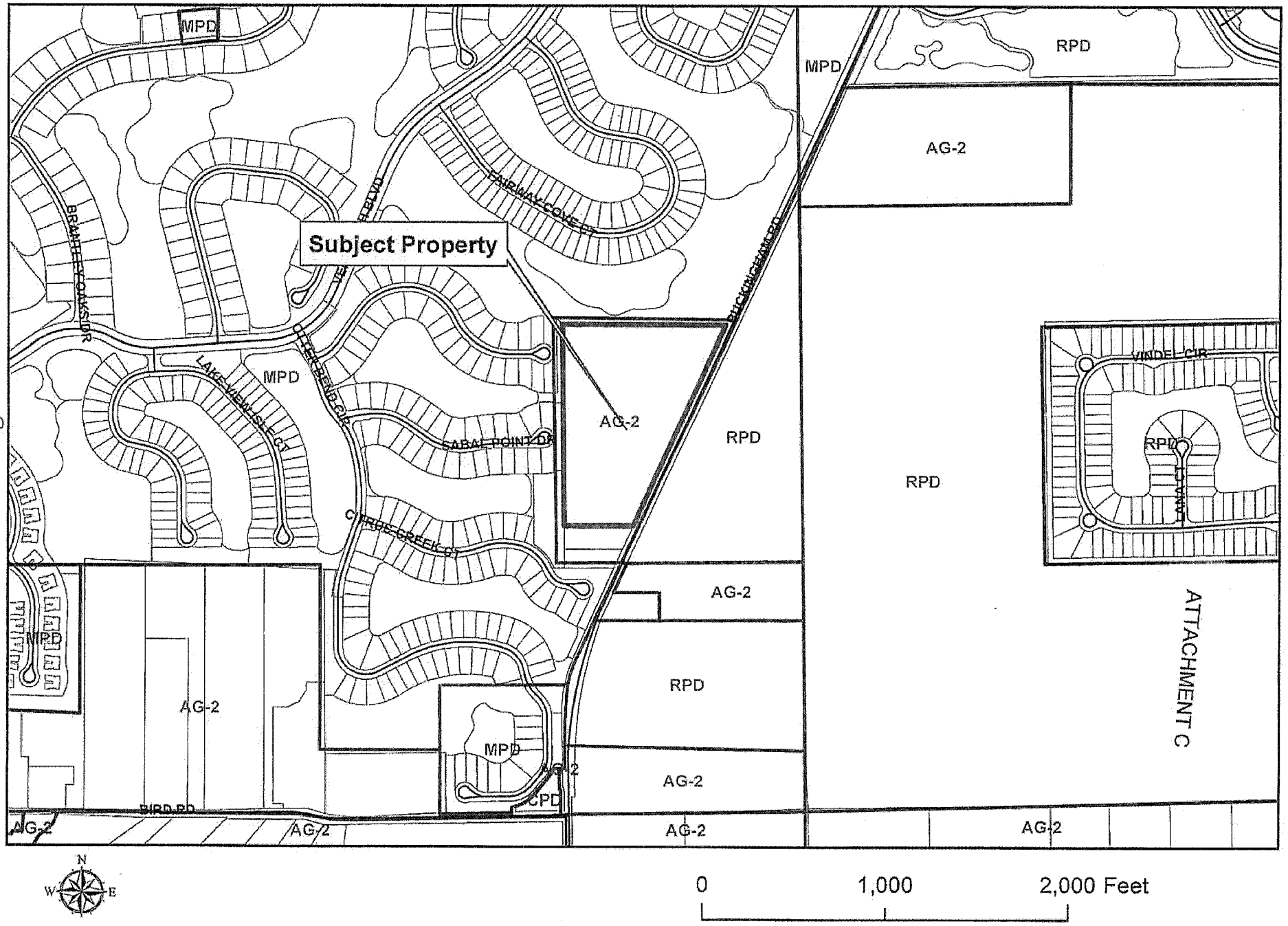

EXHIBIT B

MASTER CONCEPT PLAN

FOR

OAK VIEW

RESIDENTIAL PLANNED DEVELOPMENT

DCI2016-00010

PART OF SECTION 32, TOWNSHIP 43 SOUTH, RANGE 26 EAST
FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS
3600 BUCKINGHAM ROAD
FORT MYERS, FLORIDA 33905

PROJECT DATUM
FLORIDA STATE PLANE WEST ZONE (NAD1983/90)
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING
CURRENT: AG-2
PROPOSED: RPD

RECORD PLAT
-

FLOOD ZONE
ACCORDING TO F.I.R.M. NO. 12071C0311F, MAP REVISED: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN ZONE "AE" & "X"

STRAP NUMBERS
32-43-26-00-00002.0000

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
S. FLORIDA WATER MANAGEMENT DISTRICT	PENDING	-
LEE COUNTY DEVELOPMENT ORDER	PENDING	-
FLORIDA DEPARTMENT OF HEALTH	PENDING	-
FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION	PENDING	-
F.D.O.T. CONNECTION PERMIT	PENDING	-
F.D.O.T. DRAINAGE CONNECTION PERMIT	PENDING	-
F.D.O.T. UTILITY PERMIT	PENDING	-
ARMY CORPS OF ENGINEERS	PENDING	-
F.D.E.P. NOTICE OF INTENT	PENDING	-

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER
CARL A BARRACO

PROJECT MANAGEMENT
STEVE COLEMAN

DESIGN ENGINEER
TIM GAVIN

PROJECT SURVEYOR
SCOTT A. WHEELER, PSM

LEAD DESIGN TECHNICIAN
WES KAYNE

SITE PLANNING
ANGELICA CARLEY

DESIGN STAFF
JAN BILDZUKEWICZ

LANDSCAPE DESIGN
BY OTHERS

QUALITY CONTROL
CHRIS VAN BUSKIRK

LAND PLANNER
JENNIFER SAPEN

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 750 1500 3000
SCALE IN FEET

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
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INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23354Z01.DWG
2	MASTER CONCEPT PLAN	B	23354Z02.DWG
3	DETAILS AND DEVIATIONS	-	23354Z03.DWG

RECEIVED
APR 05 2017
COMMUNITY DEVELOPMENT

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	LOC2015.JPG
B	BASE PLAN	23354Z00.DWG

Approved as Exhibit C
MCP Page 1 of 3
Resolution # Z-17-005

PLAN STATUS

NOT FOR CONSTRUCTION

Barraco and Associates, Inc.
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PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions Inc.
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CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354Z01.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	WED. 4-5-2017 - 8:16 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

MASTER = BAI-COVER-1.DWG

PLAN REVISIONS

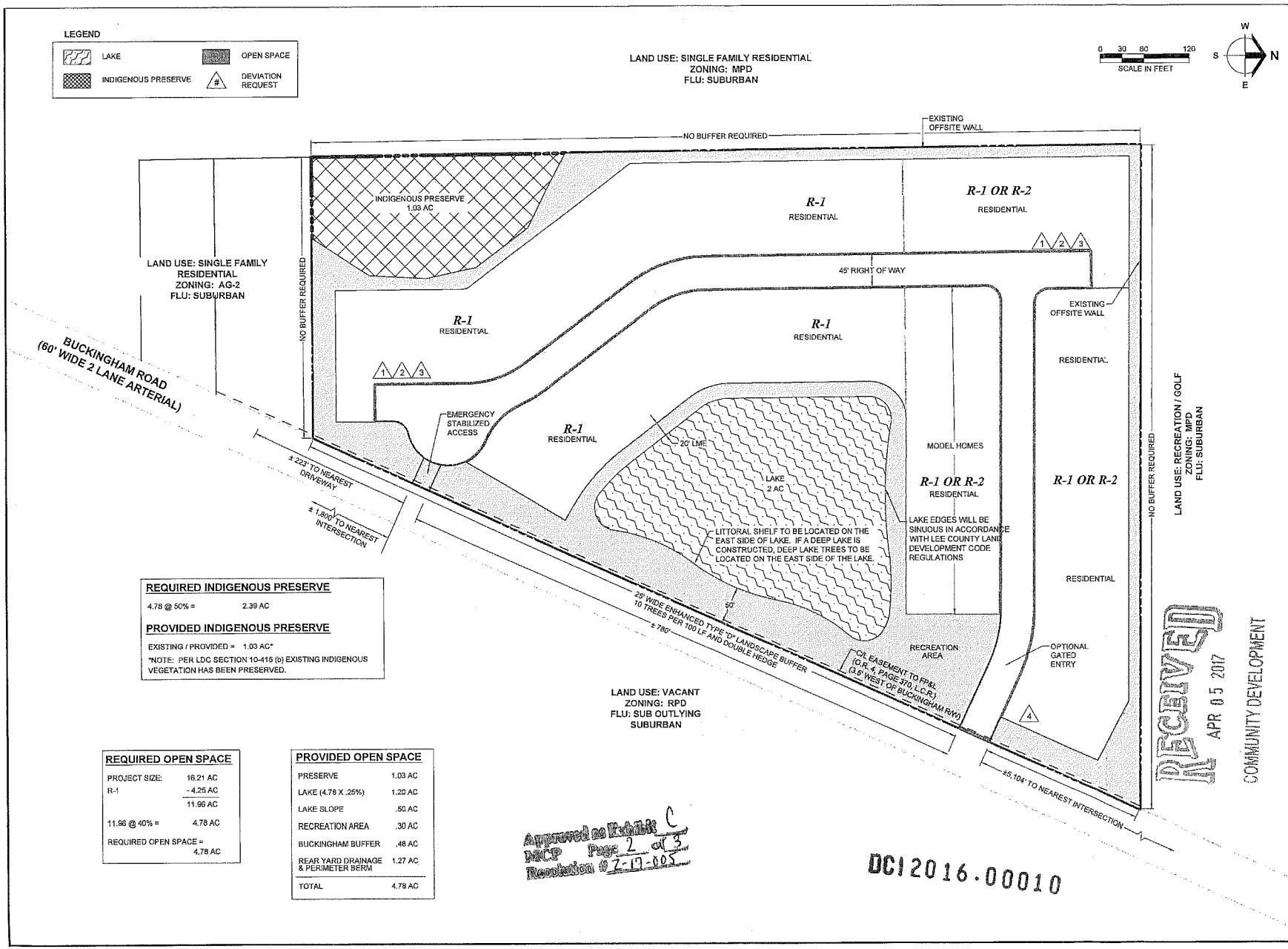
7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY
1-16-17	PER LEE COUNTY
1-24-17	FOR 48 HOUR LETTER

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1



REQUIRED INDIGENOUS PRESERVE

4.78 @ 50% = 2.39 AC

PROVIDED INDIGENOUS PRESERVE

EXISTING / PROVIDED = 1.03 AC*

*NOTE: PER LDC SECTION 10-415 (b) EXISTING INDIGENOUS VEGETATION HAS BEEN PRESERVED.

REQUIRED OPEN SPACE

PROJECT SIZE:	16.21 AC
R-1	- 4.25 AC
	11.96 AC
11.96 @ 40% =	4.78 AC
REQUIRED OPEN SPACE =	4.78 AC

PROVIDED OPEN SPACE

PRESERVE	1.03 AC
LAKE (4.78 X .25%)	1.20 AC
LAKE SLOPE	.50 AC
RECREATION AREA	.30 AC
BUCKINGHAM BUFFER	.48 AC
REAR YARD DRAINAGE & PERIMETER BERM	1.27 AC
TOTAL	4.78 AC

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-17-005

DCI2016.00010

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COMMUNITY DEVELOPMENT

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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

Land Solutions inc.
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FORT MYERS, FL 33966
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PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z02.DWG
LOCATION	J:\23354\DW\(02)ZONING\
PLOT DATE	WED, 4-5-2017 - 8:11 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-Z00.DWG

PLAN REVISIONS

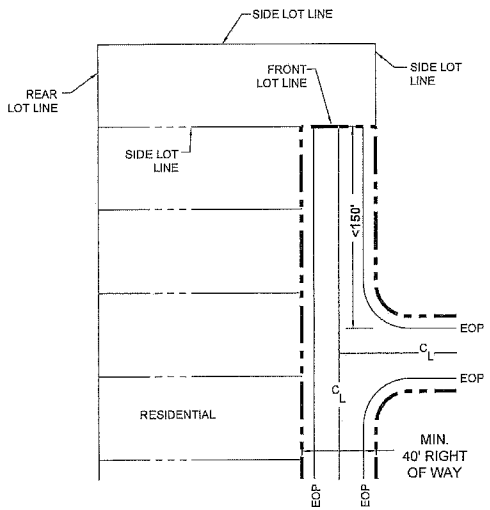
7-25-16	PER LEE COUNTY COMMENTS
10-26-16	PER LEE COUNTY
1-18-17	PER LEE COUNTY
1-24-17	FOR 48 HOUR LETTER

PLAN STATUS

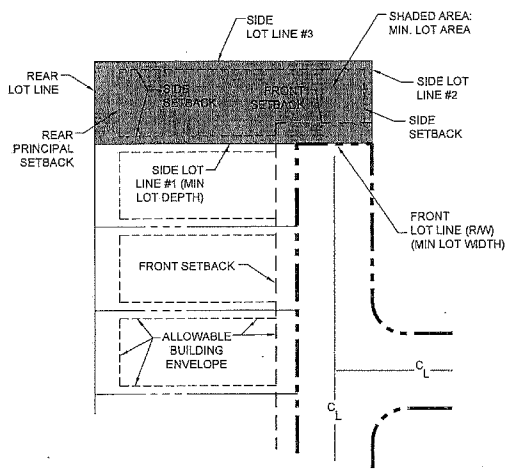
MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
23354	2

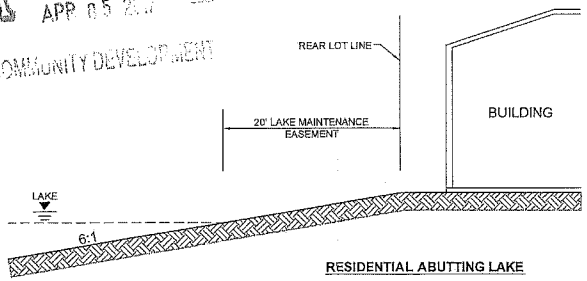
DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL



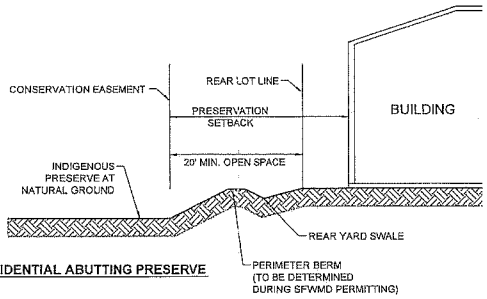
DEVIATION 3 LOT SIZE DETAIL



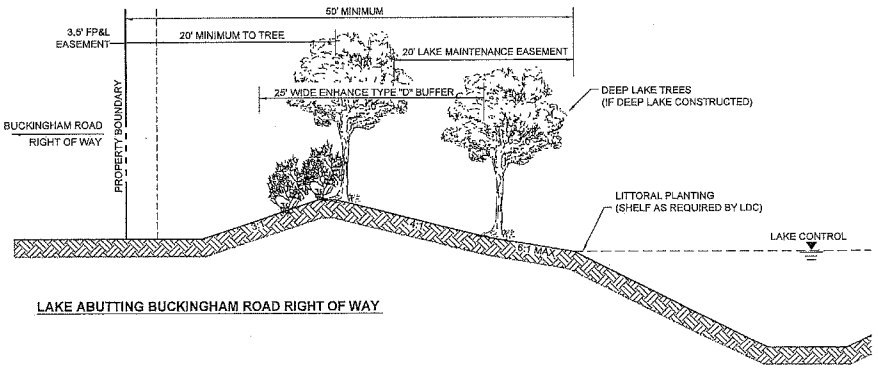
RECEIVED
APP 05 2017
COMMUNITY DEVELOPMENT



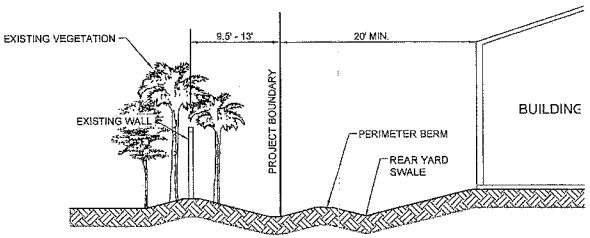
RESIDENTIAL ABUTTING LAKE



RESIDENTIAL ABUTTING PRESERVE



LAKE ABUTTING BUCKINGHAM ROAD RIGHT OF WAY



RESIDENTIAL ABUTTING VERANDAH

Approved as Exhibit D
BCP Page 3 of 3
Resolution # Z-17-005

DCI2016-00010

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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR
Land Solutions inc.
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CYPRESS PKWY. #402
FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 461-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

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FILE NAME	23354-Z03.DWG
LOCATION	J:\2335\4DWG\ZONING\
PLOT DATE	WED, 4-5-2017 - 8:11 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

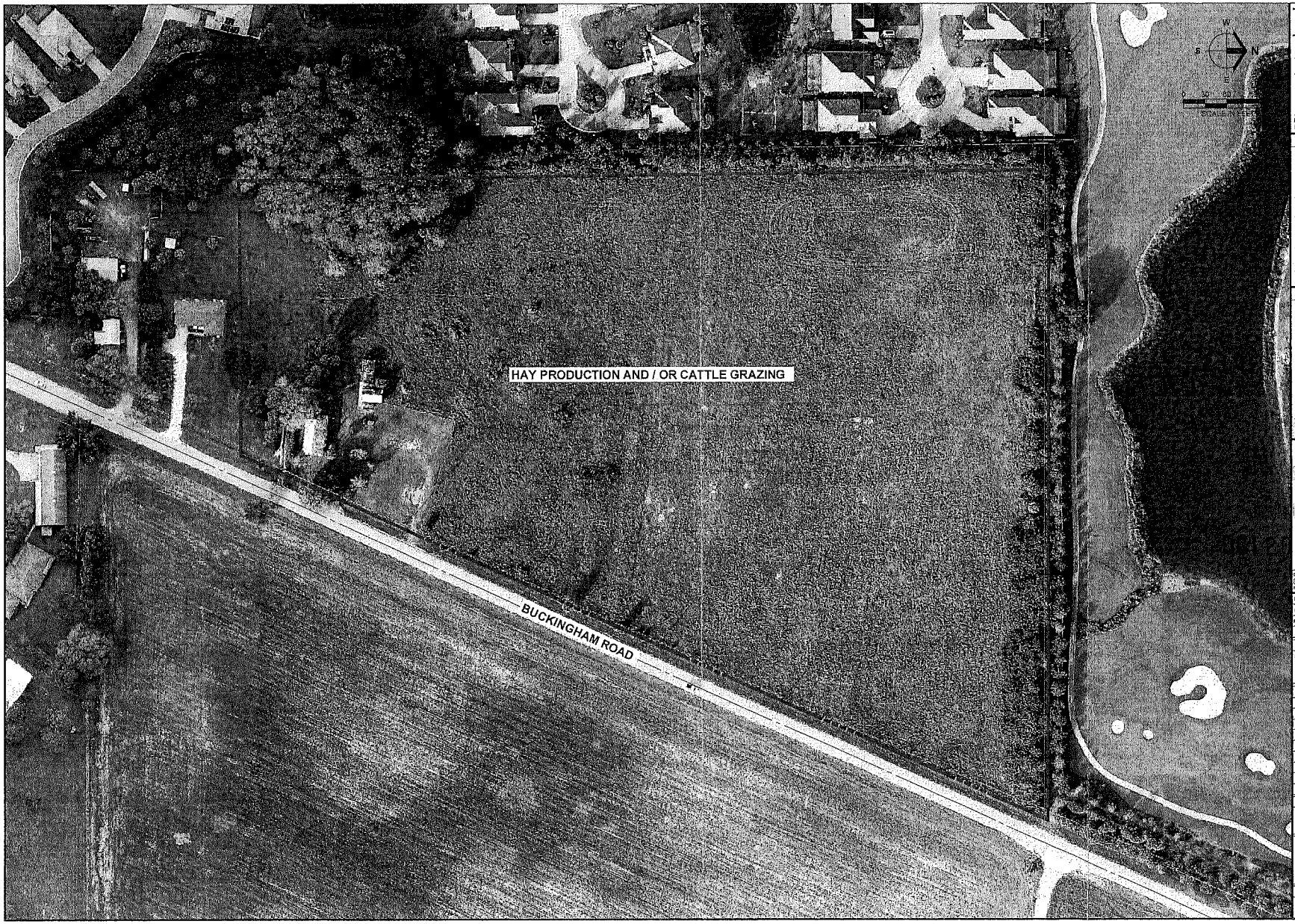
PLAN REVISIONS

7-25-16	PER LEE COUNTY COMMENTS
10-25-16	PER LEE COUNTY
1-19-17	PER LEE COUNTY
1-24-17	FOR 45 HOUR LETTER

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23354	3



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PREPARED FOR

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FORT MYERS, FL 33966
PHONE (239) 482-1500
FAX (239) 481-8477
WWW.LANDSOLUTIONS.NET

PROJECT DESCRIPTION

OAK VIEW

LEE COUNTY, FLORIDA

SEP 30 2016

COMMUNITY DEVELOPMENT

16-00010

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FILE NAME	23354-EXHIBITB.DWG
LOCATION	J:\23354\DWG\ZONING\
PLOT DATE	FRI, 9-30-2016 - 2:33 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23354-2SB.DWG

PLAN REVISIONS

PLAN STATUS

EXHIBIT B

AGRICULTURAL USES AT TIME OF ZONING APPLICATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23354	1

EXISTING AGRICULTURAL USE AFFIDAVIT

STATE OF Florida
COUNTY OF Lee

BEFORE ME, the undersigned authority, on this 3rd day of March, 2016, personally appeared _____, who is the _____ of 32-43-26-00-00002.0000, and who is personally known to me or who produced _____ _____ as identification and who did take an oath, who deposes and says as follows:

1. That I am the Buckingham 16, LLC/Managing Member of the property more particularly described in Exhibit "A" attached hereto and incorporated herein by reference.

2. The agricultural uses that currently exist on the referenced property include hay production and/or cattle grazing. The location of this use is depicted on Exhibit "B" (entitled the "Agricultural Uses at Time of Zoning Application Map").

3. The existing agricultural activities will remain active until approval of a local Development Order affecting the property described in Exhibit "A" and depicted on Exhibit "B".

FURTHER AFFIANT SAYETH NAUGHT.

RECEIVED
SEP 30 2016
COMMUNITY DEVELOPMENT
DCI 2016-00010

_____
Randy Thibaut
Managing Member

SWORN TO and subscribed before me on the date and year first above written.

(Notary Seal)

SUSAN JANEEN JONES
Notary Public - State of Florida
My Comm. Expires Nov 19, 2016
Commission # EE 852905

_____
Signature of Notary Public

Susan J. Jones
(Print, type or stamp commissioned name and Commission Number of Notary Public)

EXHIBIT D

RESOLUTION NUMBER Z-16-008

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

WHEREAS, Pulte Home Corp. filed an application on behalf of the property owner, Chicos Retail Services, Inc., seeking to amend the approved development parameters of the Alico Interchange Park Development of Regional Impact (DRI) State DRI #4-8485-54 (DRI2015-00009) and requesting a change in the zoning designation of 105.5± acres within the DRI from Commercial Planned Development (CPD) to Residential Planned Development (RPD) (DRI2015-00024) (the "Request"); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on April 14, 2016. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before April 21, 2016; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2015-00009 and #DCI2015-00024 and recommended approval of the Request, subject to conditions and deviations; and

WHEREAS, a second public hearing was advertised to be held on June 22, 2016, before the Lee County Board of County Commissioners. On June 16, 2016, the Applicant requested the hearing to be continued until August 3, 2016, and requested a subsequent continuance until September 7, 2016. On September 7, 2016, the public hearing was held; and

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

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

SECTION A. REQUEST:

The DRI governs 345± acres on both sides of Three Oaks Parkway south of Alico Road. The request concerns 105.5± acres of the total 345± acres of the Alico Interchange Park DRI/Three Oaks Regional Center. The applicant is requesting to amend the Alico Interchange Park DRI Development Order and to rezone 105.5 acres from CPD to RPD, as further outlined below (Request).

1. DRI 2015-00009:

Amend the Alico Interchange Park DRI Development Order to *decrease* the approved commercial square footage by 1,346,000 square feet, *increase* the permitted residential dwelling count by 400 units, and extend compliance dates and revise DRI Map H.

11-16-16 Z

2. DCI 2015-00024:

Rezone 105.5 acres from CPD to RPD to allow 400 residential dwelling units (single-family and/or two-family attached) with a maximum building height of 35 feet on property legally described in Exhibit A. The project will connect to potable water and sanitary sewer service.

The property is located in the Urban Community Future Land Use Category, the San Carlos Planning Community – District 2, and is legally described in attached Exhibit A. The current zoning of the property and surrounding property is shown in Exhibit B. The Request is APPROVED, SUBJECT TO the conditions and deviations set forth in Sections B and C below, and as shown in Exhibit C, the Seventh Amended Development Order for Alico Interchange Park, A Development of Regional Impact.

SECTION B. CONDITIONS:

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

1. Master Concept Plan/Development Parameters

Resolution Number Z-09-041 is superseded by this codified resolution of approval.

Development must also comply with the terms and conditions of the Alico Interchange Park DRI Development Order, as amended attached to this resolution as Exhibit C.

Development of the 105.5-acre site located south of Alico Road, west of Three Oaks Parkway, and north of Winged Foot Drive, must be consistent with the four-page Master Concept Plan (MCP) entitled "Three Oaks 106 RPD", prepared by Barraco and Associates, Inc., stamped received on March 22, 2016, and attached as Exhibit C1, except where modified by conditions below. The resolution refers to this parcel as the "Three Oaks 106 RPD" to distinguish it from other residentially owned tracts within the Three Oaks Regional Center. Development of the remainder of the project must be consistent with the one-page MCP entitled "Master Concept Plan Three Oaks Regional Center," prepared by Barraco and Associates, Inc., dated March 22, 2016, and attached as Exhibit C2.

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.

2. Approved Development Intensity

Development within the Three Oaks 106 RPD is limited to a maximum of 400 dwelling units; and

Development within the Three Oaks Regional Center (RPD/CPD) is limited to:

a. 550,000 square feet of commercial retail uses and 400 hotel/motel rooms on the 75 acres located east of Three Oaks Parkway (CPD); and

b. 800 dwelling units within the 160-acre RPD located on both sides of Three Oaks Parkway, south of Winged Foot Drive (RPD) (Timberlake/Timberwalk).

3. Schedule of Permitted Uses

a. Three Oaks 106 RPD

Accessory Uses and Structures
Administrative Offices
Club, Private
Dwelling Units:
    Single-family
    Two-family attached
    Townhouse
Entrance Gates and Gatehouse
Essential Services
Essential Services Facilities, Group I
Excavation, Water Retention
Fences, Walls
Home Occupation
Models:
    Model Display Group
    Model Homes
Parking Lot:
    Accessory
Recreational Facilities, Private-On-Site
Real Estate Sales Office, limited to sales of dwelling units within the development
Signs in accordance with LDC Chapter 30
Temporary Use, limited to temporary contractor's office and equipment storage shed

b. Three Oaks Regional Center (East 75 Acres CPD)
(Including areas designated CT, CC, and CN-2)

Agricultural Uses – in accordance with Condition 7

Permitted uses in commercially designated areas are as follows: (references to zoning districts refer the districts, as amended):

CC Areas adjacent to Three Oaks Parkway

All uses permitted by right in the "CC" zoning district including the following uses:

Automobile Service Station, limited and full Service
Model Unit Display Center
Business Services, Group II
Consumption on Premises, limited to 2 establishments
Drive Through Facility - limited to 1 per CC area
Household Office Furnishings, Group III
Recreation, Commercial, Group I

CC Areas adjacent to Interstate 75

Except for the uses excluded from CC areas set forth below, permitted uses in these "CC" areas are those allowed in the "CC" zoning district and the following additional uses:

Insurance Companies
Cultural Facilities, limited to art galleries, museums, and planetariums
Food and Beverage Services, limited
Health Care Facilities, Groups I, II, III, and IV - limited to 50 beds
Consumption on Premises, limited to 2 establishments

Uses Excluded from CC areas adjacent to Interstate 75

Automobile Service Station
Boats, Boat Rental and Boat Ramp
Car Wash
Contractors and Builders, Group II
Convenience Food and Beverage Store
Rental or Leasing Establishments, Group III
Self Service Fuel Pumps
Storage, Open
Transportation Services, Group II
Used Merchandise Stores, Group III
Vehicle and Equipment Dealers, Group II
Wholesale Establishments, Group IV

CN-2 Areas adjacent to Three Oaks Parkway

Uses permitted by right in the "CN-2" zoning district including the following:

Banks and Financial Establishments, Group II
Broadcasting Studios
Clothing Stores, General
Paint, Glass, and Wallpaper Store
Specialty Retail Shops, Group III, excluding ammunition, auto parts, and firearms
Restaurants, Groups III, IV
Recreation, Commercial, Groups III, IV
Personal Services, Group II, limited to spas, health clubs and reducing salons
Non-Store Retailers, Groups I, II
Drive through Facilities, limited to 1 in each CN-2 area
Convenience Food and Beverage Store
Food and Beverage Service, limited

CT Areas adjacent to Alico Road and Interstate 75

Uses permitted by right in the "CT" zoning district including the following:

Bar or Cocktail Lounge, Limited to 1 in each CT area
Consumption on Premises, Limited to 1 in each CT area
Banks and Financial Institutions, Groups I, II

Rental Establishments, Groups I, II
Self Service Fuel Pump Station, limited to 1 in each CT area
Clubs - Fraternal, Membership or Private
Parks - All Groups

c. Three Oaks Regional Center - RPD

South of Winged Foot Drive on either side of Three Oaks Parkway shown on the "Three Oaks Regional Center" MCP (Timberlake/Timberwalk)

This RPD area is limited to 800 dwelling units to include 467 single-family units and 333 multi-family units. (No bonus density). Permitted uses include those permitted in the RM-10 zoning district, including the following:

Day Care
Library
Model Home
Emergency Medical Services Station
Fire Station
Sheriff's Station

4. Site Development Regulations

a. Three Oaks 106 RPD

DEVELOPMENT REGULATIONS	SINGLE FAMILY (R-1)	SINGLE FAMILY (R-2)	TWO FAMILY ATTACHED (R-2)	AMMENITY CENTER
Minimum Lot Width	50 feet	40 feet	30 feet	150 feet
Minimum Lot Depth	130 feet	120 feet	120 feet	150 feet
Minimum Lot Area	6,500 sq ft	4,800 sq ft	3,600 sq ft	22,500 sq ft
Maximum Building Height	35 feet	35 feet	35 feet	35 feet
Maximum Lot Coverage	40%	60%	70%	40%
Minimum Setbacks:				
Street	20 feet(*)	20 feet(*)	20 feet(*)	20 feet
Side	5 feet	5 feet	5 / 0 feet (**)	10 feet
Rear – principal	10 feet	10 feet	15 feet	10 feet
Rear – accessory	5 feet	5 feet	5 feet	0 feet
Preserve	25 feet	25 feet	25 feet	N/A

NOTE:
(*) Setback may be reduced to 15 feet for side entry garage design.
(**) 0-foot setback applies to internal lot line between individual units of a two-family attached dwelling unit type.

b. Three Oaks Regional Center - East 75 Acres CPD (including areas designated CT, CC, and CN-2) in accordance with the LDC.

c. Three Oaks Regional Center - RPD South of Winged Foot Drive on both sides of Three Oaks Parkway (depicted on the "Three Oaks Regional Center" MCP).

Single-Family Detached (Standard)

Minimum Lot Area:	7,500 square feet
Minimum Lot Dimensions:	75 feet wide x 100 feet deep
Corner Lot Dimensions:	82.5 feet wide x 100 feet deep

Front setback from local R/W line to building wall:	25 feet
Front setback from property line to building wall:	20 feet
Rear setback (adjacent to open space) from property line to building wall:	10 feet
Rear setback from property line to pool deck/enclosure:	10 feet
Water setback from water to building wall:	20 feet
Side setback from property line to building wall:	7.5 feet
Side setback from local R/W line to building wall:	15 feet

Single-Family Detached (Executive)

Minimum Lot Area:	6,500 square feet
Minimum Lot Dimensions:	65' wide x 100' deep
Corner Lot Dimensions:	75' wide x 100' deep

Front setback from local R/W line to building wall:	20 feet
Front setback from property line to building wall:	15 feet
Rear setback (adjacent to open space) from property line to building wall:	10 feet
Rear setback from property line to pool deck/enclosure:	10 feet
Water setback from water to building wall:	20 feet
Side setback from property line to building wall:	5 feet
Side setback from local R/W line to building wall:	15 feet

Zero Lot Line or Patio Homes

Minimum Lot Areas:	4,275 square feet
Minimum Lot Dimensions:	45 feet wide x 95 feet deep
Corner Lot Dimensions:	52.5 feet wide X 95 feet deep

Front setback from local R/W line to building wall:	20 feet
Front setback from property line to building wall:	10 feet
Rear setback from property line to pool deck/enclosure:	10 feet
Water setback from water to building wall:	20 feet

Side setback from property line to building wall (one side): 5 feet

Side setback from property line to building wall (other side): 0 feet

Side setback from local R/W line to building wall: 15 feet

Side setback from property line to courtyard wall: 0 feet

Rear setback from property line to courtyard wall: 0 feet

Front setback from property line to courtyard wall: 10 feet

Townhomes

Minimum Lot area:	900 square feet
Minimum Lot Dimensions:	20 feet wide x 45 feet deep

Front setback from property line to building wall: 0 feet

Rear setback line from property line to building wall: 0 feet

Water setback from water to building wall: 20 feet

Side setback from property line to building wall: 0 feet

Condominiums

Minimum unit area (2 story):	900 square feet
Minimum unit area (3 - 6 story):	750 square feet
Minimum unit area (7 - 8 story):	550 square feet

Setback from any property line to building wall:	25 feet
Water setback from water to building wall:	20 feet

Maximum Lot Coverage

Single-family detached:	40%
Zero Lot Line/Patio Homes:	45%
Townhomes:	100%
Condominiums:	45%

Accessory Use and Structure setbacks must comply with LDC §34-1171, *et seq.*, and §34-2194.

Open Space:	Per the approved MCP
Maximum Building Height:	95 feet per DRI approval

Buildings exceeding 35 feet in height must maintain additional building separation or additional setbacks consistent with LDC §34-2174(a) and §34-935(e)4.

5. Blasting

Development blasting is not permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

6. Accessory Uses

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

7. Lee Plan

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, the retail commercial standards for site area, including range of gross floor area, location, tenant mix, and general function (for commercial uses), as well as all other Lee Plan provisions.

8. Agricultural Uses

All agricultural uses are permitted on lands that have not undergone Lee County subdivision development order review and approval. Lands that have not undergone Lee County subdivision development order review and platting may be used for the raising of crops, livestock, horticulture, nurseries, forestry, and green houses as a permitted use in any of the use districts or any other designated parcel.

It is the intent of the Board of County Commissioners (BOCC) in rezoning the herein described property to the Planned Development zoning district specified herein, that all areas within the described property, which have been submitted for specific Lee County subdivision development order, review, and platting, may continue to be used for agricultural purposes as provided herein. Agricultural uses for the purposes of this paragraph include the production of crops and the raising of livestock for the purpose of sale.

9. Consumption on Premises

a. Consumption on premises (indoor) is permitted only in conjunction with a Group III Restaurant, bar or cocktail lounge, nightclub or hotel/motel.

b. No sale, service, or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.

c. Outdoor consumption on premises may be approved by administrative amendment. The applicant must provide adequate detail of the outdoor seating area consistent with the requirements of the LDC.

10. Internal Sidewalks

Development must include internal sidewalks as a site-related improvement in order to achieve a safe means of connecting internal uses and buildings and connecting with adjacent uses. Such facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Manufacturing

Any manufacturing must take place within an enclosed building.

12. Airport Noise Zones

Commercial buildings, especially motel/hotel facilities located in the Airport Noise Zone, must consider the use of sound insulating materials.

13. Open Space and Indigenous Preserves

Development order plans for the "Three Oaks 106 RPD" parcel must depict a minimum of 15 acres of open space including 7.5 acres of indigenous (with credits). The development order plans must reflect indigenous open space preserves with Preserve A at approximately 2.2 acres (with 125% credits) and Preserve B at approximately 3.1 acres (with 150% credits).

The indigenous management plan must include a map showing the indigenous preserve clearing limits for mechanical exotic removal. Mechanical clearing is limited to areas with 75% or greater exotic vegetation Florida Land Cover Classification System (FLUCCS).

14. Buffer on I-75

The Three Oaks Regional Center MCP must show the preservation of a 50-foot wide buffer along I-75 for wildlife habitat and visual screening between the project and I-75. This buffer must preserve all native vegetation, including trees, understory, and groundcovers.

15. Ferns

Prior to any site work for any phase of development which contains existing royal ferns (Osmunda regalias) and chain ferns (Woodwardia virginica), applicant or his designee shall transplant these ferns to areas containing the appropriate mesic/hydric conditions and non-development elsewhere on the site. Such area shall be selected by the applicant or his designee, and the relocation of these ferns shall be noted on the approved Preliminary and Final Development Order Site Plans. All work involved in the transplanting of these ferns shall be reviewed in conjunction with a Tree Removal Permit. Items to be addressed in the tree removal applications shall include what ferns are being moved. This information will be verified during the barricade inspection. Transplanting may commence after the Tree Removal Permit has been approved.

16. DRI Development Order

All commitments made in the Alico Interchange Park DRI Application for Development Approval, sufficiency submittals, and DRI Development Order (as amended) are incorporated by reference.

17. Model Homes

The following conditions apply to the RPD depicted on the "Three Oaks Regional Center" MCP (located on both sides of Three Oaks Parkway south of Winged Foot Drive):

a. Sales offices and model homes must be terminated upon the sale of the last unit in each pod.

b. Only detached, single-unit residences may be placed in the 130-foot wide strip of land along the western and southern property lines.

c. Density is limited per this zoning resolution, unless this approval is formally amended to permit "Bonus Density."

d. Cluster, townhouses, and zero lot line units are permitted consistent with the LDC.

18. Cypress Areas

The following condition applies to the RPD area depicted on the "Three Oaks Regional Center" MCP (located on both sides of Three Oaks Parkway south of Winged Foot Drive):

The two cypress areas in the large lake in the residential area shall be preserved. An additional 1.5 acres of littoral zone shall be created in the southeast corner of the large lake to improve water quality. This littoral zone shall be planted with native wetland plants to create a self-sustaining vegetative community and to specifications subject to the approval of the Division of Planning.

19. Natural Area Restoration

Prior to local development order approval, a restoration planting plan for the natural areas (Natural areas A and B on the Three Oaks Regional Center MCP, Exhibit C2) must be included in the indigenous management plan. The restoration plan must be designed to be similar to the historic indigenous habitat type. Proposed plant material must be installed at varying heights ranging from two feet to six feet in height at time of planting and be monitored for five years after a Certificate of Compliance (CC) has been issued for the infrastructure. At the 5th year of monitoring, each Natural Area must have 80% plant coverage or additional plants must be installed. If additional plants must be installed, then monitoring will be conducted on an annual basis until 80% plant coverage is met.

20. Clarification of Wetland Boundaries (Three Oaks 106 RPD)

The developer must obtain an Administrative Interpretation pursuant to Chapter XIII of the Lee Plan to clarify/remove Wetlands future land use designation prior local development order approval for the development of residential home sites.

21. Dead End Streets (Three Oaks 106 RPD)

The development order application submittals must include written confirmation from the San Carlos Park Fire Protection & Rescue Service District that the alternative turn-around design provides sufficient access for emergency response equipment and vehicles. (*See* Deviation 2)

22. Excavation Setbacks (Three Oaks 106 RPD)

The developer must install a decorative security wall or fence and a non-mountable curb along Alico Road where excavation features are located less than 50 feet from the right-of-way line for the protection of wayward vehicles. (*See* Deviation 4)

23. Refuse and Solid Waste Disposal Facilities (Three Oaks 106 RPD)

The local development order plans for the amenity center must include a storage area for curbside containers.

The homeowners association is responsible for placing the containers at the curb on collection days.

The developer's commercial service agreement with Lee County Solid Waste must address curbside pick-up of solid waste at the amenity center. (*See* Deviation 5)

24. Ground Mounted Identification Signs in Median (Three Oaks 106 RPD)

The developer must install a non-mountable curb along boulevard entrance medians where the side setback from ground mounted signs is 3-feet from the edge of pavement (*See* Deviation 9)

SECTION C. DEVIATIONS:

Approved by ADD2008-00007:

1. Deviation 1 (Lot Depth) seeks relief from LDC §34-844 to allow minimum average lot depths of 65 feet on Office Tract 3. This deviation is APPROVED.

2. Deviation 2 seeks relief from LDC §34-2192 to allow a retaining wall 18 feet from an arterial road. This deviation is APPROVED.

3. Deviation 3 (Lot Lines) seeks relief from LDC §10-254 to allow internal placement of lot lines radial to proposed right-of-ways. This deviation is APPROVED.

4. Deviation 4 (Setbacks) seeks relief from LDC §34-935(b)1.b to allow building setbacks of not less than 10 feet from internal tract lines. This deviation is APPROVED.

Approved by Z-091-082:

5. Deviation 1 (Access Roads) seeks relief from the LDC §10-283 (fka DSO C.3.j) requiring access roads (frontage road) along arterial or collector roads (i.e., Three Oaks Parkway), to delete the requirement of an access road (frontage road) and restrict access to approved access points along arterial and collector roads. This deviation is APPROVED, SUBJECT TO the conditions that:

   a. All rights-of-way or easements through adjacent parcels to accommodate access will be the Developer's responsibility.

b. Internal streets will be considered frontage roads designed to local street standards.

c. Outparcels may not directly access collector or arterial roads.

6. Deviation 2 (Street Stubs To Adjoining Property) seeks relief from LDC §10-295 (fka DSO C.3.e and C.3.f) requiring access to adjoining property and coordination with the area street system, and LDC §10-295 (DSO C.3.e & C.3.f) to allow the access depicted on the MCP. This deviation is APPROVED, SUBJECT TO the conditions that:

   a. It is the Developer's responsibility to provide roadway access between internal tracts, where necessary.

   b. Accesses are consistent with proper intersection separation and control requirements and emergency accesses are provided between adjacent parcels.

   c. The adequate number of accesses provided to adjoining property should be interconnected to improve the traffic movement throughout the development.

7. Deviation 3 (Street Design and Construction Standards) seeks relief from LDC §10-296 (fka DSO D.3.B & Table D-1, 7.c.) to allow paver block concrete surface course within the "private" local streets. This deviation is APPROVED, SUBJECT TO the condition that:

   The Developer must execute and record a "Hold Harmless and Maintenance Agreement" prior to final development order approval. The agreement must include a clause stipulating the developer is responsible for maintenance of these streets at no cost to Lee County. The agreement must be binding on all successors, heirs and assigns and subject to review and approval by the County Attorney, Department of Transportation and Division of Development Review.

8. Deviation 4 (Open Space) seeks relief from LDC §10-415(a) for the RPD located south of Winged Foot Drive and east of Three Oaks Parkway to allow the common open space (lakes and preserve areas) shown on the MCP, to satisfy open space requirement, provided individual tracts with the RPD comply with LDC open space requirements. This deviation is APPROVED.

9. Deviation 5 (Excavations) seeks relief from LDC §10-329(d)(3)a (fka DSO 509.B) to allow a lake depth of 25 feet or the confining layer, whichever is more restrictive. This deviation is APPROVED, SUBJECT TO the conditions that:

   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, 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 and location(s) and number of pumps necessary to obtain adequate aeration shall be subject to

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.

10. Deviation 6 (Property Development Regulations) seeks relief from LDC §34-935(b) (fka DSO 431.C.1 & 202.18.D), and from LDC §34-935(e) (fka DSO 431.C.2 & 202.18.B.2.a) to allow the setback and lot coverage criteria set forth in this resolution for the RPD located south of Winged Foot Drive and east of Three Oaks Parkway. This deviation is APPROVED.

11. Deviation 7 (Signs) seeks relief from LDC §30-152(2)1.ii (fka Ordinance 85-26, amended by Ordinance 88-12) to allow: (a) 5 feet setbacks at internal R/W (local) intersections; (b) 10 feet setbacks at intersections with collector, or arterial roads (i.e. Three Oaks Parkway); and (c) Zero feet setback across from "Tee" intersections or where no intersections occur, where such locations do not restrict acceptable standards for intersection sight distances. Sections (a) and (b) of this deviation are APPROVED. Section (c) of this deviation is APPROVED, SUBJECT TO the conditions that:

a. Sight distances will be computed using nationally accepted standards.

b. Sign structures must be designed to conform with nationally accepted breakaway and/or yielding standards.

12. Deviation 8 (Excavations) seeks relief LDC §10-329(d)(5) (fka DSO 509) to delete the fence requirement provided lake bank slopes are maintained no greater than 6(H): 1(V) to a water depth of 4 feet below dry season water table. This deviation is APPROVED, SUBJECT TO the condition that:

A 4-foot-high fence must be provided in locations where a lake is within 100 feet of a road right of way.

13. Deviation 9 (Landscape Standards) seeks relief from LDC §10-416(d)3 (fka Table C-3 of the DSO) to allow a 10-foot-wide buffer along Three Oaks Parkway. This deviation is APPROVED, SUBJECT TO the condition that:

The developer will enhance the buffers along Three Oaks Parkway with "D" type buffers, in accordance with the approved MCP.

14. Deviation 10 (Model Homes and Model Units) seeks relief from LDC §34-1954(c)(2) (fka DSO Section 520.D.3.a) for the RPD located south of Winged Foot Drive and east of Three Oaks Parkway, to allow sales offices within model homes and units to be located throughout the development. This deviation is APPROVED, SUBJECT TO the following condition:
The use must otherwise comply with LDC §34-1951, *et seq.*

15. Deviation 11 (Access) seeks relief from LDC §34-2013(a) (fka DSO 202.16.E.2.D) for the RPD located south of Winged Foot Drive and east of Three Oaks Parkway, to allow back-out parking for zero lot line or patio homes. This deviation is APPROVED.

Approved by Z-85-324:

16. Deviation 1 (Setbacks from Bodies of Water) seeks relief from LDC §34-2194(b) (fka DSO 202.15B.4.b) to reduce the minimum setback of a structure to a bay, canal or water body from 25 feet to zero feet, but denied permission for any structures for human habitation to extend closer than the 25-foot setback. This deviation is APPROVED.

Approved by this Resolution for the Three Oaks 106 RPD:
(Located in the south west corner of Alico Road and Three Oaks Parkway, north of Winged Foot Drive)

17. Deviation 1 (Lot Lines) seeks relief from LDC §10-254 which requires side lot lines to be at right angles to straight street lines and radial to curved street lines. The requested deviation allows the lot design shown on the "Three Oaks 106 RPD" Master Concept Plan in the locations depicted on the MCP. This deviation is APPROVED.

18. Deviation 2 (Dead End Streets) seeks relief from LDC §10-296(p)(1) which requires dead-end streets to be closed at one end by a circular turnaround. The requested deviation allows an alternative turnaround. This deviation is APPROVED, SUBJECT TO Condition 22 herein.

19. Deviation 3 (Lot Depth) seeks relief from LDC §10-703 which establishes the methods by which to measure lot depth. The requested deviation allows lot size to be measured as reflected on the "Three Oaks 106 RPD" MCP. This deviation is APPROVED.

20. Deviation 4 (Excavation Setback) seeks relief from LDC §10-329(d)(1)a.2 which requires excavations to be set back 50 feet from existing/proposed right-of-way lines of arterial streets. The requested deviation allows a 30 foot excavation setback from Alico Road. This deviation is APPROVED, SUBJECT TO Condition 23 herein.

21. Deviation 5 (Refuse and Solid Waste Disposal Facilities) seeks relief from LDC §10-261 requires specific space criteria for placement of garbage and recyclable containers. The requested deviation allows curbside pick-up of solid waste at the amenity facility. This deviation is APPROVED, SUBJECT TO Condition 24.

22. Deviation 6 (Signs) seeks relief from LDC §30-152(2)(a) which allows one (1) additional identification sign on each boundary of the development that exceeds 2,000 linear feet. The requested deviation allows one (1) additional identification sign on Alico Road, which contains approximately 1,496 l.f. of frontage. This identification sign is in addition to the entrance sign(s) and the Three Oaks Master Association sign on the corner of Three Oaks Parkway and Alico Road. This deviation is APPROVED.

23. Deviation 7 (Signs) seeks relief from LDC §30-152(2)(a) which allows one (1) additional identification sign on each development boundary that exceeds 2,000 linear feet. The requested deviation allows one (1) additional identification sign on Three Oaks Parkway, in addition to the Three Oaks Master Association sign on the corner of Three Oaks Parkway and Alico Road. This deviation is APPROVED.

24. Deviation 9 (Signs) seeks relief from LDC §30-152(2)a.1.i which requires a 5-foot side setback from ground-mounted signs to edge of pavement when located in a boulevard entrance median. The requested deviation would allow a 3-foot side setback from

ground-mounted signs to edge of pavement. This deviation is APPROVED, SUBJECT TO Condition 24 herein.

SECTION D. EXHIBITS:

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

Exhibit A: Legal Description and Sketch
Exhibit B: Zoning Map
Exhibit C: Seventh Amended Development Order for Alico Interchange Park DRI #4-8485-54, including Amended Map H
Exhibit C1: Master Concept Plan entitled "Three Oaks 106 RPD"
Exhibit C2: Master Concept Plan entitled "Three Oaks Regional Center"

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the requested RPD rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation. Specifically, the RPD rezoning is consistent with the Lee Plan Vision Statement - Paragraph 13 (San Carlos Planning Community), Goal 5, Objectives 2.1, 2.2, 5.1 and Policies 1.7.1, 1.7.2, 1.7.6, 2.1.1, 2.2.1, 4.1.1, 5.1.1, 5.1.2, 5.1.7; Lee Plan Tables 1(a) and (b). Lee Plan Map 1 page 3 of 8 and Lee Plan Map 16.

2. As conditioned, the RPD zoning designation:

   a. is consistent with County regulations. LDC §10-442, §10-475, §34-341(a), §34-411, §34-413, §34-612, and §34-934.

   b. is compatible with existing or planned uses in the surrounding area. Lee Plan Goal 5; Objectives 2.1, 2.2, 5.1, and Policies 1.1.4, 1.3.4, 2.1.1, 5.1.5; and

   c. will not adversely affect environmentally sensitive areas or natural resources. *See*, Lee Plan Goal 11, Standard 11.4., Objective 77.1 and Policy 107.8.1.

3. The expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. *See,* Lee Plan Goal 11, Standard 11.3; Policies 4.1.2, 38.1.6, 39.1.1, and 40.4.7; *See also*, LDC §§34-411(d) and (e).

4. Urban services are available to serve the development. These services include public water and sewer, paved streets, public transit, parks and recreational facilities, police, fire, and emergency services, urban surface water management, schools, employment and commercial centers and libraries. *See,* Lee Plan Goal 11, Standards 11.1, 11.2 and 11.3; Objectives 2.1 and 2.2; Policies 2.2.1, 2.2.2, 43.1.8 and Map 3C.

5. The proposed uses are appropriate at the subject location. *See,* Lee Plan Goal 5; Policies 1.1.1, 1.1.4, 2.1.1, 2.2.2 and 5.1.5.

6. The County regulations and recommended conditions of approval provide sufficient safeguards to protect the public interest. *See*, Lee Plan Policies 5.1.5, and 135.9.6; LDC §34-411(c), and §34-932(c).

7. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 5.2.2, LDC §34-145(d)(4)a.2.(b), §§34-411(c), (e), (i), (j) and (k).

8. The requested deviations enhance the planned development and preserve the intent of the LDC to protect the public health, safety and welfare.

9. The proposed changes to the Alico Interchange Park DRI do not constitute a substantial deviation warranting further DRI review.

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

John Manning	Aye
Cecil L Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Franklin Mann	Aye

DULY PASSED AND ADOPTED this 16th day of November, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: Theresa King
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: John Manning
John Manning, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

Neysa Borkert
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
tk
2016 DEC -5 AM 10: 32

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

DESCRIPTION

Parcel in
Section 10, Township 46 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Section 10, Township 46 South, Range 25 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Beginning at the West Quarter Corner of said Section 10 run N01°15'53"W along the West line of the Northwest Quarter (NW 1/4) of said Section 10 for 2,638.10 feet to an intersection with the Southerly right of way line of Alico Road, as described in a deed recorded in Official Records Book 38, at Page 175, Lee County Records; thence run N89°21'25"E along said Southerly right of way line, also being the South line of the North 50 feet of said Section 10 for 244.49 feet to an intersection with the Southerly right of way line of Alico Road, F.D.O.T. right of way Section No. 12075-2402)(Parcel 116.1-R) as described in a deed recorded in Official Records Book 1364, at Page 1929, Lee County Records; thence run along said Southerly right of way line of Alico Road the following five (5) courses: S74°29'48"E for 141.38 feet; S85°18'04"E for 201.00 feet; S87°26'07"E for 400.78 feet; N88°59'18"E for 400.00 feet and S87°26'41"E for 108.16 feet to an intersection with the Westerly right of way line of Three Oaks Parkway (Corlico Parkway) as described in a deed recorded in Official Records Book 1892, at Page 759, Lee County Records; thence run along said Westerly right of way line of said Three Oaks Parkway the following five (5) courses: S00°57'21"E for 300.73 feet to a point of curvature; Southerly along an arc of a curve to the left of radius 1,220.00 feet (delta 28°54'17") (chord bearing S15°24'30"E) (chord 608.96 feet) for 615.47 feet to a point of tangency; S29°51'39"E for 647.75 feet to a point of curvature; Southerly along an arc of a curve to the right of radius 1,120.00 feet (delta 28°29'03") (chord bearing S15°37'07"E) (chord 551.08 feet) for 556.80 feet to a point of tangency and S01°22'35"E for 348.53 feet to an intersection with the Northerly right of way line of Winged Foot Drive, (100' wide)(Proposed); thence run along said Northerly right of way line of Winged Foot Drive the following five (5) courses: S88°36'30"W for 126.37 feet to a point of curvature; Westerly along an arc of a curve to the left of radius 2,050.00 feet (delta 14°21'35") (chord bearing S81°25'42"W) (chord 512.44 feet) for 513.78 feet to a point of tangency; S74°14'55"W for 871.41 feet to a point of curvature; Westerly along an arc of a curve to the right of radius 1,950.00 feet (delta 14°20'57") (chord bearing S81°25'23"W) (chord 487.08 feet) for 488.36 feet to a point of tangency and S88°35'52"W for 120.20 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 10; thence run N01°25'07"W along said West line for 150.07 feet to the POINT OF BEGINNING.
Containing 105.53 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the Northwest Quarter (NW 1/4) of said Section 10 to bear N01°15'53"W.

Scott A. Wheeler 9/22/15
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

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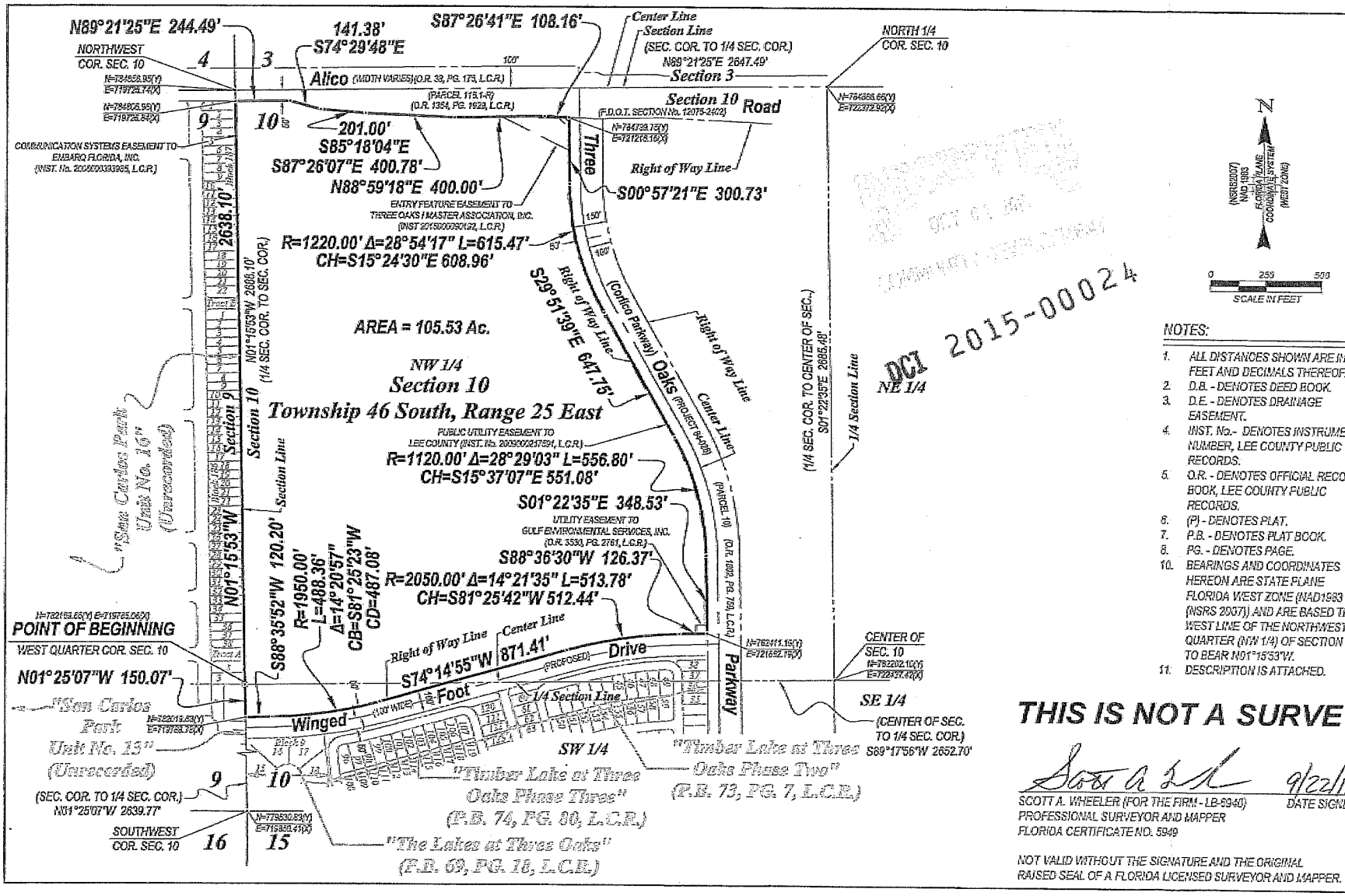
Applicant [illegible] 10/2/15

DCI 2015-00024
DRI 2015-00009

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

EXHIBIT
tabbies
A



DCI 2015-00024

NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
6. (P) - DENOTES PLAT.
7. P.B. - DENOTES PLAT BOOK.
8. PG. - DENOTES PAGE.
10. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 10 TO BEAR N01°15'53"W.
11. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

Scott A Wheeler 9/22/15

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

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

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
3271 MAPLE DRIVE, SUITE 102
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 481-3170
FAX (239) 481-3183
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 2985 - SURVEYING LB-6940

PREPARED FOR:

Pulte Colonial

PULTE HOME CORPORATION
14511 WALDEN CENTER DRIVE
SUITE 300
NOVI, MICHIGAN 48374

PHONE (239) 498-7711
FAX (239) 498-7727

WWW.PULTEHOMES.COM

PROJECT DESCRIPTION:

A PARCEL OF LAND IN SECTION 10 TOWNSHIP 46 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA

PROJECT SUPERVISOR:

SCOTT A. WHEELER
STATE OF FLORIDA
5949
REGISTERED
PROFESSIONAL
SURVEYOR AND MAPPER

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

FILE NAME	DESCRIPTION
LAYOUT	3
LOCATION	J:\2015\DWG\SURVEY\DESCRIPTION
PLOT DATE	THU, 9/24/2015 - 1:28 PM
PLOTTED BY	PETER COEN
DRAWING DATA	
SURVEY DATE	09-14-2015
DRAWN BY	A.S.DEM
CHECKED BY	SAW
SCALE	1"=400'
FIELD BOOK	

SKETCH TO ACCOMPANY DESCRIPTION

PROJECT NUMBER	SHEET NUMBER
2339	2 OF 2
10-45-25	

DRI2015-00009 & DCI2015-00024

ZONING

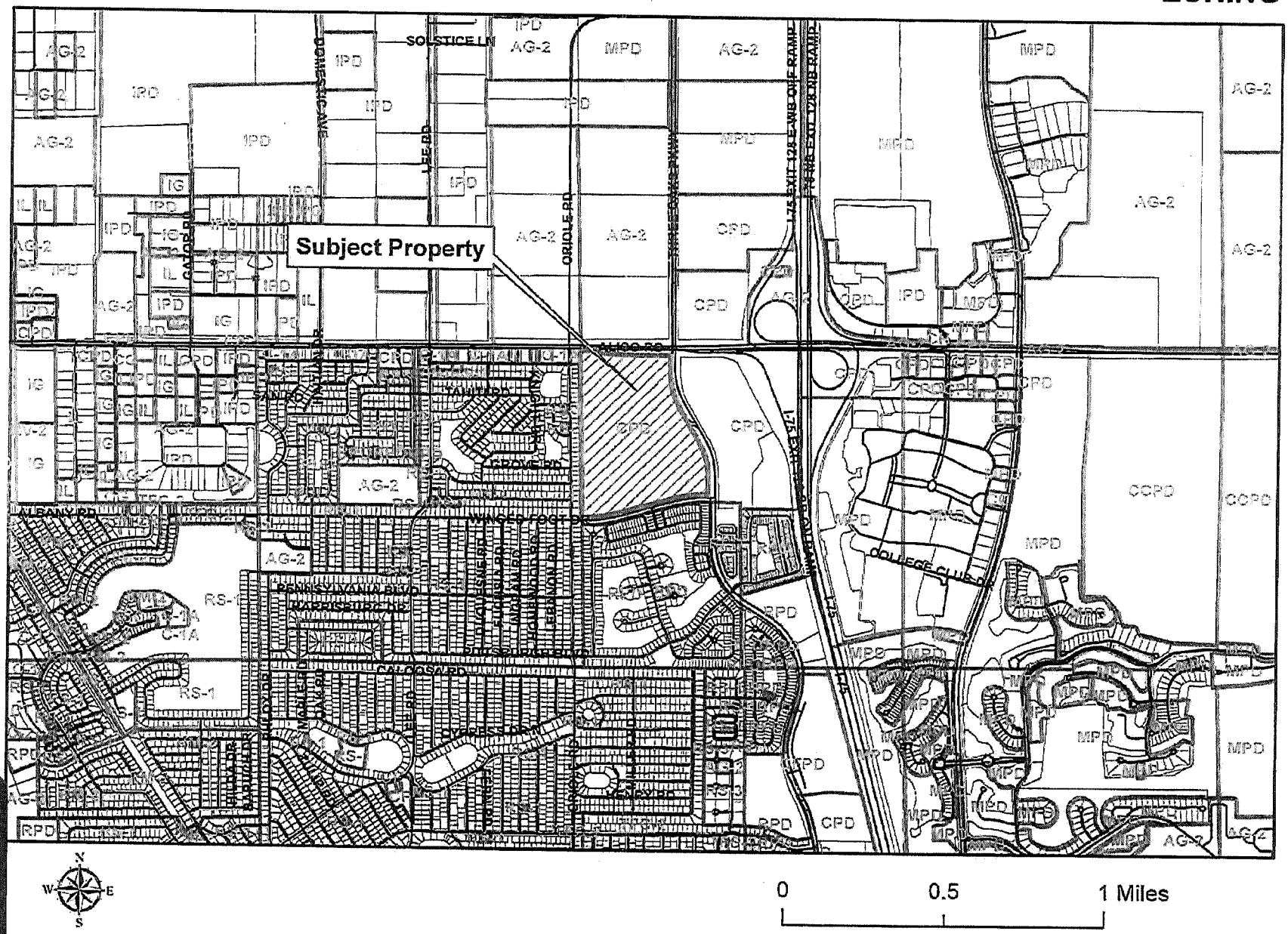


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EXHIBIT B

~~SIXTH SIXTH~~ SEVENTH AMENDED DEVELOPMENT ORDER[1]

FOR

ALICO INTERCHANGE PARK

A DEVELOPMENT OF REGIONAL IMPACT

#4-8485-54

[NOTE: *~~New language is underlined and deleted language is struck through.~~]*

Let it be known, that pursuant to Florida Statutes §380.06, the Board of County Commissioners of Lee County, Florida, has heard at a public hearing first convened on March 17, 1986, the application for development approval for Alico Interchange Park, a residential/commercial development on approximately 345 acres to be developed in accordance with the application filed for development on April 11, 1985, by Paul H. Freeman, authorized representative for Alico Interchange Park.

WHEREAS, the original Alico Interchange Park DRI Development Order was approved on November 10, 1986, and has been amended six times thereafter; and

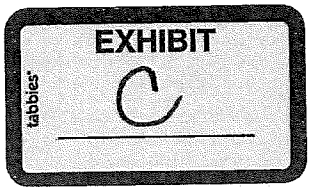
~~WHEREAS, the Alico Interchange Park DRI Development Order was subsequently amended on February 17, 1992 to reduce the total number of dwelling units from 1,124 to 992; reduce motel acreage from 19 to 11 acres; increase mixed commercial square footage from 720,000 to 965,000 for the regional mall, but decrease other retail area so as to maintain overall commercial retail at 1,155,000 square feet; transfer a 15-acre park site and 10-acre school site to Villages of San Carlos DRI; realign Winged Foot Drive extension; establish procedures for impact fee credits; and extend build out of all phases and final completion by three years less one day starting May 6, 1987 (the effective date of the original DRI DO); and~~

~~WHEREAS, on July 16, 1998 the developer submitted a Notice of Proposed Change to amend the Alico Interchange Park DRI Development Order a second time to comply with Conditions II.D and II.E.1 pertaining to traffic impacts attributable to development of the 990,000 square foot regional mall; and~~

~~WHEREAS, the Alico Interchange Park Development Order was subsequently amended on August 21, 2000 to amend the mix of uses to consist of the following: a total of 800 dwelling units; 400 hotel rooms; 326,000 square feet of office and professional non-retail commercial; and~~

---

[1]This document represents a compilation of the original DRI Development Order dated November 10, 1986, the First Development Order Amendment dated February 17, 1992, the Second Development Order Amendment dated August 21, 2000, the Third Development Order Amendment dated November 15, 2005, the Fourth Development Order Amendment dated May 5, 2008, the Fifth Development Order Amendment dated April 19, 2010, ~~and~~ and the ~~changes adopted proposed by this~~ Sixth Amended Development Order dated October 11, 2011, and the changes proposed by the Notice of Proposed Change reflected in this Seventh Amended Development Order, ~~Notice of Proposed Change~~ _____, with additions underlined and deletions struck through.



~~1,120,000 square feet of retail commercial (130,000 square feet of retail and service and 990,000 square feet for a regional mall) for a total of 1,446,000 square feet of commercial development; and~~

~~WHEREAS, on November 15, 2005, the Alico Interchange Park DRI Development Order was subsequently amended to extend the build out date to April 20, 2011, delineate a termination date of April 20, 2013, eliminate reference to a regional mall land uses, amend this development order text and Map H to conform to administrative zoning changes approved by Lee County, provide for a maximum of 1,446,000 square feet of combined total office/retail square footage (which includes up to750,000 square feet planned for corporate headquarters office use) provided the retail square footage does not exceed a maximum of 1,120,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet; and~~

~~WHEREAS, on May 5, 2008 Alico Interchange Park DRI Development Order was subsequently amended to reflect the addition of a driveway connection to Winged Foot Drive by revising the Master Development Plan (Map H); and~~

~~WHEREAS, on June 1, 2009, Senate Bill 360 (SB360) was signed into law by the Governor of the State of Florida. SB360 provided a statutory two-year extension for DRIs with build out dates expiring between September 1, 2008 through January 1, 2012; and~~

~~WHEREAS, on April 19, 2010, Alico Interchange Park DRI Development Order was subsequently amended a fifth time to add 450,000 square feet of office use in the parcel located in the Northwest corner of the project and labeled as Three Oaks Regional Center on Map H for a total commercial square footage in the overall DRI (including office and retail uses) of 1,896,000 square feet, provided the retail square footage does not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) with a maximum building height of 95 feet; and~~

~~WHEREAS, in addition to the Notice of Proposed Change filed for the Fifth Amendment to the DRI Development Order, pursuant to SB360, the Developer submitted a request for an extension of the DRI build out date from April 20, 2011 to April 20, 2013; and~~

~~WHEREAS, House Bill 7207 was adopted by the Legislature in 2011 and codified as Chapter 2011-139, Laws of Florida, and provides, at the option of the Developer, for a four year extension of all compliance dates for valid Developments of Regional Impact; and~~

~~WHEREAS, the Developer of Alico Interchange Park has noticed the County of its desire to extend the compliance dates for this DRI pursuant to House Bill 7207; and~~

~~WHEREAS, the Board desires to adopt a codified Development Order to consolidate all of the past and current actions taken in regards to this approved development; and~~

WHEREAS, a Notice of Proposed Change was filed on October 5, 2015, by Pulte Homes as authorized agent for Chico's Retail Services, Inc., seeking additional changes to this Development Order; and

WHEREAS, the Notice of Proposed Change filed by Pulte Homes has been reviewed by Lee County staff, the Southwest Florida Regional Planning Council, the Lee County Hearing Examiner, and the Board of County Commissioners of Lee County.

NOW, THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS of Lee County, Florida, that the development order for Alico Interchange Park DRI is further amended as set forth below:

I. FINDINGS OF FACT/CONCLUSIONS OF LAW

~~A. The applicant originally proposed to develop a mixed-use project with 1,498 residential dwelling units (including 200 congregate living units), a 20-acre motel/tourist district, a 60-acre regional mall, 8 acres for general commercial purposes, 41 acres for office space, 30 acres for general retail and services, and 17 acres for public use, on approximately 345 acres. The mixed use DRI project, as originally approved in 1986, consisted of a total of 1,124 dwelling units (481 single-family, 643 multiple-family); 400 hotel units; 326,000 square feet of office and professional non-retail commercial; and a total of 1,155,000 square feet of retail commercial (250,000 square feet retail service; 720,000 square feet regional mall; 185,000 square feet miscellaneous retail associated with mall).~~

~~In 1992, the Alico Interchange Park DRI was amended to approve a mixed use project consisting of a total of 992 dwelling units (467 single-family, 525 multiple-family); 400 hotel rooms; 326,000 square feet of office and professional non-retail commercial; and a total of 1,155,000 square feet of retail commercial (165,000 retail and service; 965,000 square feet regional mall and 25,000 square feet miscellaneous retail associated with mall).~~

~~In 2000, the Second Amendment to the Alico Interchange Park DRI Development Order approved a mix of uses consisting of a total of 800 dwelling units (467 single-family, 333 multiple-family), 400 hotel rooms, 326,000 square feet of office and professional non-retail commercial; and 1,120,000 square feet of retail commercial (130,000 square feet of retail and service and 990,000 square feet regional mall).~~

~~Adoption of the third DRI Development Order amendment extended the build out date to April 20, 2011, eliminated reference to the regional mall land use, and amended Map H to conform to the administrative zoning changes approved by Lee County in October 2005 that provided for a maximum of 1,446,000 square feet of combined total office/retail square footage (includes up to 750,000 square feet planned for corporate headquarters/office use), provided the retail square footage does not exceed a maximum of 1,120,000 square feet; 400 hotel rooms; and 800 residential dwelling units (5.0 dwelling units per gross residential acre). Maximum building height is 95 feet. (*See* ADD2005-00180). These development parameters are reflected on the phasing schedule and Map H, attached as Exhibits A and B. Notwithstanding the foregoing, the traffic generated by the project was limited to a maximum of 4,489 peak hour external trips, otherwise further DRI review and approvals will be required.~~

~~The Fourth DRI Development Order amendment revised the Master Development Plan (Map H) to include an additional driveway connection to Winged Foot Drive.~~

~~Adoption of the Fifth DRI Development Order amendment added a total of 450,000 square feet of office use for a maximum of 1,896,000 square feet of combined total office/retail square footage, provided that the retail square footage does could not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet and extended the DRI build out date until April 20, 2013.~~

A. The original Alico Interchange Park DRI Development Order was approved on November 10, 1986, providing for the development of 1,124 dwelling units (unless additional dwelling units were approved through the County's bonus density program); 326,000 square feet of Offices & Professional Services on 38 acres; 400 Hotel & Motel units on 19 acres; and 1,155,000 square feet of Mixed Commercial, Retail, & Services (including 720,000 square feet of Regional Mall) on 73 acres.

The First Amended Development Order was approved on February 17, 1992, to reduce the total number of dwelling units from 1,124 to 992; reduce motel acreage from 19 to 11 acres; 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 and 10-acre school site to Villages of San Carlos DRI; realign Winged Foot Drive extension; establish procedures for impact fee credits; and extend build out of all phases and final completion by three years less one day starting May 6, 1987 (the effective date of the original DRI DO).

On August 21, 2000, the Second Amended Development Order was approved to amend the mix of uses to consist of the following: a total of 800 dwelling units; 400 hotel rooms; 326,000 square feet of office and professional non-retail commercial; and 1,120,000 square feet of retail commercial (130,000 square feet of retail and service and 990,000 square feet for a regional mall) for a total of 1,446,000 square feet of commercial development.

On November 15, 2005, the Alico Interchange Park DRI Development Order was amended a third time to extend the build out date to April 20,2011, delineate a termination date of April 20, 2013, eliminate reference to regional mall land uses, amend the development order text and Map H to conform to administrative zoning changes approved by Lee County, provide for a maximum of 1,446,000 square feet of combined total office/retail square footage (which includes up to 750,000 square feet planned for corporate headquarters office use) provided the retail square footage does not exceed a maximum of 1,120,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet.

On May 5, 2008, the Alico Interchange Park DRI Development Order was amended a fourth time to reflect the addition of a driveway connection to Winged Foot Drive by revising the Map H.

On June 1, 2009, Senate Bill 360 (SB360) was signed into law by the Governor of the State of Florida. SB360 providing for a statutory two-year extension for DRI's with build out dates expiring between September 1, 2008, through January 1, 2012.

On April 19, 2010, the Fifth DRI Development Order amendment added a total of 450,000 square feet of office use for a maximum of 1,896,000 square feet of combined total office/retail square footage, provided that the retail square footages could not exceed a maximum of 696,000 square feet, 400 hotel rooms, 800 residential dwelling units (5.0 dwelling units per gross residential acre) and a maximum building height of 95 feet and extended the DRI build out date until April 20, 2013, consistent with SB360.

On October 11, 2011, the Sixth DRI Development Order amendment granted a four-year extension of the commencement, phase, build out, and expiration dates of DRI Development Orders as provided for under House Bill 7202 (Chapter 2011-139, Laws of Florida).

Additional extensions to the build out, phasing and expiration dates of the DRI Development Order have been recognized pursuant to Florida Statutes Section 252.363 for various states of emergencies recognized by the Governor, the latest being on May 10, 2016, which extended the build out date for the DRI to August 15, 2020.

On October 5, 2015, Pulte Homes as authorized agent for Chico's Retail Services, Inc., filed a Notice of Proposed Change (NOPC) seeking to convert the proposed development for the 105± acre parcel located at the southwest corner of Alico Road and Three Oaks Parkway from office/retail development to residential development, proposing a simultaneous increase and decrease of approved land uses within this mixed-use DRI. Specifically, the NOPC proposes to eliminate 1,346,000 square feet of retail and office uses and allow a maximum of 400 single-, two-family, and townhome residential dwelling units to be constructed on this parcel. These proposed changes to the Development Order have been determined not to be a substantial deviation to the DRI pursuant to Section 380.06, Florida Statutes.

The NOPC filed by Pulte Homes also proposed to change the build out date to April 20, 2022, an extension of two years, eleven months, and 20 days from the current build out date of May 1, 2019. The cumulative extensions authorized since the original Development Order (not including the extensions authorized by SB360, HB7202, and Section 252.363 identified above) total 5 years, eleven months, and 19 days. As such, the extension requested by the NOPC filed by Pulte Homes is presumed not to be a substantial deviation under Section 380.06(19)(c)1., Florida Statutes; and

B. The legal description of the entire Alico Interchange Park DRI property is attached as Exhibit C; and

C. The property is currently zoned Residential Planned Development and Commercial Planned Development~~. Zoning Resolution Z-91-082 and ADD2005-00180[2] contain additional details and restrictions on Alico Interchange Park, and also provides for certain deviations from the Lee County property development regulations~~ as set forth in Resolution Z-16-008; and

D. The Application for Development Approval is consistent with the requirements of §380.06, Florida Statutes; and

E. The proposed development is not in an area designated as an Area of Critical State Concern pursuant to the provisions of §380.05, Florida Statutes; and

F. The development does not unreasonably interfere with the achievement of the objectives of the State Land Development Plan; and

G. The proposed development has previously been reviewed by the Southwest Florida Regional Planning Council and is the subject of the report and recommendations adopted by that body on November 21, 1985, and subsequently forwarded to Lee County pursuant to the provisions of §380.06, Florida Statutes, and the proposed development, as modified by this Development Order is consistent with the report and recommendations of the Southwest Florida Regional Planning Council; and

H. The proposed conditions below meet the criteria found in §380.06(15)(d), and (e), Florida Statutes; and

---

[2] ~~Resolution Z-91-082 and ADD2005-00180 are superseded by Resolution Z-09-041.~~

I. The proposed development, as modified by the conditions stated herein, is consistent with the Lee County Comprehensive Plan.

~~J. Senate Bill 360 was signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06). SB360 provided a statutory two-year extension for DRIs with build out dates between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted by the Board on June 23, 2009.~~

~~Alico Interchange Park DRI qualified for a two-year extension of its build out date from April 20, 2011 to April 20, 2013. Under Lee County Resolution 09-06-22, concurrency vesting is was also extended to April 20, 2013, consistent with the build out extension. Under SB 360, the two-year extension does did not constitute a substantial deviation from the original DRI development approvals warranting further DRI review.~~

~~K. The Fifth amendment to the DRI Development Order included conditions necessary to mitigate the traffic impacts associated with the entire DRI, with a build out date of April 20, 2013. Impacts associated with further extensions of the build out date may require review of traffic impacts, as noted in Condition D.7, and subject to the Developer Agreement referred to therein.~~

~~L. House Bill 7202 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, build out and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.~~

~~In accord with HB 7207, Alico Interchange Park DRI qualified for the extension of the DRI's compliance dates. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation of the original development order approvals warranting further DRI review.~~

II. ACTION ON REQUEST AND CONDITIONS OF APPROVAL

NOW, THEREFORE, be it ordained by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled on ~~October 11, 20~~November 16, 2016, that the requested amendments to the Alico Interchange Park Development of Regional Impact are hereby APPROVED, subject to the following conditions, restrictions, and limitations:

A. DRAINAGE/WATER QUALITY

1. The surface water management system for the Alico Interchange Park must implement the design standards and water quality "best management practices" outlined in the Application for Development Approval (A.D.A.) (in particular, the response to Question 22, Drainage), and all supplemental information presented in response to sufficiency questions. These design standards and practices include, but are not limited to, the following:

(a) The existing borrow pit will be physically separated from the surface water management system, due to its proximity to the potable water wellfield;

(b) One-half inch of dry retention pre-treatment will be required prior to sheet flow discharge into the lake system (10.5 +/- acres of land were proposed for this purpose in the A.D.A.);

(c) The use of gently-sloped grassed swales to channel run-off on long travel paths through the swale network to increase filtering/recharge, and to cause removal of turbidity, petroleum residue, and nutrients;

(d) The use of berms along the lake banks to preclude the direct flow of polluted run-off directly into the lake; and

(e) The use of a baffled outfall structure to limit the discharge rate and facilitate the entry of water from the central portion of the pond water column.

2. The developer and his successor(s) must implement and maintain an on-going monitoring and maintenance program that regularly inspects, maintains, and samples the stormwater drainage system, including lake and wetlands monitoring, during and after the development of Alico Interchange Park. The developer will establish the legal entity that will carry out this program after tracts and/or units are sold; the documents creating such entity must be approved by the Lee County Attorney's Office and the South Florida Water Management District prior to the implementation of the monitoring program. The program must be designed in consultation with the staffs of the Southwest Florida Regional Planning Council, the South Florida Water Management District, and Lee County. Final approval of the program rests with the Lee County Department of Community Development. The purpose of this program is to ensure that the stormwater drainage system functions in every aspect as planned. Should the monitoring program indicate that the system is not functioning as planned, or not constructed in accordance with all approved plans, permits, and county requirements, or is not meeting water quality standards of the applicable agencies, further development approvals will not be granted until the developer has completed corrective measures as specified by Lee County.

3. The developer must prepare a proposal to construct littoral shelves in the large lake system shown on the Master Concept Plan, in addition to the 6:1 side slopes, to offset the exceptionally large size of this lake. The Lee County Department of Community Development will review this proposal, and either accept or reject the plans, with the basis of any rejection clearly stated. The developer is responsible for the construction and planting of these shelves during the construction of the surface water management system.

4. The developer must implement a parking lot and street vacuum-sweeping program for all commercial areas of the project, on at least a twice-weekly basis.

5. Restrictive covenants must be prepared by the developer (subject to the approval of the Lee County Attorney's Office) that prohibit the use, generation, or storage of hazardous materials within the cone of influence for the Gulf Utility Company wellfield, as specified by the South Florida Water Management District at the time of permitting of the surface water management system, and require the use of appropriate containment features to ensure the separation of possible hazardous materials handling areas from the surface water management system as well as the development of an emergency response plan in the event a spill occurs.

6. The developer must coordinate with Lee County and the Florida Department of Protection (DEP) for the provision of temporary transfer/storage facilities to accommodate all

special and hazardous wastes, as classified by DEP, that are generated by the development. This facility should not be located on-site due to the potential risk of groundwater contamination to the Gulf Utility Company wellfield along the southeastern boundary of the Alico Interchange Park site.

B. ENERGY

All site plans or architectural programs must incorporate, as a minimum, the following conservation features into all site plans and architectural programs, or the property owner/developer must ensure that the following features are implemented through deed restrictions or covenants with successors in title. All applications for site plan approvals and building permits must be accompanied by a document detailing proposed compliance with these conditions. If deed restrictions or covenants are utilized to ensure compliance, such documents must be approved by the Lee County Attorney's Office prior to recording. If no deed restrictions are approved and recorded, the prior alternative must be utilized and the following features must be included.

These features are:

1. The provision of a bicycle/pedestrian system connecting all land uses, to be placed along arterial and collector roads within the project, and also along Alico Road west of Three Oaks Parkway (Corlico Parkway). This system is to be constructed in accordance with Lee County standards, and include walking/jogging paths and the extension of the bicycle/pedestrian system along all public streets within the development;

2. The provision of bicycle racks or storage facilities in recreational, commercial and multi-family residential areas;

3. The location of bus stops, shelters, and other passenger and system accommodations for a transit system to serve the project area, to specifications of the appropriate Lee County agencies;

4. The use of energy-efficient features in window design (e.g., tinting and exterior shading), and use of operable windows and ceiling fans in residential units;

5. The installation of energy-efficient appliances and equipment;

6. The prohibition of deed restrictions or covenants that would prevent or unnecessarily hamper energy conservation efforts (e.g., building orientation, clotheslines, and solar water heating systems);

7. The minimum necessary coverage by asphalt, concrete, rock, and similar substances in streets, parking lots, and other areas to reduce local air temperatures and reflected light and heat, as determined by the Lee County Department of Community Development;

8. The installation of energy-efficient lighting for streets, parking areas, and other interior and exterior public areas;

~~9. The installation of water closets with a maximum flush of 3.5 gallons and shower heads and faucets with a maximum flow rate of 3.0 gallons per minute (at 60 pounds of pressure per square inch) as specified in the Water Conservation Act, §553.14, Florida Statutes.~~

9.~~10.~~ The selection, installation and maintenance of native plants, trees, and other vegetative and landscape design features that can be shown to reduce requirements for water, fertilizer, maintenance, and other needs, compared to non-native exotic plant species;

10.~~11.~~ The planting of native shade trees for each residential unit, and to provide shade for all streets, parking areas, and recreation areas;

11.~~12.~~ The placement of trees to provide shade in the warmer months while not overly reducing the benefits of sunlight in the cooler months;

12.~~13.~~ The orientation of structures, to reduce solar heat gain by walls and to utilize the natural cooling effects of the wind;

13.~~14.~~ The provision for structural shading (e.g., trellises, awnings, and roof overhangs) wherever practical when natural shading cannot be used effectively;

14.~~15.~~ The inclusion of porch/patio areas in residential units whenever possible;

15.~~16.~~ The establishment of an architectural review committee and consideration by the project architectural review committee(s) of energy conservation measures (both those noted here and others) to assist builders and tenants in their efforts to achieve greater energy efficiency in the development and compliance with Conditions B.1 through B.15;

16.~~17.~~ Developer will strive to use innovative irrigation technology, such as drip irrigation, moisture sensors, and micro spray heads to reduce irrigation water use;

17.~~18.~~ Site development shall strive to comply with the Florida Green Building Coalition Certification Standards or equivalent green building standards;

18.~~19.~~ All thermostats installed in any structure shall be programmable;

19.~~20.~~ Lighting for streets, parking, recreation and other public areas shall include energy efficient fluorescent lighting with electronic ballasts or light-emitting diode technology, photovoltaics, low voltage lighting, motion sensors and/or timers on lighting and full cut-off luminaries in fixtures that comply with the International Dark-Sky Association standards;

20.~~21.~~ All recreational areas as well as the integrated sidewalks, trails, and paths shall include native shade trees where design allows;

21.~~22.~~ Cool roofing material (roofing materials with a high solar reflectance value) will be used on all newly constructed commercial structures. Green roofs shall be evaluated at the time of building design; and

22.~~23.~~ The above conditions shall be reported in the biennial monitoring report.

C. FLOOD PLAIN/HURRICANE EVACUATION

1. The developer must establish a homeowner's association to provide a program of education and information to the residents. This program will include the risks of environmental hazards, actions to be taken in the event of an evacuation, and actions necessary to mitigate the dangers posed by environmental hazards such as hurricanes.

2. The developer must establish a hotel/motel emergency management program to educate and inform the clientele. This program will include the subject matter described in Condition C.1 above.

3. The developer must contact the Lee County Disaster Preparedness Director to discuss the designation and use of certain non-residential areas as an alternative public emergency shelter.

4. All finished floor levels within the development must be at a minimum elevation of 17 feet NGVD.

D. TRANSPORTATION

1. The traffic impact assessment upon which this Development Order for Alico Interchange Park is based, assumes a maximum generation of 4,489 peak hour external trips at build out.

2. A biennial monitoring program to be performed by traffic engineers engaged by the developer must be established to monitor the development's impact upon the area's roadways. The monitoring program must be designed in cooperation with the Lee County Department of Transportation and Engineering, which will determine specific information needed, frequency of information gathered, critical roadway points, and any other necessary information. At minimum, the Biennial Monitoring Report must contain:

(a) average daily and PM peak-hour traffic counts with turning movements at the following intersections:

(1) All project access points onto Alico Road, Three Oaks Parkway (Corlico Parkway) and Winged Foot Drive (Ohio Boulevard);

(2) Three Oaks Parkway (Corlico Parkway) at Corkscrew Road, Pittsburgh Boulevard, and Winged Foot Drive (Ohio Boulevard);

(3) Oriole Road at Alico Road;

(4) U.S. 41 at Alico Road;

(5) U.S. 41 at Gladiolus Drive/Ben C. Pratt/Six Mile Cypress Parkway;

(6) Colonial Boulevard at all I-75 ramps;

(7) Daniels Parkway at all I-75 ramps; and

(8) State Route 82 at all I-75 ramps.

(b) a level of service analysis on the following significantly impacted road segments:

(1) U.S. 41 from Alico Road to Island Park Road;

(2) U.S. 41 from Island Park Road to Briarcliff Road;

(3) U.S. 41 from Briarcliff Road to Gladiolus Drive/Ben C. Pratt/Six-Mile Cypress;

(4) I-75 from Colonial Boulevard to State Route 82;

(5) Corkscrew Road - from Three Oaks Parkway to I-75; and

(6) Colonial Boulevard from Six Mile Cypress Parkway to Forum Boulevard.

The developer or his representative must submit the first monitoring report to the Lee County Engineer, the Southwest Florida Regional Planning Council and the Florida Department of Transportation one year after the issuance of the first certificate of occupancy for Alico Interchange Park DRI. Reports will then be submitted to the agencies listed above each year until build out of Alico Interchange Park DRI. Actual build out will occur when the developer has constructed the maximum number of dwelling units and commercial area permitted by the Development Order. Declared build out would occur if the developer formally declared in writing to the County Administrator that no more units or commercial area will be constructed despite the fact that less than the permissible maximum had been built to date. The purpose of this program is to (a) determine whether the traffic levels projected in the Traffic Impact Statement for Alico Interchange Park are exceeded by actual traffic; and (b) assist Lee County in determining the proper timing of necessary roadway improvements.

3. During each phase of development, the developer must construct, at no cost to Lee County, all improvements deemed necessary by the Lee County Engineer at the project's access points onto Alico Road, Three Oaks Parkway (Corlico Parkway), and Winged Foot Drive (Ohio Boulevard), including those necessary to accommodate the specific access configurations listed below.

The developer must also construct, at no cost to Lee County, all improvements deemed necessary by the Lee County Engineer to interconnect DRI internal roads with Oriole Road, Winged Foot Drive (Ohio Boulevard), and Pittsburgh Boulevard.

The developer's obligation for these improvements must include the full costs of design/engineering, utility relocation, right-of-way acquisition, construction of turn lanes, acceleration and deceleration lanes, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization and construction schedule for these improvements must be approved by the Lee County Engineer.

In order to maintain efficient traffic operation in the I-75/Alico Road interchange area, no direct access to Alico Road will be allowed between the I-75 interchange and Three Oaks Parkway (Corlico Parkway).

Unless additional access is approved by the Director of Lee County Department of Transportation, access from the project shown on Map H to Alico Road and Three Oaks Parkway is approved and will be permitted as follows:

(a) The access to the site to and from Alico Road will include a median opening that will accommodate all turning movements, and signalization if warranted. If the Traffic Impact Statement (TIS) submitted for the local development order demonstrates that a signal is warranted, then the signal will be built as part of the access construction.

(b) The north and south accesses from Three Oaks Parkway to and from the ~~commercial site~~ Three Oaks 106 RPD west of Three Oaks Parkway and the commercial property east of Three Oaks Parkway will be right-in/right-out accesses only.

(c) The middle access from Three Oaks Parkway to and from the ~~commercial site~~ Three Oaks 106 RPD west of Three Oaks Parkway and the commercial property to the east of Three Oaks Parkway will be a full median opening that will accommodate all turning movements and signalization, if warranted. Notwithstanding, the County retains the right to modify the median cut and remove the signal if the median cut or signalization presents a threat to public health, safety and welfare.

(d) The intersection of Winged Foot Drive and Three Oaks Parkway will include a median opening that will accommodate all turning movements.

(e) All other accesses to the project will be as depicted on Map H.

The developer is not eligible for credits against roads impact fees for construction or dedication of right-of-way associated with the specific improvements listed in Condition D.3 above because they are site-related as defined in the Lee County Roads Impact Fee regulations.

4. The developer is responsible for:

(a) Dedicating, at no cost to Lee County, sufficient right-of-way to provide a total of one hundred (100) feet of right-of-way for Three Oaks Parkway (Corlico Parkway) from Alico Road to the southern boundary of the DRI[3]; and

(b) Constructing an additional two lanes to Three Oaks Parkway (Corlico Parkway) from Alico Road to the southern boundary of the DRI when deemed necessary by the Lee County Engineer to maintain the adopted level of service prior to build out of Alico Interchange Park; and

[3]This requirement has been satisfied.

(c) Providing all intersection improvements deemed necessary by the Lee County Engineer as a result of the development of Alico Interchange Park at the intersection of Alico Road and Three Oaks Parkway (Corlico Parkway) during build out of Alico Interchange Park.

At a minimum, the developer must provide, at no cost to Lee County, the following improvements at the intersection of Three Oaks Parkway (Corlico Parkway) with Alico Road: on the Three Oaks Parkway (Corlico) approach to Alico Road, dual left-turn lanes, and a free flow right-turn lane with a full acceleration lane on Alico Road. These improvements are necessary due to the traffic generated by Alico Interchange Park DRI. The timing of these improvements will be established by the Lee County Engineer. The developer's obligation for these improvements includes the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization, and construction schedules for these improvements must be approved by the Lee County Engineer.

Road impact fee credits will be issued for construction and any additional right-of way dedication associated with the widening of Three Oaks Parkway from 2 lanes to 4 lanes, including the intersection improvements required at Three Oaks Parkway and Alico Road in conjunction with this widening, in accordance with the Roads Impact Fee regulations in effect at the time the developer applies for the credits. [The issuance of road impact fee credits for this improvement is appropriate because it is in the 5 year CIP of 2000 and considered a class one road.] For dedication purposes, the value of the land will be established as of the date the Lee County Engineer determines the widening is necessary to maintain the adopted level of service. Improvements to Three Oaks Parkway have also been identified in the MPO 2020 Financially Feasible Plan as a means to relieve traffic volumes on I-75.

5. The developer must: (a) dedicate a total of eighty (80) feet of right-of-way for the extension of Winged Foot Drive (Ohio Boulevard) from Oriole Road to Three Oaks Parkway (Corlico Parkway); and (b) construct the two-lane extension of Winged Foot Drive (Ohio Boulevard) from Oriole Road to Three Oaks Parkway (Corlico Parkway).

The developer's obligation for these improvements includes the full costs of design/engineering, utility relocation, right-of-way acquisition, construction, construction inspection, contract administration, testing, and signalization (as needed). If the developer is not able to acquire the necessary right-of-way, he may enter into an agreement with Lee County to reimburse all costs incurred by Lee County in a condemnation action necessary to acquire this land. The alignment, design, signalization and construction schedule for these improvements must be approved by the Lee County Engineer.

Credits against roads impact fees for construction and right-of-way dedication associated with this extension of Winged Foot Drive (Ohio Boulevard) will be granted in accordance with the Roads Impact Fee regulations in effect at the time credits are claimed. No credit against roads impact fees may be granted for right-of-way dedication in excess of the eighty (80) feet required in Condition D.5.

6. In accordance with the traffic impact analysis prepared for the second development order amendments the total proportionate share obligation for the development of the Alico Interchange Park DRI through 2005 is $10,484,427.[4] The proportionate share payment was made by the Developer on November 20, 2005, pursuant to a Developer Agreement entered into on November 15, 2005. In accordance with the revised land use parameters approved by this Seventh Amended Development Order, which results in a 58% reduction in net new external trips for the Project, traffic mitigation for the DRI must be met through the payment of road impact fees. Accordingly, the Developer Agreement was terminated on November 15, 2016, and converted the previous lump sum payment of the development's proportionate share obligation (as adjusted) to impact fee credits pursuant to LDC Section 2-275.

~~7. The Developer Agreement on November 15, 2005, that provides for a lump sum payment of the development's proportionate share obligation (as adjusted) in exchange for concurrency vesting until 2018 for the build-out level of development up to a maximum of 4,489 peak hour internal trips. The project may not exceed a maximum of 4,489 peak hour external trips without further DRI review and approvals.~~

7~~8~~. Nothing contained in this Development Order may be construed to exempt this development from participation in the funding, through Municipal Services Taxing or Benefit Units or other special assessment districts, of improvements to various State and County arterial and collector roads to the degree that this development generates demand or is benefited.

E. RESIDENTIAL DENSITY

1. Residential development is limited to a maximum total of 1,200~~800~~ units in the mix identified in Exhibit A, except as provided in the following paragraph.

2. The Lee Plan does not allow residential density in the area of this development to exceed 6.0 units per acre without the use of "bonus" provisions for low and moderate income housing. The oval-shaped residential area shown on the Master Concept Plan and bounded by Winged Foot Drive, Three Oaks Parkway (Corlico Parkway), Pittsburgh Boulevard, and the new road parallel to Three Oaks Parkway (Corlico Parkway), is an appropriate location for bonus density units in the event the developer applies and qualifies for such additional units in the future, as the potential density would be compatible with the intensity of the surrounding land uses. The developer may apply for bonus density units. In order to qualify for bonus density units in the future, the developer must amend ~~his~~ this DRI development order, the zoning approvals ~~approval~~ and comply with all other Lee County requirements. Bonus density may only be granted to the extent permitted by the Lee Plan and Housing Bonus Density Ordinance in effect at the time of approval of bonus density units.

3. The 106± acre parcel (referred to as the "Three Oaks 106 RPD") located at the southwest corner of Alico Road and Three Oaks Parkway is approved for a maximum of 400 dwelling units, consisting of single-family, two-family attached, and townhome dwelling units.

F. EDUCATION

1. The original DRI Development Order required the dedication of a 10-acre school site or fee-in-lieu for Alico Interchange Park.[5] That dedication is revised so that:

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[4] ~~The proportionate share payment requirement has been satisfied.~~

[5] This condition has been satisfied.

(a) Instead of 10 acres or fee-in-lieu for Alico Interchange Park, the dedication must 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 must construct an east bound left turn lane from Koreshan Boulevard onto Cypress View Drive, and Cypress View Drive must be extended to connect Koreshan Boulevard to Three Oaks Elementary School. The access improvements must be completed no later than 18 months after the effective date of the First Development Order Amendment.

(b) Consistent with the requirements of §380.06(16)(b), Florida Statutes, the developer is 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.

2. The developer must provide school bus stops within the project, in conjunction with the roadway phasing. Design features and specific locations are to be determined by the Lee County School Board and the developer as part of the local development order process for each appropriate phase.

G. FIRE PROTECTION

1. The original development order approval required the developer to donate to the Lee County Board of County Commissioners, for shared use by the Sheriff's Department, Emergency Medical Service and the San Carlos Fire District, a 2.7+/- acre Sheriff's Substation/EMS Substation/Fire Station site to be known as the emergency services site. It has been determined that this site is no longer necessary to meet the public safety needs generated by the project. Therefore, the donation is no longer required and this site has been removed from amended Map H attached hereto as Exhibit B. Also, a total of $58,412 (or a contribution of equal or greater value, acceptable to the fire district) must be provided to the fire district. The size, location, and timing of any monetary contribution must be negotiated with and satisfactory to the San Carlos Fire District. For any payment that is deferred, the amount due upon eventual payment should be the original amount adjusted for changes in the Construction Price Index (C.P.I.) published by the Engineer News Record (McGraw-Hill Publications). Such donation and payment must be made no later than the developer's first biennial report, unless a binding contract between the developer and the District agreeing to a different schedule is executed. The developer must provide a copy of any such agreement to the Department of Community Development. If this payment has not been made in a timely manner, no further building permits will be issued until payment is made, including 10% interest per annum.

2. If the height of any buildings in the development exceeds three (3) habitable stories, or if other construction styles or occupancy types so warrant, the developer must purchase ladder trucks and other equipment deemed necessary for this specialized fire protection by the San Carlos Fire District, and donate said equipment to the District.

3. Consistent with the requirements of §380.06(16), Florida Statutes, and if allowed by and pursuant to the applicable ordinances, or if required by law, the developer is 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 G.1. and G.2.

4. The aforesaid impact fee credits will be established, in the case of fire and EMS, at the time the contribution is made.

H. HEALTH CARE

The developer must designate a site to be used by Lee County Emergency Medical Services as an emergency helicopter landing site. The site should have road frontage and be free of aerial obstacles, and is subject to the approval of Lee County Emergency Medical Services.

I. RECREATION AND OPEN SPACE

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 consists 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.[6]

2. There must be no reduction in open space relative to the original DRI Development Order approvals. The development must consist of no less than 86.36 acres of open space excluding lakes.

J. VEGETATION AND WILDLIFE/WETLANDS

1. All lake bank slopes must be constructed with broad littoral zones not steeper than 6:1 to a depth of 4 feet below the dry season water table. These littoral areas must be planted with native vegetation (with a total cattail population of not more than 20 percent); if the survival rate of the native vegetation after one year is less than 80 percent, replanting will be required. These requirements apply also to the existing borrow pit just north of the wellfield.

2. The developer must prepare a proposal for a long-term exotic vegetation control program. The Lee County Department of Community Development must review this proposal, and either accept or reject the plan, with the basis of any rejection clearly stated. The developer or his successors are responsible for the implementation of this program for those portions of the subject property that have not been conveyed to their final users. This proposal must be submitted with the developer's first biennial report.

3. The developer must coordinate construction of bird roosting areas within the southern lake system with the Florida Wildlife Commission (FWC) in order to ensure improved wildlife habitats.

4. The developer or his successor(s) must utilize a strong native landscaping program throughout the project, with an effort to save and/or create native upland habitat. This program must be submitted to the Lee County Department of Community Development. The Department must review this proposal, and either accept or reject the plan, with the basis of any

[6] This condition has been satisfied.

rejection clearly stated. This plan must be submitted as part of the local development order process for each phase.

5. Prior to site development preparation activity, a Florida Fish and Wildlife Conservation Commission gopher tortoise permit must be obtained.[7] ~~The developer or his successor(s) shall provide a 7.8± acre gopher tortoise recipient area along the western property boundary. All gopher tortoise burrows located within the development footprint will be excavated and the resident gopher tortoises relocated into the 7.8± acre gopher tortoise recipient area. The submitted Lee County Indigenous Area Management Plan contains the gopher tortoise relocation plan. This plan shall be submitted as part of the local development order process for each phase.~~

K. WATER SUPPLY

The Wellfield protection regulations set forth in Lee County Land Development Code Chapter 14 will be used to establish groundwater travel times applicable to providing protection to the potable water wellfields operated by Gulf Utility Company located in easements on this property. The following special conditions apply:

1. The developer must install and maintain a dual piping system for those parts of the project outside the 100-day travel time contour, in order to provide properly treated wastewater effluent to meet irrigation requirements. Any such system should meet all relevant requirements and standards of the South Florida Water Management District, the Florida Department of Environmental Regulation, Lee County, and other pertinent agencies.

2. Within the 100-day travel time contour of the potable water wellfield, the following additional regulations apply:

(a) No spray irrigation, or other disposal method for sewage effluent may be conducted;

(b) Lakes may not be excavated closer than four (4) feet to the limestone portion of the aquifer, as determined by test borings submitted to the Division of Environmental Services at the time of final plan approval;

(c) If the limestone is encountered during excavation, it must be covered with four (4) feet of clean sand; and

(d) Bulk storage of fuels or pesticides, gasoline stations, and sewage effluent disposal ponds are not permitted.

3. Irrigation withdrawals from surface or ground water resources are only permitted for those parts of the project inside the 100-day travel time contour.

4. The use, generation, or storage of hazardous materials within the 210-day travel time contour of the wellfield is hereby prohibited in order to protect the potable water wellfield.

5. For those areas within the proposed project that are outside the 210-day travel time contour, any use, generation, or storage of hazardous materials should be preceded by

[7] The area previously identified as a gopher tortoise recipient area has been determined to be unnecessary.

the development and approval (by appropriate agencies) of containment features, as well as an emergency response plan in the event a spill occurs.

6. Any gasoline station must be located the maximum distance from the wellfield, and designed with an extra bentonite (or comparable) liner outside of the tank to prevent any potential contaminant from entering the aquifer. Monitoring wells must be constructed around such facilities to check the quality of the groundwater on a regular basis.

7. Water Conservation

(a) Low Flow Fixtures: Low volume plumbing fixtures will be installed in all new homes and businesses. The plumbing fixtures will comply with the following maximum flow volumes at 80 psi:

Toilets: 1.6 gallons per flush
Shower heads: 2.5 gallons per minute
Faucets: 2.5 gallons per minute

(b) Drought-Tolerant Landscaping: The use of native landscaping and the Florida Yards and Neighborhoods Program principles will be incorporated throughout the project site.

(c) Reuse Water: If available at the time of development permitting, irrigation water will utilize reclaimed water produced by the water reclamation facility. During times when irrigation demand exceeds reclaimed water supply, irrigation water will be derived from the on-site lake system. The lake system will be replenished with ground water derived from Floridian aquifer wells.

8. Leak Detection Program: Reports of water leaks will be directed to personnel during business hours. Site tours and routine maintenance personnel trips along water supply and distribution lines will also be conducted. On a monthly basis, customer metered usage will be compared to the master meter reading.

9. Irrigation System Design: Rain sensors and/or soil moisture sensors are required for irrigation systems within the project site in order to preclude irrigation during rainfall events. The project will install low flow irrigation systems for common areas.

10. Fertilization Program: Written fertilization guidelines will be developed that establish standards for all common area fertilization and guidelines for individual property owners. The guidelines will comply with SWFRPC Resolution 2007-1. The program will be based on the results of soil samples, water sources, drainage patterns, and the landscape planned. This program will be designed to provide sufficient nutrition to sustain density and vigor for the landscape plantings intended for the community that will enhance their resistance to disease, weeds, and insects. Education of residents and landscape maintenance contractors will be included in the program. The program standards will include an annual schedule for applications of controlled release and slow release fertilizers. The program will also identify appropriate buffer requirements for all areas on the site with respect to wetlands and all natural or created bodies of water.

11. The proposed water treatment and distribution and wastewater collection and treatment systems will be designed consistent with County standards. The project wastewater management will plan to comply with SWFRPC Resolution 2007-02.

12. All potable water facilities will be properly sized to supply average and peak day domestic demand, in addition to fire flow demand, at a flow rate approved by the County Fire Department.

13. The lowest quality of water available and acceptable shall be utilized for all non-potable water uses.

14. The applicant will establish water and wastewater services with Lee County Utilities ~~for the Three Oaks Regional Planning Center~~ within the Alico Interchange Park DRI.

L. PHASING

The development phasing schedule attached to this document as Exhibit A is hereby incorporated as a condition of approval of this Development Order. The Development Order conditions and applicant commitments based upon and incorporated the Application for Development Approval, sufficiency documents, NOPC applications and amended Development Order are intended to mitigate regional impacts. If these conditions and commitments are not generally carried out as indicated, to the extent or in accord with the timing schedules specified within this Development Order and phasing schedule, then a substantial deviation for the affected regional issues will be deemed to have occurred.

~~M. AFFORDABLE HOUSING[8]~~

~~1. To satisfy the project's affordable housing impacts cumulatively the applicant shall contribute $90,258 to Lee County's Affordable Housing Trust Fund. The payment will be due and payable contemporaneously with obtaining the first building permit for any commercial portion of the CPD zoned property (Three Oaks Regional Center) in excess of the original 750,000 square feet of office and 146,000 square feet of retail.~~

~~N~~M. STORMWATER MANAGEMENT

1. All internal storm water management lakes and ditches, and any on-site preserved/enhanced wetland areas, shall be set aside as recorded drainage and/or conservation easements granted to the South Florida Water Management District. Stormwater lakes shall include, where practical, adequate maintenance easements around the lakes, with access to a paved roadway.

2. Any silt barriers and any anchor soil, as well as accumulated silt, shall be removed upon completion of construction. Either the Developer or the entities responsible for the specific construction activities requiring these measures shall assume responsibility for having them removed upon completion of construction.

3. Any shoreline banks created along the on-site stormwater management system shall include littoral zones constructed on slopes consistent with South Florida Water

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[8] ~~The conversion of the Three Oaks Regional Center to residential by the Seventh Amended Development Order has rendered this condition inapplicable.~~

Management District ("SFWMD"), Florida Department of Environmental Protection ("FDEP"), and Lee County requirements and shall be planted in native emergent or submergent aquatic vegetation. The Developer shall ensure, by supplemental replanting as necessary, that at least 80% cover by native aquatic vegetation is established within the littoral zone planting areas for the duration of the project.

4. The Developer shall conduct annual inspections in accordance with the conditions of the approved SFWMD Environmental Resource Permit ("ERP"), and any preserved/enhanced wetland areas on the project site so as to ensure that these areas are maintained in keeping with the final approved designs, and that the water management system is capable of accomplishing the level of stormwater storage and treatment for which it was intended.

5. The Developer shall undertake a regularly scheduled vacuum sweeping of all common streets and parking areas within the project. The Developer shall encourage any private parcel owners within the development to institute regularly scheduled vacuum sweeping of their respective streets and/or parking areas.

6. Design considerations will be given to ditch and swale slopes, where practical, so that these facilities may provide some additional water quality treatment prior to discharge. Treatment swales shall be planted with vegetation as reviewed and approved during the ERP approval process.

7. Any debris that may accumulate in project lakes, ditches or swales, or which may interfere with the normal flow of water through discharge structures and under drain systems, shall be cleaned from the detention/retention areas on a regular basis. Any erosion to banks shall be repaired.

8. Grease baffles shall be inspected and cleaned and/or repaired on a regular basis. In no instance shall the period between such inspections exceed eighteen months.

9. The master stormwater management system will be maintained by the Developer or legal assignee.

~~O~~N. HISTORICAL AND ARCHAEOLOGICAL

If any archaeological/historical sites are discovered during the development activities, all work that might cause damage to such sites shall cease immediately, and the Developer shall contact the State Division of Historical Resources ("DHR"), SWFRPC, and Lee County so that a state-certified archaeologist can determine the significance of the findings and recommend appropriate preservation and mitigation actions, as necessary.

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER, AND ADMINISTRATIVE REQUIREMENTS

1. Resolution. This Development Order constitutes the response of the Board to the Development of Regional Impact Application for Development Approval and subsequent NOPC applications filed for Alico Interchange Park DRI.

2. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the developer in the Application for Development Approval, subsequent NOPC

applications and supplementary documents and not in conflict with conditions or stipulations specifically enumerated, above are hereby incorporated into this Development Order by reference.

3. Binding Effect. This Development Order is binding upon the developer and their heirs, assignees or successors in interest. Those portions of this Development Order that clearly apply only to the project developer, including but not limited to the initial construction of capital facilities, may not be construed to be binding upon future residents of single dwelling units. It will be binding upon any builder/developer who acquires any tract of land within Alico Interchange Park that would allow the construction of commercial facilities or more than one residential unit on such tract.

4. Reliance. The terms and conditions set out in this document constitute a basis upon which the developer and County may rely in future actions necessary to implement fully the final development contemplated by this Development Order.

5. Enforcement. All conditions, restrictions, stipulations, and safeguards contained in this Development Order may be enforced by either party hereto by action at law or equity, and all costs of such proceedings, including reasonable attorney's fees, will be paid by the defaulting party. Conditions B (Energy) number ~~17~~16 through ~~23~~24, J (Vegetation And Wildlife/Wetlands) number 5, K (Water Supply) number 7 through 14, N (Storm Water Management) number 1 through 9, and O (Historical and Archaeological), as set forth in the Seventh ~~Fifth~~ Amendment to the Development Order, will apply only to the Three Oaks 106 RPD located at the southwest corner of Alico Road and Three Oaks Parkway. ~~CPD zoned property (Three Oaks Regional Center) located west of Three Oaks Parkway and south of Alico Road.~~

6. Successor Agencies. Any reference herein to any governmental agency will be construed to mean any future instrumentality that may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of any referenced governmental agency in existence on the effective date of this Development Order.

7. Severability. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.

8. Applicability of Regulations. The approval granted by this Development Order is limited. Such approval may not be construed to obviate the duty of the applicant to comply with all applicable local or state review and permitting procedures, except where otherwise specifically provided. Such approval does not obviate the duty of the applicant to comply with any applicable ordinances or other regulations adopted after the effective date of this Development Order.

9. Further Review. Subsequent requests for local development permits will not require further review pursuant to §380.06, Florida Statutes, unless it is found by the Board of County Commissioners, after due notice and hearing, that one or more of the following is present:

(a) A substantial deviation from the terms or conditions of this Development Order, or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts not evaluated in the review by the Southwest Florida Regional Planning Council; or

(b) An expiration of the period of effectiveness of this Development Order as provided herein; or

(c) Any other requirements of Chapter 380, Florida Statutes, that would require additional review.

Upon a finding that any of the above are present, the Board will order a termination of all development activity until such time as a new DRI Application for Development Approval has been submitted, reviewed and approved in accordance with §380.06, Florida Statutes, and all local approvals have been obtained.

The established build out date is April 20, 2022 ~~2017~~. ~~Based upon the conditions applicable to approval of the second DRI development order amendment, extensions~~ Extensions of the build out date beyond April 20, 2022, ~~2017~~ may be subject to further development-of-regional-impact review pursuant to F.S. §380.06(19). ~~Subject to the Developer Agreement referred to in Section II.D.7, the developer may be required to submit a cumulative traffic reanalysis and address mitigation of additional traffic impacts identified by the reanalysis in accordance with Condition II.D.7.~~ -For the purpose of calculating when a build out date has been exceeded, the time will be tolled during the pendency of administrative and judicial proceedings relating to development permits.

10. Assurance of Compliance. The Administrative Director of the Lee County Department of Community Development or his/her designee is the local official responsible for assuring compliance with this Development Order.

11. Biennial Reports. The developer, or his successor(s) in title to the undeveloped portion of the subject property, must submit a report biennially to the Lee County Board of County Commissioners, the Southwest Florida Regional Planning Council, the State land planning agency, and all affected permit agencies. This report must describe the state of development and compliance as of the date of submission, and be consistent with the rules of the State land planning agency. The biennial report must contain information as specified in Exhibit D. The first monitoring report must be submitted to the Administrative Director of the Department of Community Development not later than November 1, 1987. Subsequent reports must be submitted no later than November 1st of every other calendar year. Failure to comply with this reporting procedure is governed by §380.06(18) Florida Statutes, and the developer must so inform any successor in title to any undeveloped portion of the real property covered by this Development Order. This condition will not be construed to require reporting from residents or successors of individual home sites, or dwelling units.

12. Protection of Development Rights. The development will not be subject to down-zoning, unit density reduction, or intensity reduction, until ~~April 20, 2013~~ April 20, 2017~~22~~, unless the County demonstrates that substantial changes have occurred in the conditions underlying the approval of this Development Order including, but not limited to, such factors as a finding that the Development Order was based on substantially inaccurate information provided by the developer, or that the change is clearly established by local government to be essential to the public health, safety, and welfare.

13. Transmittal and Effective Dates. Certified copies of this Development Order will be forwarded to the Southwest Florida Regional Planning Council, the developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal, but will not be effective until the expiration of the statutory appeals period (45 days from rendition) or until the completion of any appellate proceedings, whichever time is greater. Upon this Development Order

becoming effective, notice of its adoption must be recorded in the Office of the Clerk of the Circuit Court by the developer, as provided in §380.06(15), Florida Statutes.

Commissioner Hamman made a motion to adopt the foregoing seventh~~sixth~~ amendment, seconded by Commissioner Kiker. The vote was as follows:

John Manning	Aye
Cecil Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Franklin Mann	Aye

DULY PASSED AND ADOPTED this 16th day of November, 2016.

ATTEST:
LINDA DOGGETT, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
John Manning, Chair

Approved as to form for the
Reliance of Lee County Only

By: _____
Neysa Borkert
Assistant County Attorney

Exhibits:
A. Phasing Schedule
B. Amended Map H (reduced copy)
C. Legal Description
D. Biennial Monitoring Report Guideline

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EXHIBIT A

SUMMARY OF PROPOSED DEVELOPMENT PROGRAM
AND PHASING SCHEDULE*

ALICO INTERCHANGE PARK DRI

Land Use	**Build out 2022 ~~2017~~**
Single-Family	867 ~~467~~ d.u.**
Multi-Family	333 d.u.
Hotel	400 rooms
~~Office/~~Retail	550,000 ~~1,896,000~~ sq. ft.

*The ~~Sixth~~ Seventh Amendment to the DRI Development Order contemplates one phase ending on ~~April 20, 2017~~ April 20, 2022.

~~** The 1,896,000 square feet of combined office/retail square footage includes up to a maximum of 696,000 square feet devoted to retail uses.~~

**Includes single-family and two-family attached dwelling units.

RESIDENTIAL PLANNED DEVELOPMENT LAND USE (WITHOUT BONUS DENSITY)		
RESIDENTIAL		
SINGLE FAMILY / TWO FAMILY ATTACHED	867 UNITS	
MULTI- FAMILY	333 UNITS	
TOTAL:	1200 UNITS	± 270.4 AC

COMMERCIAL PLANNED DEVELOPMENT LAND USE		
COMMERCIAL		± 75 AC
HOTEL / MOTEL	400 UNITS	
RETAIL & OUTPARCEL	470,000 SF	
OTHER RETAIL	80,000 SF	
TOTAL:	550,000 SF & 400 HOTEL UNITS	

GRAND TOTAL: 345.4 AC

Approved as Exhibit B
Map H Page 1 of 1
Resolution # Z-16-002



Barraco and Associates, Inc.
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PHONE (239) 461-3170
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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7695 - SURVEYING LB-6940

PREPARED FOR

PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134
PHONE (239) 498-7711
FAX (239) 498-7707
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

THREE OAKS REGIONAL CENTER

LEE COUNTY, FLORIDA

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FILE NAME	23329-MAPH.DWG
LOCATION	J:\2332\DWG\ZONING\MAPH
PLOT DATE	TUE, 5-17-2016 - 8:08 AM
PLOT BY	JENNIFER BAREH

CROSS REFERENCED DRAWINGS

BASEPLAN = 23329-ZON.DWG

PLAN REVISIONS

PLAN STATUS

EXHIBIT B

MAP H
THREE OAKS
REGIONAL CENTER

PROJECT / FILE NO.	SHEET NUMBER
.	1

EXHIBIT C

Legal Description

A parcel of land lying in part of Section 10, Township 46 South, Range 25 East, Lee County, Florida, being more particularly described as follows:

Commencing at the Northwest Corner of Section 10; thence run S.1° 15' 49" E. along the West line of the Northwest Quarter (N.W. ¼) of said Section 10 for 50.00 feet to the point of beginning; thence run N.89° 22' 49" E. along the southerly right of way of Alico Road for 244.41 feet; thence run S.74° 28' 23" E. for 141.38 feet; thence run S.85° 16' 39" E. for 201.00 feet; thence run S.87° 24' 43" E. for 400.78 feet; thence N.89° 00' 43" E. for 400.00 feet; thence run S.87° 25' 17" E. for 225.04 feet; thence run N.89° 00' 43" E. for 296.95 feet; thence run S.87° 10' 27" E. continuing along said southerly right of way of Alico Road for 493.03 feet; thence run S.58° 57' 34" E. along the westerly right of way line of the southbound I-75 entrance ramp for 204.08 feet; thence run S.30° 48' 27" E. for 1414.02 feet; thence run southeasterly for 737.74 feet on the arc of a curve concave westerly having a radius of 1543.02 feet (chord distance 730.72 feet; chord bearing S.17° 06' 38" E.); thence run S.3° 24' 50" E. for 225.00 feet; thence continuing along said right of way line of Highway I-75 run southeasterly for 260.98 feet on the arc of a curve concave easterly having a radius of 5823.58 feet to a point on the South line of the Northeast Quarter (N.E. ¼) of said Section 10 (chord distance 260.96 feet; chord bearing S. 4° 54' 53"); thence run S.89° 18' 02" W. along said South line for 835.53 feet to the Northeast corner of the Southwest Quarter (S.W. ¼) of said Section 10; thence run S.1° 23' 47" E. along the East line of said Southwest Quarter (S.W. ¼) for 2664.23 feet to the Southeast Corner of said Southwest Quarter (S.W. ¼); thence run S.89° 49' 38" W. along said South line for 2650.40 feet to the Southwest corner of said Section 10; thence run N. 1° 26' 04" W. along the West line of said Southwest Quarter (S.W. ¼) for 2641.04 feet to the Northwest Corner of said Southwest Quarter (S.W. ¼); thence run N. 1° 15' 49" W. along the West line of the Northwest Quarter (N.W. ¼) of said Section 10 for 2637.03 feet to the point of beginning.

Tract herein described contains 345.3 acres.

DRI
EXHIBIT D

Biennial MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report that must be submitted by the developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;

B. A summary comparison of development activity proposed and actually conducted for the year;

C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.

D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;

E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;

F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;

G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;

H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;

I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;

J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the biennial report. The Administrative Code requires that the annual report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

MASTER CONCEPT PLAN

FOR

THREE OAKS 106 RPD

RESIDENTIAL PLANNED DEVELOPMENT

PART OF SECTION 10, TOWNSHIP 46 SOUTH, RANGE 25 EAST
FORT MYERS, LEE COUNTY, FLORIDA

PROJECT DATA

SITE ADDRESS
THREE OAKS PARKWAY
FORT MYERS, FLORIDA 33967

PROJECT DATUM
FLORIDA STATE PLANE WEST ZONE (NAD1983/90)
NATIONAL GEODETIC VERTICAL DATUM (NGVD) 1929

ZONING
CURRENT: CPD
PROPOSED: RPD

RECORD PLAT
-

FLOOD ZONE
ACCORDING TO F.I.R.M. NO. 12071C0591F, MAP REVISED: AUGUST 28, 2008, THE PROPERTY IS LOCATED IN ZONE "X"

STRAP NUMBERS
10-46-25-00-00001.1010

PERMIT REQUIREMENTS

AGENCY	STATUS	NOTES
S. FLORIDA WATER MANAGEMENT DISTRICT	PENDING	-
LEE COUNTY DEVELOPMENT ORDER	PENDING	-
FLORIDA DEPARTMENT OF HEALTH	PENDING	-
FLORIDA DEPT. OF ENVIRONMENTAL PROTECTION	PENDING	-
F.D.O.T. CONNECTION PERMIT	PENDING	-
F.D.O.T. DRAINAGE CONNECTION PERMIT	PENDING	-
F.D.O.T. UTILITY PERMIT	PENDING	-
ARMY CORPS OF ENGINEERS	PENDING	-
F.D.E.P. NOTICE OF INTENT	PENDING	-

NOTE: CONTRACTOR MUST OBTAIN AND KEEP ON FILE A COPY OF ALL PERMITS REQUIRED PRIOR TO COMMENCEMENT OF ANY CONSTRUCTION ACTIVITY

DESIGN TEAM

PROJECT ENGINEER
CARL A BARRACO

PROJECT MANAGEMENT
CARL BARRACO, JR

DESIGN ENGINEER
TIM GAVIN

PROJECT SURVEYOR
SCOTT A. WHEELER, PSM

LEAD DESIGN TECHNICIAN
WES KAYNE

SITE PLANNING
ANGELICA CARLEY

DESIGN STAFF
JAN BILDZUKEWICZ

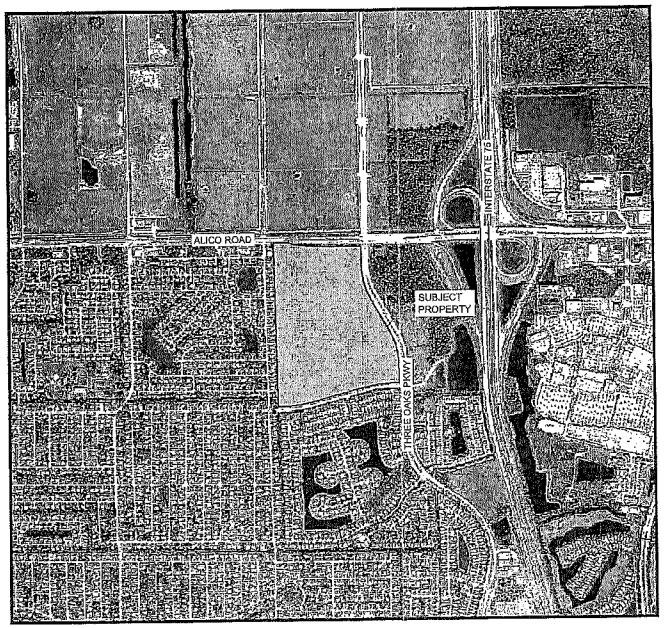
LANDSCAPE DESIGN
BY OTHERS

QUALITY CONTROL
CHRIS VAN BUSKIRK

LAND PLANNER
JENNIFER SAPEN

THESE PLANS MAY HAVE BEEN MODIFIED IN SIZE BY REPRODUCTION. THIS MUST BE CONSIDERED WHEN OBTAINING SCALED DATA.

ALL DIMENSIONS ARE IN FEET.



PROJECT LOCATION

N
W E
S

LOCATION MAP

0 500 1000 2000
SCALE IN FEET

811 KNOW WHAT'S BELOW ALWAYS CALL 811 BEFORE YOU DIG
www.sunshine811.com

INDEX OF DRAWINGS

SHEET	DESCRIPTION	XREF	DRAWING NAME
1	COVER SHEET AND LOCATION MAP	A	23329Z01.DWG
2	MASTER CONCEPT PLAN	B	23329Z02.DWG
3	DETAILS AND DEVIATIONS	-	23329Z03.DWG
4	OPEN SPACE AND INDIGENOUS PRESERVE MAP	B	23329Z04.DWG

CROSS-REFERENCED DRAWINGS:

XREF	DESCRIPTION	DRAWING NAME
A	AERIAL PHOTOGRAPH	PROJLOC2015.JPG
B	BASE PLAN	23329Z00.DWG

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MAR 22 2016
COMMUNITY DEVELOPMENT

DCI2015-00024

Approved as Exhibit C1
MCP Page 1 of 4
Resolution # Z-16-008

PLAN STATUS

NOT FOR CONSTRUCTION

EXHIBIT
tabbies
C1

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PREPARED FOR

Pulte Home

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WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

THREE OAKS 106 RPD

LEE COUNTY, FLORIDA

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FILE NAME	23329-Z01.DWG
LOCATION	J:\2332\DWG\DWG\
PLOT DATE	TUE, 3-22-2016 - 11:37 AM
PLOT BY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS
MASTER = BAI-COVER1.DWG

PLAN REVISIONS

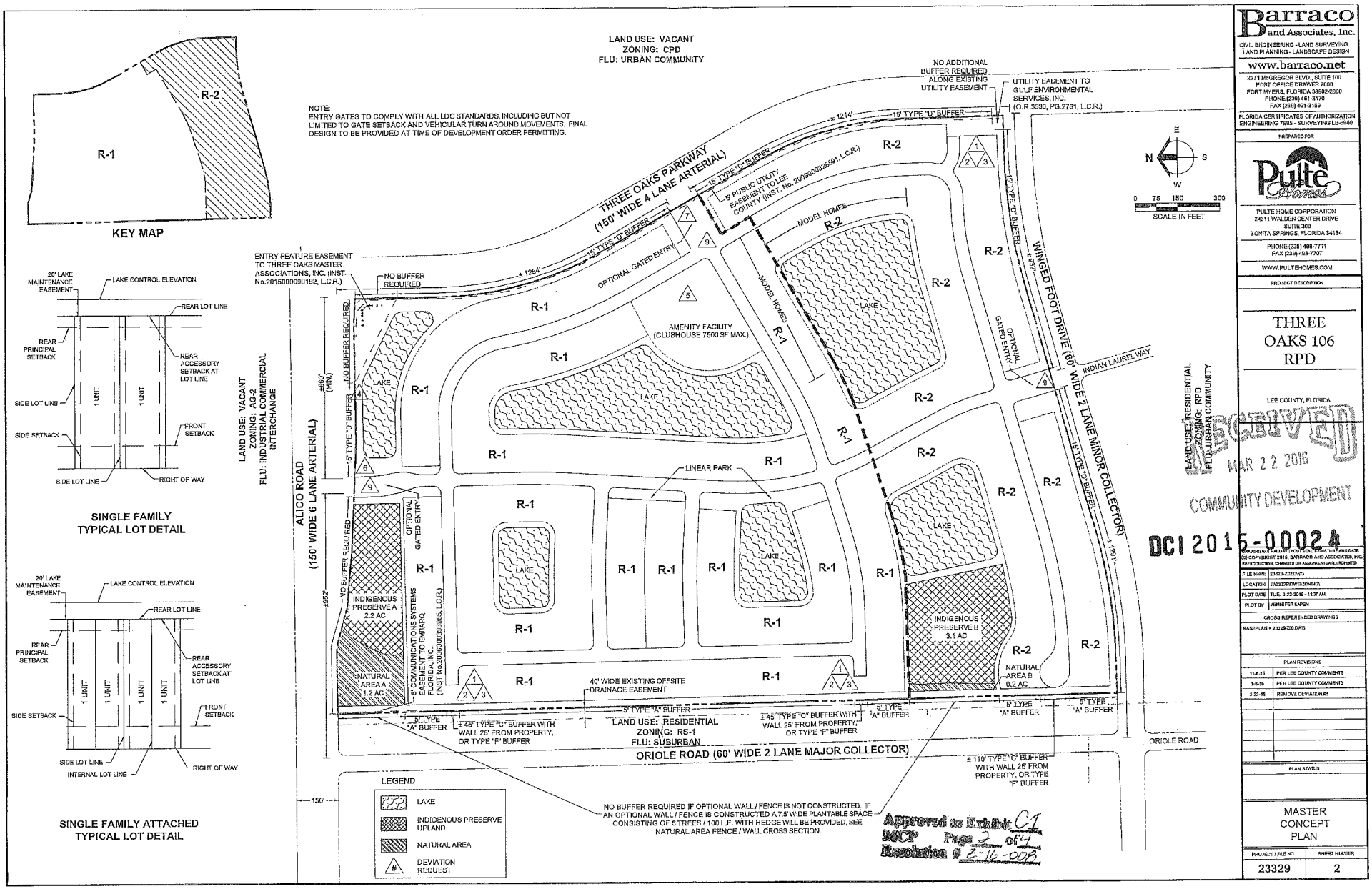
11-5-15	PER LEE COUNTY COMMENTS
1-8-16	PER LEE COUNTY COMMENTS
3-22-16	REMOVE DEVIATION #8

PLAN STATUS

NOT FOR CONSTRUCTION

COVER SHEET AND LOCATION MAP

PROJECT / FILE NO.	SHEET NUMBER
23329	1



Approved as Exhibit C1
MCP Page 3 of 4
Resolution # Z-16-008

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COMMUNITY DEVELOPMENT
DCI 2015-00024

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ENGINEERING 7593 - SURVEYING LB 6940

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WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

THREE OAKS 106 RPD

LEE COUNTY, FLORIDA

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FILE NAME	23329-Z02.DWG
LOCATION	J:\2332\REVISIONS\MP
PLOT DATE	TUE, 3-22-2016 - 11:37 AM
PLOTTED BY	JENNIFER GAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23329-Z00.DWG

PLAN REVISIONS

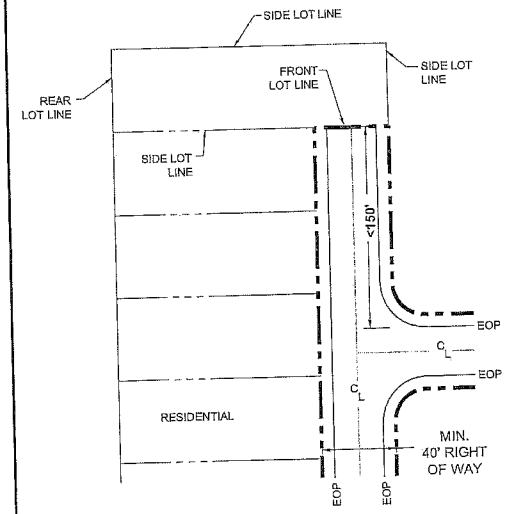
11-6-15	PER LEE COUNTY COMMENTS
1-6-16	PER LEE COUNTY COMMENTS
3-22-16	REMOVE DEVIATION #5

PLAN STATUS

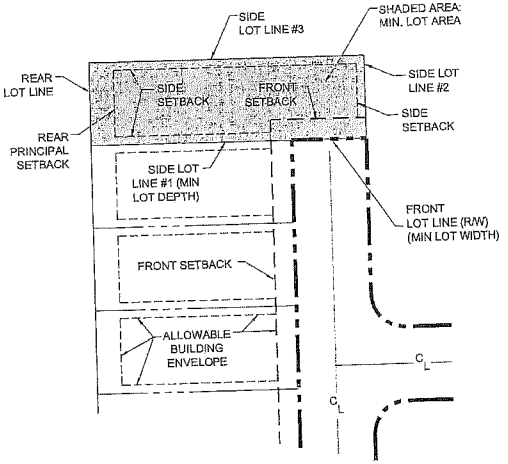
MASTER CONCEPT PLAN

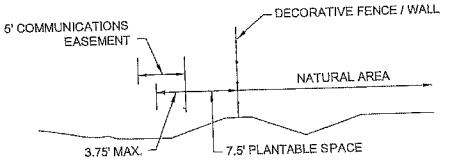
PROJECT / FILE NO.	SHEET NUMBER
23329	2

DEVIATION 1 RIGHT ANGLE SIDE LOT LINE
DEVIATION 2 DEAD-END DETAIL

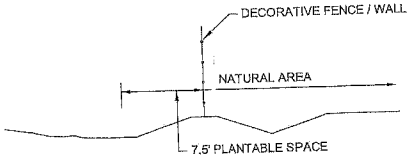


DEVIATION 3 LOT SIZE DETAIL



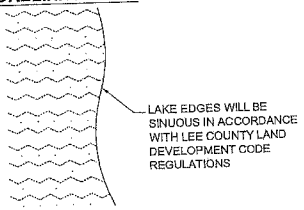


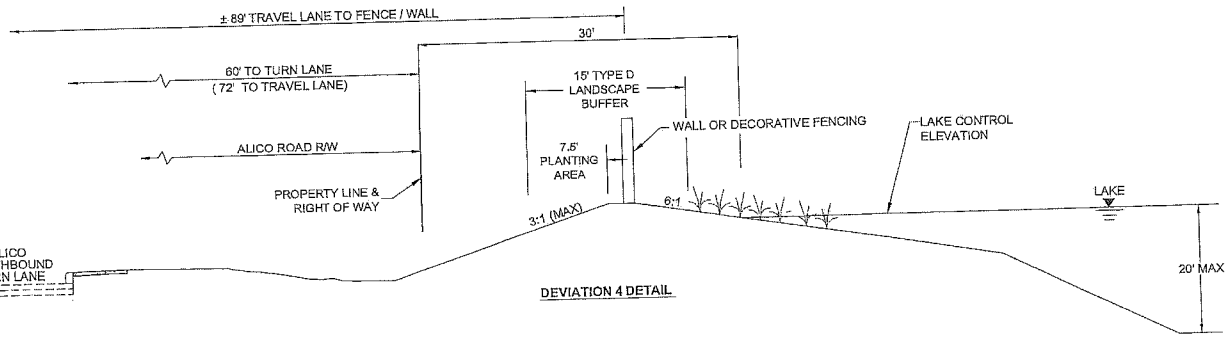
NATURAL AREA FENCE / WALL CROSS SECTION NORTH



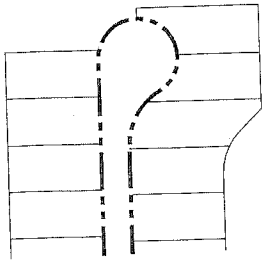
NATURAL AREA FENCE / WALL CROSS SECTION SOUTH

SINUOUS LAKE SHORELINE DETAIL





DEVIATION 4 DETAIL



R-2 CUL-DE-SAC DESIGN DETAIL

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COMMUNITY DEVELOPMENT

DCI2015-00024

Approved as Exhibit C
MCP Page 3 of 4
Resolution # Z-16-008

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FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB 6940

PREPARED FOR

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FAX (239) 498-7707
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

THREE OAKS 106 RPD

LEE COUNTY, FLORIDA

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FILE NAME	23329-ZDD.DWG
LOCATION	J:\23329\ZONING\
PLOT DATE	TUE, 3-22-2016 - 11:37 AM
PLOT BY	JENNIFER RAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23329-ZBD.DWG

PLAN REVISIONS

11-6-15	PER LEE COUNTY COMMENTS
1-8-16	PER LEE COUNTY COMMENTS
3-22-16	REMOVE DEVIATION #3

PLAN STATUS

DEVIATIONS AND DETAILS

PROJECT / FILE NO.	SHEET NUMBER
23329	3

REQUIRED OPEN SPACE AND INDIGENOUS

	AREA	REQUIRED OPEN SPACE	REQUIRED INDIGENOUS
R-1	68 AC	NONE (1)	NONE (1)
R-2	37.5 AC	15 AC	7.5 AC
TOTAL		15 AC	7.5 AC

NOTE (1) R-1 MINIMUM LOT AREA IS 6500 S.F.

PROVIDED OPEN SPACE

LAKE (15 AC X 25%)	3.8 AC
INDIGENOUS UPLAND PRESERVE	5.3 AC
COMMON OPEN SPACE (SEE COMMON OPEN SPACE TABLE BELOW)	9.1 AC
TOTAL PROVIDED:	18.2 AC

COMMON OPEN SPACE TABLE

PERIMETER BUFFERS	3.0 AC
LAKE TRACT ABOVE CONTROL	2.7 AC
NATURAL AREA	1.8 AC
LINEAR PARK	0.3 AC
SIGN EASEMENT	0.3 AC
AMENITY	1.2 AC
TOTAL PROVIDED:	9.1 AC

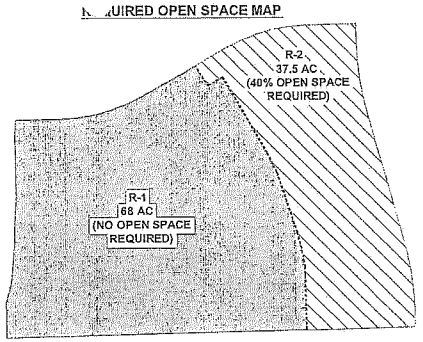
PROVIDED INDIGENOUS

PRESERVE A 2.2 AC X 125% =	2.8 AC
PRESERVE B 3.1 AC X 150% =	4.7 AC
TOTAL PROVIDED:	7.5 AC

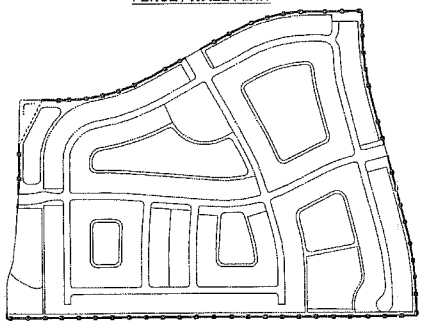
LEGEND

- LAKE
- INDIGENOUS PRESERVE
- NATURAL AREA
- OPEN SPACE

REQUIRED OPEN SPACE MAP



FENCE / WALL PLAN



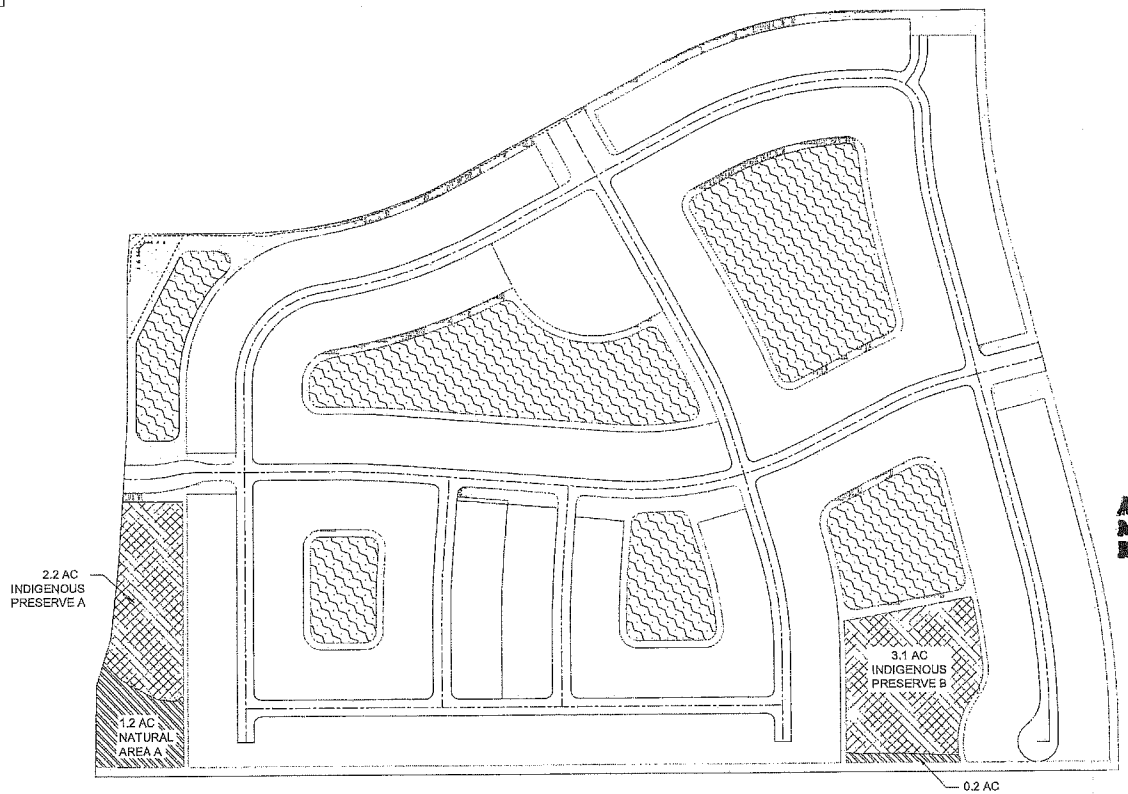
E
N
S
W

0 80 160 320
SCALE IN FEET

LEGEND

OPTIONAL DECORATIVE FENCE / WALL LOCATION

NOTE: IF A FENCE / WALL IS CONSTRUCTED A 7.5' WIDE PLANTABLE SPACE CONSISTING OF 5 TREES / 100 L.F. WITH HEDGE IN ACCORDANCE WITH SEC 34-1743



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MCP Page 4 of 4
Resolution # Z-16-008

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PROJECT DESCRIPTION

THREE OAKS 106 RPD

LEE COUNTY, FLORIDA

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FILE NAME	23329 DM.DWG
LOCATION	J:\23329\DWG\ZONING\
PLOT DATE	TUE, 3-22-2016 - 11:37 AM
PLOTBY	JENNIFER SAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23329-200.DWG

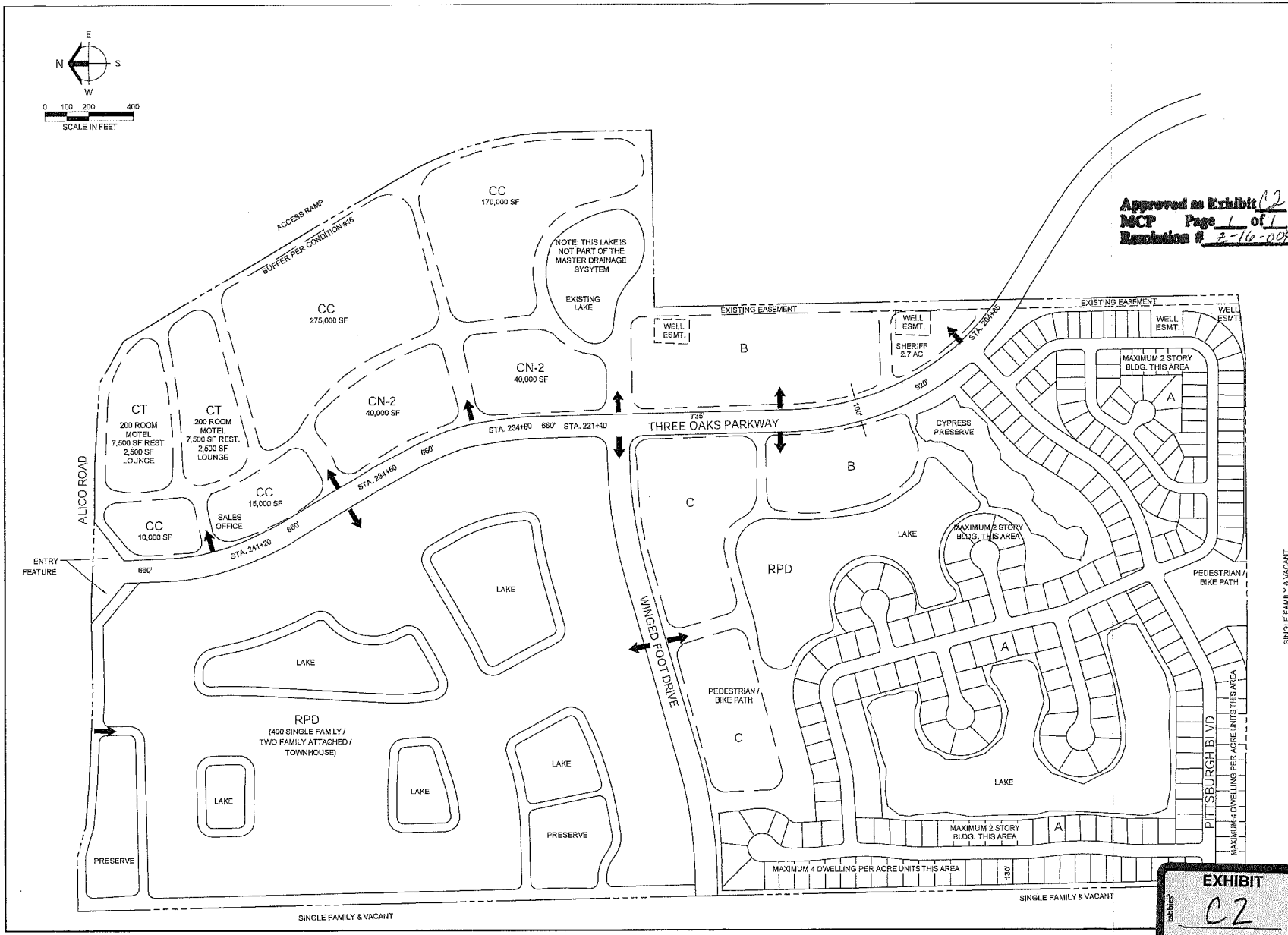
PLAN REVISIONS

11-6-15	PER LEE COUNTY COMMENTS
1-5-16	PER LEE COUNTY COMMENTS
3-22-16	REMOVE DEVIATION 68

PLAN STATUS

OPEN SPACE AND FENCE / WALL MAP

PROJECT / FILE NO.	SHEET NUMBER
23329	4



Approved as Exhibit C2
MCP Page 1 of 1
Resolution # Z-16-003

EXHIBIT
tabbies
C2

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ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

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PROJECT DESCRIPTION

THREE OAKS REGIONAL CENTER

LEE COUNTY, FLORIDA

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FILE NAME	23329-ZD2-2.DWG
LOCATION	J:\23329\DWG\ZONING
PLOT DATE	MON, 5-16-2016 - 4:32 PM
PLOT BY	ANGELICA HARDY

CROSS REFERENCED DRAWINGS

BASEPLAN = 23329-ZD2-2.DWG

PLAN REVISIONS

PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
23329	

RESOLUTION NUMBER Z-14-015

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

WHEREAS, Pulte Group, Inc., filed an application on behalf of the property owner, L B Andersen & Co Inc .544%, to rezone a 38.76± acre parcel from Commercial District (C-2) to Residential Planned Development (RPD) in reference to Plantation 37; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised and held on May 15, 2014; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2014-00007 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 18, 2014 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone a 38.76± acre parcel from C-2 to RPD, to allow the development of up to 130 residential dwelling units.

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

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan (MCP) entitled "Plantation 37," prepared by Barraco and Associates, Inc., date stamped received APR 15 2014, and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

06-18-14 Z

2. Uses and Site Development Regulations

The following Uses and Property Development Regulations apply to this planned development:

a. Schedule of Uses

Accessory Uses and Structures
Administrative Offices
Club: private
Community Gardens (LDC §34-1716)
Dwelling unit: Single-family
Entrance gates and gatehouse
Essential services
Essential service facilities (34-622(c)(13)): Group I
Excavation: Water retention
Fences, walls
Home occupation – with no outside help
Models: Display center and Model home
Parking lot: Accessory
Recreation facilities: Private -- on-site
Real estate sales office: limited to sales of lots and homes within the development
Signs in accordance with LDC Chapter 30
Temporary uses: limited to Temporary contractor's office and equipment storage shed

b. Property Development Regulations

Minimum lot area and dimensions:

Lot area:	6,500 square feet
Lot width:	50 feet
Lot depth:	100 feet

Minimum setbacks:

Street:	20 feet
Side yard:	5 feet
Rear yard:	15 feet
Water body:	25 feet
Preserve Area:	25 feet

Accessory Structure Setback from Preserve Area: 20 Feet (see below for additional accessory use, building, and structure setbacks)

Maximum building height: 35 feet

Maximum lot coverage: 40%

Minimum setbacks of structures and buildings from development perimeter boundaries must be in accordance with LDC §34-935.

Minimum regulations for accessory uses, buildings, and structures must be in accordance with LDC §34-1171 *et seq.*

3. Sidewalks

A sidewalk must be provided along at least one side of each of the roads within the development.

4. 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.

5. 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).

6. 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 any applicable concurrency requirements prior to issuance of a local development order.

7. 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 §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.

8. 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 of 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.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-291(3) requirement to provide developments of more than five acres to provide more than one means of ingress or egress, to allow one primary access and one emergency stabilized access. This deviation is APPROVED SUBJECT TO the following conditions:

a. The project must connect with any road constructed along the southern project property line.

b. The design of the project roadways must remain in substantial compliance with the Master Concept Plan in providing a loop road, a divided entrance roadway, and an emergency stabilize access to Plantation Road.

2. Deviation (2) seeks relief from the LDC §10-329(d)(1)a.2 requirement to provide an excavation setback of 50 feet from a right-of-way, to allow an excavation setback of 33 feet from the Plantation Road right-of-way. This deviation is APPROVED SUBJECT TO the condition that the requirements for wayward vehicles in LDC §10-329(d)(1)a.2 must be met.

3. Deviation (3) seeks relief from the LDC §10-296(p)(1) requirement to provide dead-end streets to be closed at one end by a circular vehicle turnaround, to allow an alternative turnaround. This deviation is APPROVED SUBJECT TO the following conditions:

   a. The applicant must provide a Letter of No Objection from the Fire District at the time of local development order application.

   b. The specific alternative turnaround design must accommodate adequate maneuvering space for emergency vehicles.

4. Deviation (4) seeks relief from the LDC §10-254 requirement to provide side lot lines be, as nearly as practical, at right angles to straight street lines and radial to curve street lines, to allow the lot design shown on the Master Concept Plan in those areas where Deviation 3 is applied. This deviation is APPROVED.

5. Deviation (5) seeks relief from the LDC §10-285 requirement to provide a 125-foot connection separation for a local roadway, to allow for the connection separation between the entry road and the road located approximately 50 feet to the north, as shown on the Master Concept Plan. This deviation is APPROVED SUBJECT TO the condition that the specific roadway separation design must accommodate adequate turning movement for emergency vehicles.

SECTION D. EXHIBITS:

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

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

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

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

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

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

3. The rezoning satisfies the following criteria:

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

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

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

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

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

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

John Manning	Aye
Cecil L Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18th day of June, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
For: Larry Kiker, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

RECEIVED
MINUTES OFFICE
MW
2014 JUN 25 AM 11:14

DESCRIPTION
Parcel in
Section 18, Township 45 South, Range 25 East
Lee County, Florida

A tract or parcel of land lying in Section 18, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel of land being those lands described in Instrument Number 2013000141386 and 2013000141387 of the Public Records of Lee County, Florida and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 18 run S88°44'32"W along the North line of the Northeast Quarter (NE 1/4) of said Section 18 for 1,352.76 to the Northeast Corner of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of said Section 18 and the POINT OF BEGINNING.

From said Point of Beginning run S01°34'36"E along the East line of said Fraction for 1,281.25 feet to an intersection with the North line of the South 40 feet of said Fraction; thence run S88°49'24"W along said North line for 1,314.98 feet to an intersection with the East line of the West 30 feet of said Fraction, also being the East right of way line of Plantation Road, (60' wide right of way); thence run N01°55'32"W along said East line for 1,279.46 feet to an intersection with said North line of the Northeast Quarter (NE 1/4); thence run N88°44'32"E along said North line for 1,322.76 feet to the POINT OF BEGINNING.

Containing 38.76 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Northeast Quarter (NE 1/4) of said Section 18 to bear N88°44'32"E.

Scott A. Wheeler 4/2/14

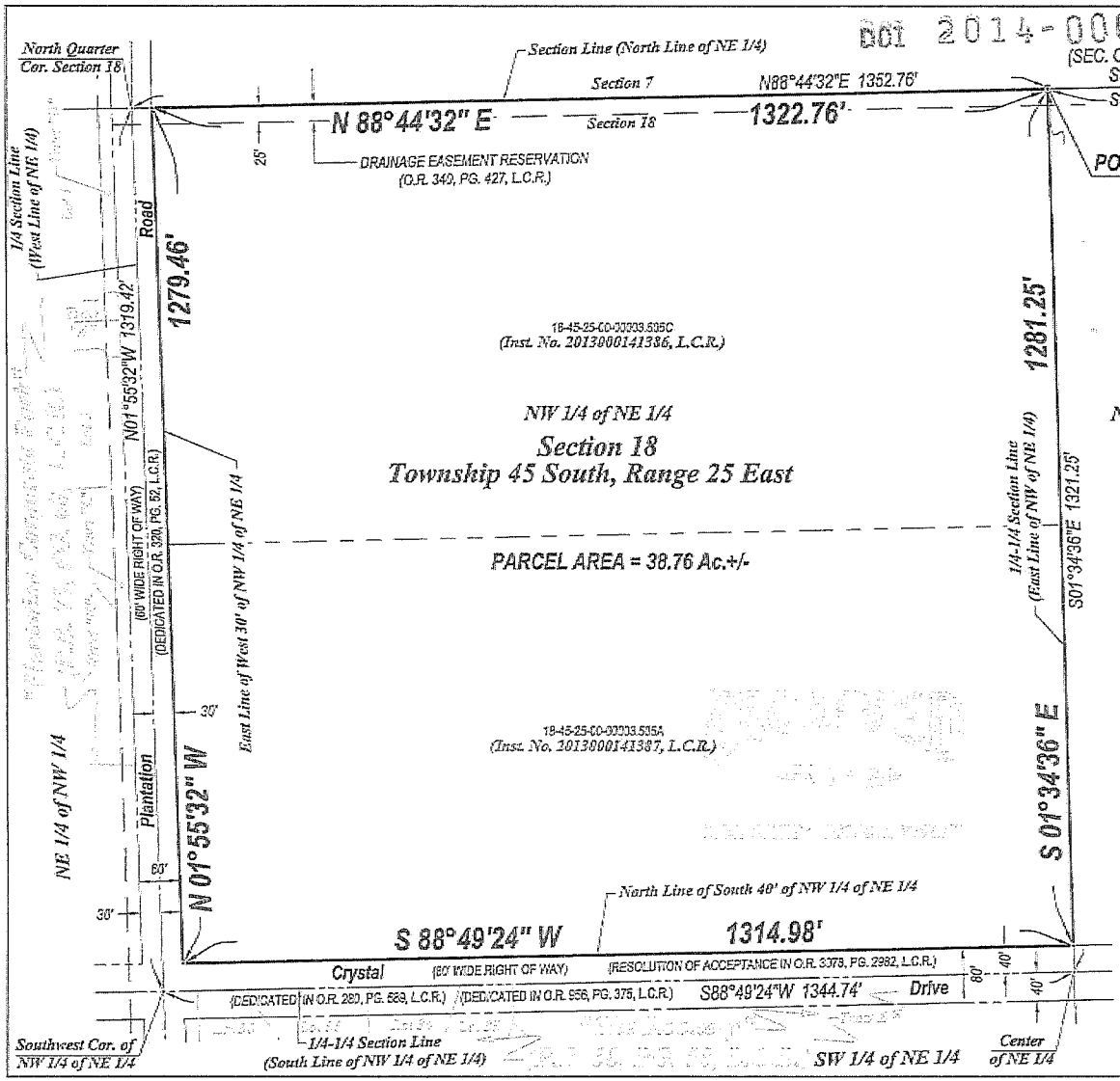
Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23205 - Plantation 37\survey\descriptions\23205SK01DESC.doc

Applicant's Legal Checkup
By: [illegible] 4/3/14

EXHIBIT A

DCI 2014-00007



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. D.B. - DENOTES DEED BOOK.
3. D.E. - DENOTES DRAINAGE EASEMENT.
4. INST. No.- DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
5. L.M.E. - DENOTES LAKE MAINTENANCE EASEMENT.
6. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
7. (P) - DENOTES PLAT.
8. P.B. - DENOTES PLAT BOOK.
9. PG. - DENOTES PAGE.
10. P.U.E. - DENOTES PUBLIC UTILITY EASEMENT.
11. T.U.E. - DENOTES TECHNOLOGY UTILITY EASEMENT.
12. BEARINGS AS SHOWN ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) ARE BASED RE BASED THE NORTH LINE OF THE NORTHEAST CUARTER (NE 1/4) OF SECTION 18 TO BEAR N88°44'32"E
13. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED: 4/2/14
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

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

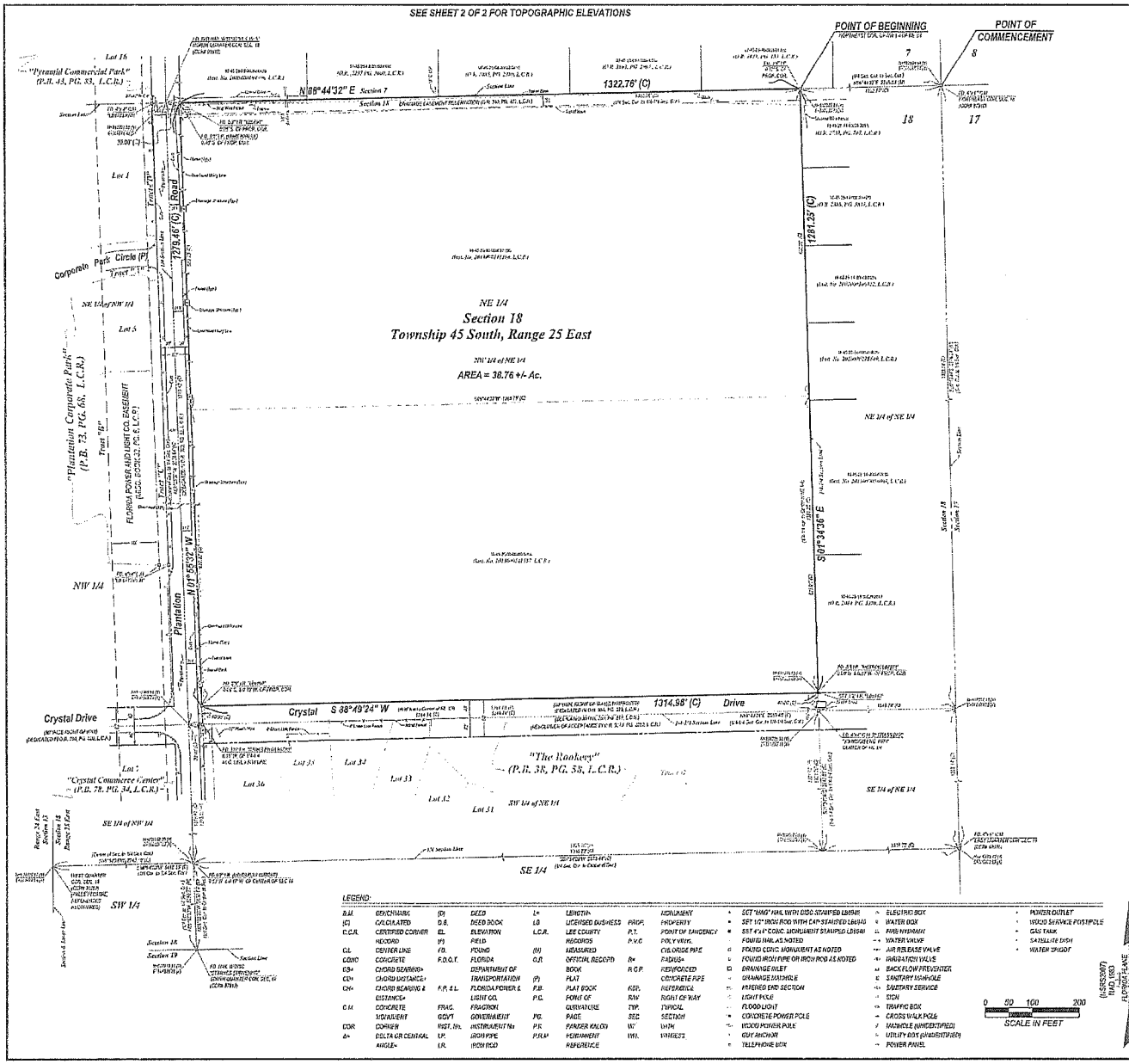
Barraco and Associates, Inc.
CIVIL ENGINEERING / LAND SURVEYING / LAND PLANNING / LANDSCAPE DESIGN
www.barraco.net

Pulte Homes

A PARCEL OF LAND IN SECTION 18 TOWNSHIP 45 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA

SKETCH TO ACCOMPANY DESCRIPTION

2 OF 2



LEGEND:

B.M.	BENCHMARK	(D)	DEED	L=	LENGTH=		MONUMENT	●	SET "NAIL" NAIL WITH DISC STAMPED LB#585	⊗	ELECTRIC BOX	▪	POWER OUTLET
(C)	CALCULATED	D.B.	DEED BOOK	LB	LICENSED BUSINESS	PROP.	PROPERTY	○	SET 1/2" IRON ROD WITH CAP STAMPED LB#585	⊗	WATER BOX	▪	WOOD SERVICE POST/POLE
C.C.R.	CERTIFIED CORNER RECORD	EL.	ELEVATION	L.C.R.	LEE COUNTY RECORDS	P.T.	POINT OF TANGENCY	●	SET 4"x4" CONC. MONUMENT STAMPED LB#585	⊗	FIRE HYDRANT	▪	GAS TANK
		(F)	FIELD			P.V.C.	POLY VINYL		FOUND NAIL AS NOTED	⊗	WATER VALVE	▪	SATELLITE DISH
C/L	CENTER LINE	FD.	FOUND	(M)	MEASURED		CHLORIDE PIPE	■	FOUND CONC. MONUMENT AS NOTED	⊗	AIR RELEASE VALVE	▪	WATER SPIGOT
CONC	CONCRETE	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	O.R.	OFFICIAL RECORD BOOK	R=	RADIUS=	○	FOUND IRON PIPE OR IRON ROD AS NOTED	⊗	IRRIGATION VALVE		
CM=	CHORD BEARING=			(P)	PLAT	R.C.P.	REINFORCED CONCRETE PIPE	◇	DRAINAGE INLET	⊗	BACK FLOW PREVENTER		
CH=	CHORD DISTANCE=							◇	DRAINAGE MANHOLE	⊗	SANITARY MANHOLE		
CH=	CHORD BEARING & DISTANCE=	F.P. & L.	FLORIDA POWER & LIGHT CO.	P.B.	PLAT BOOK	REF.	REFERENCE	⊡	METERED END SECTION	⊗	SANITARY SERVICE		
				P.C.	POINT OF CURVATURE	R/W	RIGHT OF WAY	☼	LIGHT POLE	⊗	SIGN		
C.M.	CONCRETE MONUMENT	FRAC.	FRACTION			TYP.	TYPICAL	☼	FLOOD LIGHT	⊗	TRAFFIC BOX		
		GOVT	GOVERNMENT	P.C.	POINT OF CURVATURE	SEC.	SECTION	■	CONCRETE POWER POLE	⊗	CROSS WALK POLE		
COR	CORNER	INST. No.	INSTRUMENT No.	P.R.	PARKER KALON	W	WITH	■	WOOD POWER POLE	⊗	HANDICAP (WHERE STATED)		
Δ=	DELTA OR CENTRAL ANGLE=	I.P.	IRON PIPE	P.R.M.	PERMANENT REFERENCE	WIT.	WITNESS	■	GUY ANCHOR	⊗	UTILITY BOX (UNIDENTIFIED)		
		I.R.	IRON ROD					■	TELEPHONE BOX	⊗	POWER PANEL		

DESCRIPTION:

A tract or parcel of land lying in Section 18, Township 45 South, Range 25 East, Lee County, Florida, said tract or parcel of land being those lands described in instrument number 2013000141326 and 2013000141327 of the Public Records of Lee County, Florida and being more particularly described as follows:

Commencing at the Northeast Corner of said Section 18 run S88°44'32"W along the North line of the Northeast Quarter (NE 1/4) of said Section 18 for 1,322.76 to the Northwest Corner of the Northeast Quarter (NE 1/4) of said Section 18 for a POINT OF BEGINNING;

From said Point of Beginning run S01°54'36"E along the East line of a 20 foot wide Florida Power & Light Easement (recorded in Book 2009, Page 2, Lee County Records) for 1,281.25 feet to an intersection with the North line of the South 40 feet of said Parcel; thence run S88°49'24"W along said North line for 1,314.98 feet; said intersection with the East line of the West 20 feet of said Florida Power & Light Easement also being the East right of way line of Plantation Road; (80' wide right of way); thence run N01°55'32"W along said East line for 1,279.46 feet to an intersection with said North line of the Northeast Quarter (NE 1/4); thence run N88°44'32"E along said North line for 1,322.76 feet to the POINT OF BEGINNING.

Containing 38.76 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Northeast Quarter (NE 1/4) of said Section 18 to bear S88°44'32"E.

NOTES:

1. DATE OF LAST FIELD WORK: JANUARY 15, 2014
2. THIS SURVEY DOES NOT MAKE ANY REPRESENTATION AS TO ZONING OR DEVELOPMENT RESTRICTIONS ON SUBJECT PARCEL.
3. THIS SURVEY WAS PERFORMED FOR THE PURPOSE SHOWN HEREON AND DOES NOT MAKE ANY REPRESENTATION AS TO THE RELOCATION OF ANY JURISDICTIONAL LINES EXCEPT AS SHOWN OR NOTED HEREON.
4. NO ENVIRONMENTAL ASSESSMENT OR AUDIT WAS PERFORMED ON SUBJECT PARCEL BY THIS FIRM.
5. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
6. BEARINGS AND COORDINATES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983/NSRS 2007) AND ARE BASED THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 18 TO BEAR N88°44'32"E.
7. IMPROVEMENTS OTHER THAN THOSE SHOWN IF ANY WERE NOT LOCATED.
8. THERE ARE NO VISIBLE ENCROACHMENTS OTHER THAN THOSE SHOWN.
9. OWNERSHIP OF ANY FENCE SHOWN HEREON IS UNKNOWN.
10. ACCORDING TO F.E.M.A. MAP 12071C0624F AND DATED DATE: EFFECTIVE DATE AUGUST 28, 2008, THE PROPERTY IS LOCATED IN FLOOD ZONE AE. THE BASE FLOOD ELEVATION = EL. 10.0. BASED ON PROFILE AND CROSS SECTIONS SHOWN IN THE FLOOD INSURANCE STUDY, DATED NOTED, EFFECTIVE DATE: AUGUST 28, 2008
11. THIS SURVEY IS PREPARED IN ACCORDANCE WITH A TITLE COMMITMENT PREPARED BY: OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY, FILE NO. 1318139NL, EFFECTIVE DATE: NOVEMBER 12, 2013 @ 11:00 PM. THE PROPERTY IS AFFECTED BY ITEMS FROM SCHEDULE B-II AS THE ABOVE AS NOTED:
   - (B2, ITEM 10) DEED OF RESTRICTIONS, O.R. 2/93, PG. 126, AS AFFECTED BY RELEASE OF RESTRICTIONS, O.R. 366, PG. 17, AFFECTS ENTIRE PROPERTY, NOT SHOWN.
   - (B2, ITEM 11) DEED OF RESTRICTIONS O.R. 411, PG. 513, AFFECTS ENTIRE PROPERTY, NOT SHOWN.
   - (B2, ITEM 17) RESERVATION OF EASEMENT, O.R. 341, PG. 421, AFFECTS PROPERTY, SHOWN.
   - (B2, ITEM 18) NOTICE OF ENVIRONMENTAL RESOURCE OR SURFACE WATER MANAGEMENT PERMIT, INST. NO. 2009000035319 AFFECTS ENTIRE PROPERTY, NOT SHOWN.
   - (B2, ITEM 19) DEVELOPMENT ORDER NO. 800.00.00021 AND THE NOTICE OF DEVELOPMENT ORDER APPROVAL RECORDED IN INST. No. 2006000124001, AFFECTS ENTIRE PROPERTY, NOT SHOWN.
   - (B2, ITEM 20) PERMIT HOLDER: GAGNON 350 (FLIM), ISSUED TO RELIANCE DEVELOPMENT, LLC. INST. No. 2012000144714, AFFECTS ENTIRE PROPERTY, NOT SHOWN.
12. THE SURVEYED PARCEL CONTAINS 38.76 ACRES, MORE OR LESS.
13. ELEVATIONS SHOWN ARE IN FEET ABOVE NORTH AMERICAN VERTICAL DATUM 1988 AND ARE BASED ON A LEVEL LOOP BY THIS FIRM FROM NATIONAL GEODETIC SURVEY BENCH MARK "D 418" (PUBLISHED ELEVATION = 16.18').

THIS SURVEY IS FOR THE BENEFIT OF:

PULTE HOME CORPORATION
OLD REPUBLIC NATIONAL TITLE COMPANY
EDWARDS TANJUTCH, P.A.

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE MINIMUM TECHNICAL STANDARDS AS PER CHAPTER 5J-17.05 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SCOTT A. WHEELER FOR THE FIRM - LB 6749
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5943

DATE SIGNED:

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

Barraco and Associates, Inc.
CIVIL ENGINEERING · LAND SURVEYING
LAND PLANNING · LANDSCAPE DESIGN
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FORT MYERS, FLORIDA 33902-2030
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7266 - SURVEYING LB-67.16

PREPARED FOR:

PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 200
BONITA SPRINGS, FLORIDA 34134
PHONE (239) 405-7711
FAX (239) 498-7707
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 18 TOWNSHIP 45 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA

PROJECT SURVEYOR



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

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LAYOUT	1
LOCATION	J:\SURVEY\SURVEY-FOL
PLOT DATE	WED, 1-29-2014 - 4:22 PM
PLOTTED BY	PETER OLSON

DRAWING DATA

SURVEY DATE	12-31-2013
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	2320-SURVEY-FOL 2320-SURVEY-FOL

PLAN REVISIONS

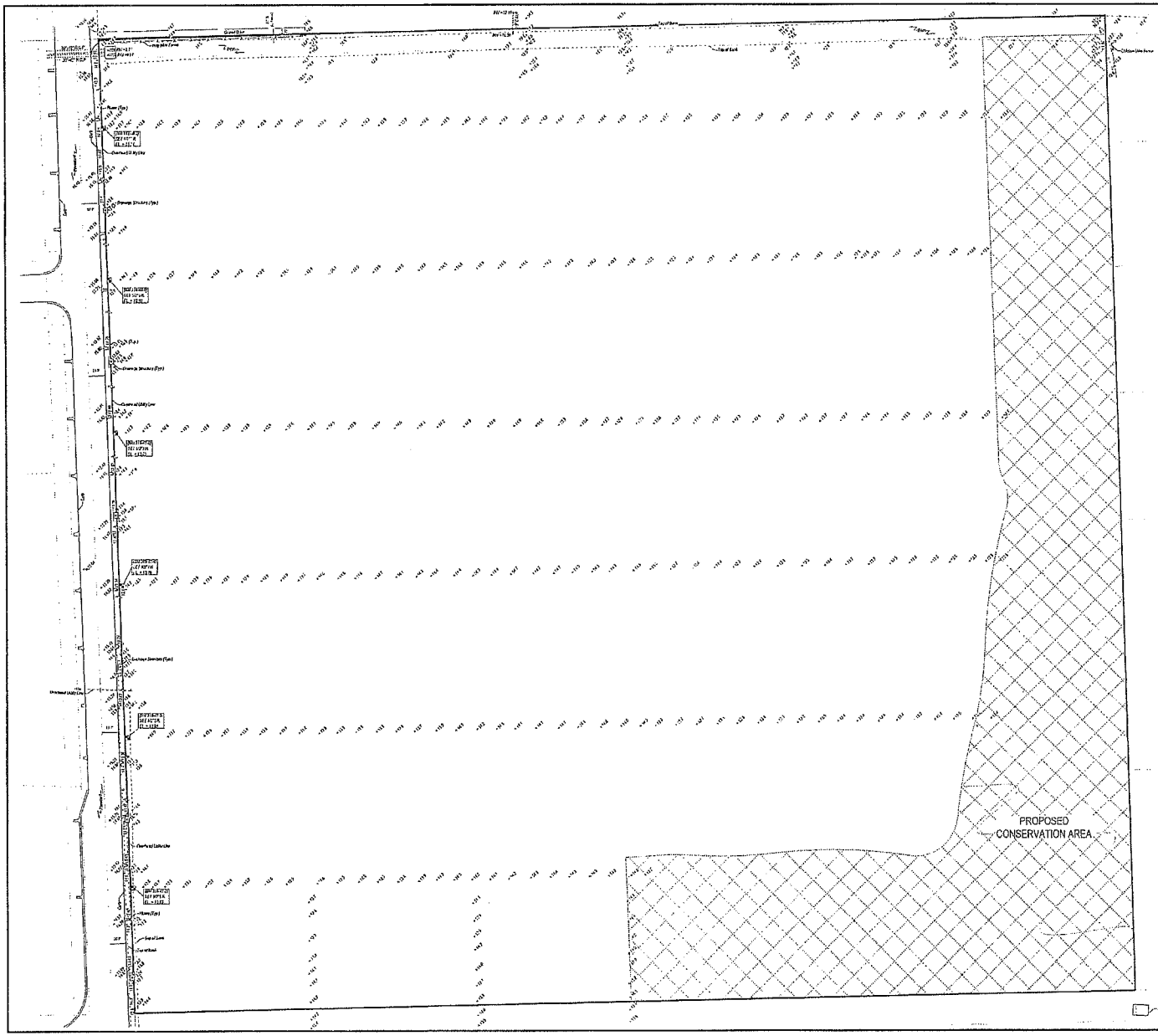
01-15-2014	NEW DETAIL (2 PARCELS TO 1)
01-17-2014	ADD TITLE CHECK

STRAP NUMBERS

18-45-25-B3-00002.0750
18-45-25-00-00030.0000

BOUNDARY AND TOPOGRAPHIC SURVEY

PROJECT NO.	SHEET NUMBER
2320	1 OF 2
1-14-25	



LEGEND:

B.M.	BENCHMARK	L*	LENGTH*
(C)	CALCULATED	LB	LICENSED BUSINESS
C.C.R.	CERTIFIED CORNER RECORD	L.C.R.	LEE COUNTY RECORDS
CL	CENTER LINE	(M)	MEASURED
CONC.	CONCRETE	O.R.	OFFICIAL RECORD BOOK
CB=	CHORD BEARING=	PAGE	
CD=	CHORD DISTANCE=	(P)	PLAT
CM=	CHORD BEARING & DISTANCE=	P.B.	PLAT BOOK
		P.C.	POINT OF CURVATURE
C.M.	CONCRETE MONUMENT	PG.	PAGE
COR.	CORNER	P.K.	PARKER-KALON
Δ=	DELTA OR CENTRAL ANGLE=	P.R.M.	PERMANENT REFERENCE MONUMENT
(D)	DEED	PROP.	PROPERTY
D.B.	DEED BOOK	P.T.	POINT OF TANGENCY
EL.	ELEVATION	P.V.C.	POLY VINYL CHLORIDE PIPE
(F)	FIELD	R=	RADIUS=
FD.	FOUND	R.C.P.	REINFORCED CONCRETE PIPE
F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	REF.	REFERENCE
F.P. & L.	FLORIDA POWER & LIGHT CO.	R/W	RIGHT OF WAY
FRAC.	FRACTION	TYP.	TYPICAL
GOVT	GOVERNMENT	SEC.	SECTION
INST. No.	INSTRUMENT No.	W	WITH
I.P.	IRON PIPE	WIT.	WITNESS
I.R.	IRON ROD		

- SET "NAIL" NAIL WITH DISC STAMPED LB3649
- SET 1/2" IRON ROD WITH CAP STAMPED LB3649
- SET 4"x4" CONC. MONUMENT STAMPED LB3649
- FOUND NAIL AS NOTED
- FOUND CONC. MONUMENT AS NOTED
- FOUND IRON PIPE OR IRON ROD AS NOTED
- DRAINAGE INLET
- DRAINAGE MANHOLE
- LITTERED END SECTION
- LIGHT POLE
- FLOOD LIGHT
- CONCRETE POWER POLE
- WOOD POWER POLE
- GUY ANCHOR
- TELEPHONE BOX
- ELECTRIC BOX
- WATER BOX
- FIRE HYDRANT
- WATER VALVE
- AIR RELEASE VALVE
- IRRIGATION VALVE
- BACK FLOW PREVENTER
- SANITARY MANHOLE
- SANITARY SERVICE
- SIGN
- TRAFFIC BOX
- CROSS WALK POLE
- MANHOLE (UNIDENTIFIED)
- UTILITY BOX (UNIDENTIFIED)
- POWER PANEL
- POWER OUTLET
- WOOD SERVICE POST/POLE
- GAS TANK
- SATELLITE DISH
- WATER SPIGOT

BEARINGS ARE BASED ON FLORIDA STATE PLANE COORDINATE SYSTEM (WEST ZONE) (1983/2007) (NSRS2007) (NAD 1983)

0 30 60 120
SCALE IN FEET

SEE SHEET 1 OF 2 FOR BOUNDARY SURVEY

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
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FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7006 - SURVEYING LB-6610

PREPARED FOR

PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134
PHONE (239) 498-7711
FAX (239) 498-7787
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

A PARCEL OF LAND IN SECTION 18 TOWNSHIP 45 SOUTH RANGE 25 EAST LEE COUNTY, FLORIDA

PROJECT SURVEYOR

SCOTT A. WHEELER
CERTIFICATE NO. 5
REG. 5309
STATE OF FLORIDA
PROFESSIONAL SURVEYOR & MAPPER

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

F.B.& PAGE	23205.DWG
LAYOUT	2
LOCATION	J:\23205\DWG\SURVEY\DWG
PLOT DATE	1-23-2014 - 4:34 PM
PLOT BY	PETER OLSEN

DRAWING DATA

SURVEY DATE	12-27-2013
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=60'
F.B.& PAGE	

PLAN REVISIONS

STRAP NUMBERS

BOUNDARY TOPOGRAPHIC SURVEY

PROJECT / FILE NO.	SHEET NUMBER
23205 18-45-25	2 OF 2

DCI2014-00007

Zoning Map

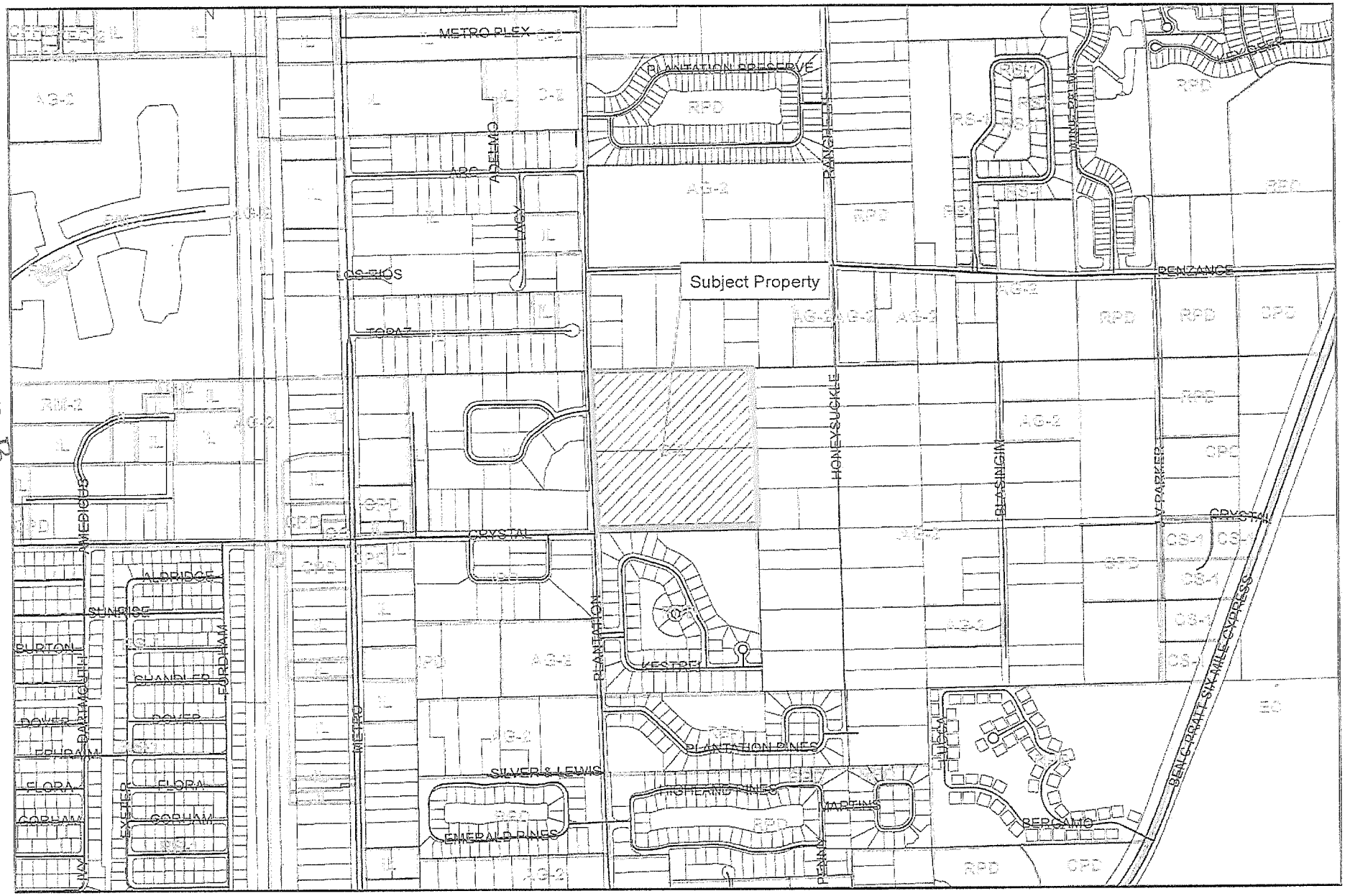
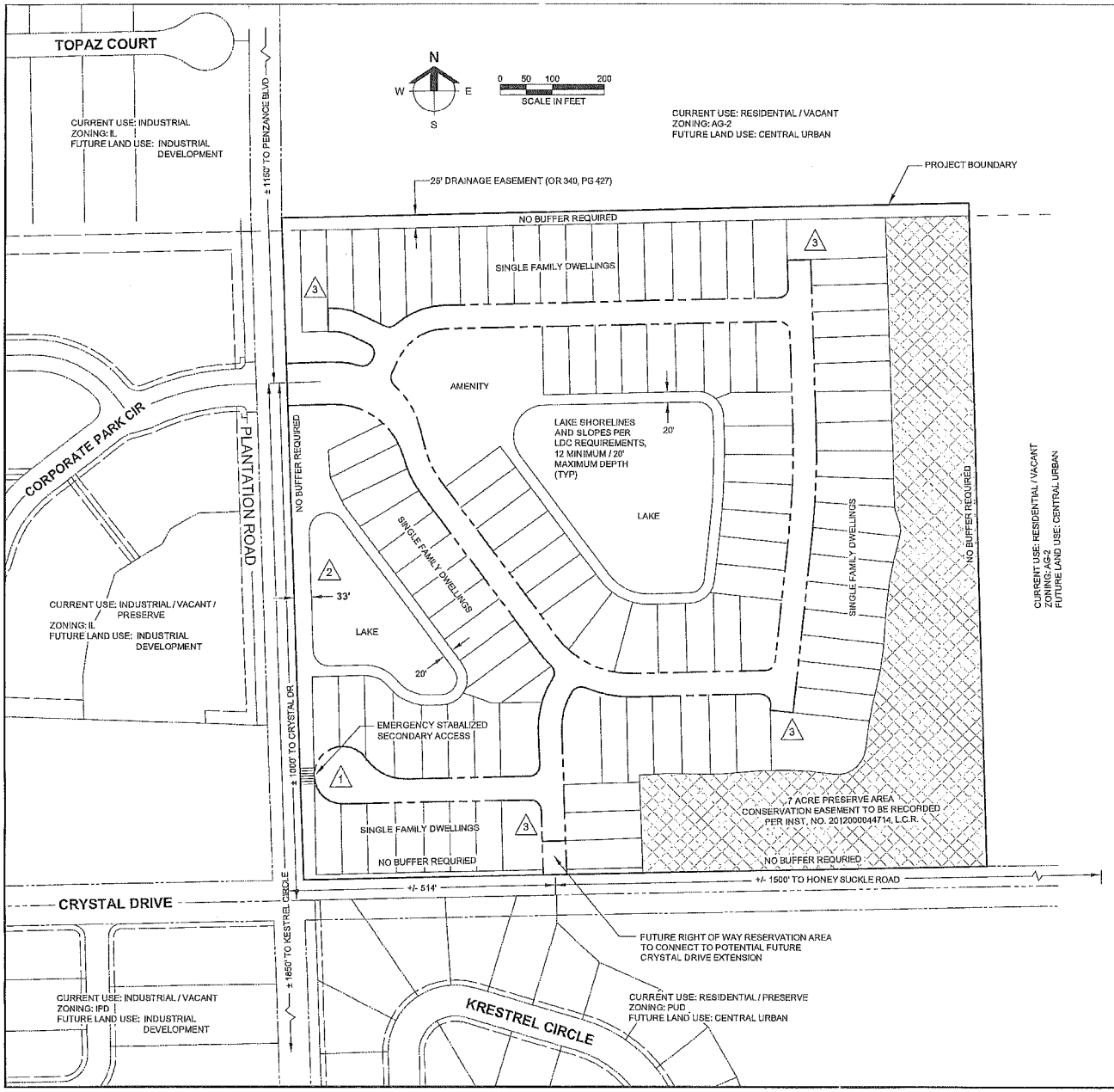


EXHIBIT B

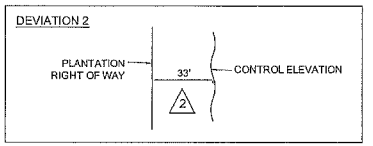
0 800 1,600 Feet



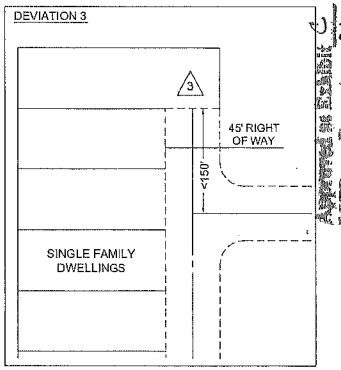
SCHEDULE OF DEVIATIONS

1. DEVIATION FROM LDC SECTION 10-291(3) WHICH REQUIRES DEVELOPMENTS OF MORE THAN FIVE ACRES TO PROVIDE MORE THAN ONE MEANS OF INGRESS OR EGRESS TO ALLOW ONE PRIMARY ACCESS AND ONE EMERGENCY STABILIZED ACCESS.
2. DEVIATION FROM LDC SECTION 10-329(D)(1)A.2. WHICH REQUIRES EXCAVATION SETBACK OF 50 FEET FROM A RIGHT OF WAY TO ALLOW AN EXCAVATION SETBACK OF 33 FEET FROM PENZANCE RIGHT OF WAY.
3. DEVIATION FROM SECTION 10-296(P)(1) TO ELIMINATE THE REQUIREMENT THAT A DEAD-END STREET BE CLOSED AT ONE END BY A CIRCULAR TURNAROUND FOR VEHICLES.

DEVIATION 2



DEVIATION 3



Approved as Exhibit 3 to Ordinance No. 14-015 Page 1 of 1 Resolution #Z-14-015

RECEIVED
APR 15 2014
COMMUNITY DEVELOPMENT

DCI2014-00007

Barraco and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net
2271 McGREGOR BLVD., SUITE 100
POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PULTE HOME CORPORATION
24311 WALDEN CENTER DRIVE
SUITE 300
BONITA SPRINGS, FLORIDA 34134
PHONE (239) 498-7711
FAX (239) 498-7707
WWW.PULTEHOMES.COM

PROJECT DESCRIPTION

PLANTATION 37

PART OF SECTION 16,
TOWNSHIP 45 SOUTH, RANGE 25 EAST
LEE COUNTY, FLORIDA

NOT VALID WITHOUT ENDORSED SEAL, SIGNATURE AND DATE
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FILE NAME	23205201.DWG
LAYOUT	LAYOUT1
LOCATION	J:\23205\DWG\2014\01\
PLOT DATE	TUE, 4-15-2014 - 9:26 AM
PLOT BY	ANGELICA CARLEY
DESIGN BY	JENNIFER BAPEN

CROSS REFERENCED DRAWINGS

BASEPLAN = 23205ZN.DWG

PLAN REVISIONS	
4-11-14	ADDED SEPARATION DISCUSSION-3
4-15-14	PER LEE COUNTY COMMENTS

PLAN STATUS

MASTER CONCEPT PLAN

PROJECT / FILE NO.	SHEET NUMBER
23205	

APPLICANT'S
EXHIBIT # 4

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (239) 533-8371

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

November 21, 2017

JENNIFER SAPEN
BARRACO & ASSOCIATES, INC
2271 MCGREGOR BLVD
SUITE 100
FORT MYERS, FL 33901

Re: GULLY CREEK RPD
DCI2016-00024 - Minor Plan Dev Application

Dear JENNIFER SAPEN :

The Zoning Division has reviewed the information provided and supplemented for the rezoning request referenced above. The application is now sufficient and the formal request has been drafted from your application as follows:

> Rezone 66± acres from Agriculture District, AG-2 to Residential Planned Development, RPD to allow up to 330 residential units (single family, two-family attached, townhouses, or multiple family residential) with a maximum building height of 35 feet.
>
> NOTE: If approved, the Master Concept Plan (available for inspection at 1500 Monroe St., in Ft. Myers) may deviate from certain Land Development Code (LDC) standards.

Please review this language carefully, and notify me in writing by December 5, 2017 whether or not this wording is satisfactory. Staff's substantive comments, along with the staff report, are being prepared. This request has been tentatively scheduled for public hearing before the Lee County Hearing Examiner on January 18, 2018. However, please note that this is a tentative date that is subject to change and that Lee County will be held harmless for any potential delay in effectuating compliance with the tentative hearing date.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT
Zoning Division

Alvin Block

Alvin Block, AICP
Principal Planner

TERRY FORDYCE

APPLICANT'S
EXHIBIT # 5
DC20160-00024

APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Gully Creek RPD

Request: Rezone from: AG-2 To: RPD

Type: ☐ Major PD ☒ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☐ Minor PD Amendment

Summary of Project:
Rezone ±66 acres from AG-2 to RPD to allow up to 330 single family, two-family attached, multi-family and townhouse units, with a maximum single family density of 210 units. Maximum height for all structures is 35 feet/2-stories. No blasting is permitted.

PART 1
APPLICANT/AGENT INFORMATION

A. Name of Applicant: Daniel Light & Gully Creek LLC, David Johnson Trust & Slater Bend LLC, L.B. Andersen & Co., Inc.

Address: 10471 6 Mile Cypress Pkwy
City, State, Zip: Fort Myers, FL 33966
Phone Number: (239) 489-4066
E-mail Address: scluck@landsolutions.net

B. Relationship of Applicant to owner (check one) and provide Affidavit of Authorization form:

☐ Applicant is the sole owner of the property. **[34-201(a)(1)a.1.]**

☒ Applicant has been authorized by the owner(s) to represent them for this action. **[34-202(b)(1)b. & c.]**

☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(b)(1)c.]

1. Company Name: Barraco & Associates, Inc.
Contact Person: Jennifer Sapen
Address: 2271 McGregor Blvd
City, State, Zip: Ft. Myers, FL 33901
Phone Number: 239-461-3170 Email: JenniferS@barraco.net

2. **Additional Agent(s):** Provide the names of other agents that the County may contact concerning this application. **[34-202(b)(1)c.]**

PART 2
PROPERTY OWNERSHIP

A. Property owner(s): If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-201; 34-204]

Name: See attached (STRAP, address & acquisition)

Address: _____

City, State, Zip: _____

Phone Number: _____ Email: _____

B. Disclosure of Interest [34-201; 34-204]:

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

C. Multiple parcels:

☒ Property owners list. **[34-202(a)(5)]**

☒ Property owners map. **[34-202(a)(5)]**

D. Certification of Title and Encumbrances [34-202(a)(3)]

1. Title certification document, no greater than 90 days old. **[34-202(a)(3)]**
2. Date property was acquired by present owner(s): See attached (STRAP, address & acquisition)

PART 3
PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.]

19-43-25-00-00009.0000; 19-43-25-00-00014.0020; 19-43-25-00-00009.0030

B. Street Address of Property: 17220 Slater Rd. North Fort Myers FL. 33917

C. Legal Description (must submit) [34-202(a)(1)]:

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(2); 34-373(a)(4)a.]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

D. Surrounding property owners (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request)**:**

1. ☒ List of surrounding property owners. **[34-202(a)(6)]**
2. ☒ Map of surrounding property owners. **[34-202(a)(7)]**
3. ☒ One set of mailing labels. **[34-202(a)(6)]**

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

E. Current Zoning of Property: Ag-2

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property. **[34-202(a)(8)]**

F. Use(s) of Property [34-202(a)(8)]:

1. Current uses of property are: Agricultural
2. Intended uses of property are: Residential

G. Future Land Use Classification (Lee Plan) [34-202(a)(8)]:

Suburban	55	Acres	80	% of Total
Rural	11	Acres	20	% of Total
		Acres		% of Total

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

1. Width (average if irregular parcel): +/- 500 Feet
2. Depth (average if irregular parcel): +/- 4045 Feet
3. Total area: 67 Acres or square feet
4. Frontage on road or street: +/- 500 Feet on Slater Road Street
   2nd Frontage on road or street: +/- 50 Feet on _____ Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session. **[34-202(a)(10)]**

- ☐ Not Applicable
- ☐ Estero Planning Community. **[33-54(a)&(b); Lee Plan Policy 19.5.3]**
- ☐ Captiva Planning Community (Captiva Island). **[33-1612(a)&(b); Lee Plan Policy 13.1.7]**
- ☐ North (Upper) Captiva Community Plan area. **[33-1711]**
- ☐ Boca Grande Planning Community. **[Lee Plan Policy 22.1.5]**
- ☐ Caloosahatchee Shores Community Plan area. **[33-1482(a)&(b); Lee Plan Policy 21.6.3]**
- ☐ Page Park Community Plan area. **[33-1203(a) & (b); Lee Plan Policy 27.11.2]**
- ☐ Palm Beach Boulevard Community Plan area. **[Lee Plan Policy 23.5.2]**
- ☐ Buckingham Planning Community. **[Lee Plan Policy 17.7.2]**
- ☐ Pine Island Planning Community. **[33-1004(a) & (b); Lee Plan Policy 14.7.1]**
- ☐ Lehigh Acres Planning Community. **[33-1401(a)&(b); Lee Plan Policy 32.12.2]**
- ☒ North Fort Myers Planning Community. **[33-1532(a)&(b)]**
- ☐ North Olga Community Plan area. **[33-1663(a)&(b)]**

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. **[34-202(a)]**

PART 4
TYPES OF LAND AREA ON PROPERTY

A.	**Gross Acres (total area within described parcel)**			**66**	**Acres**
1.	Submerged land subject to tidal influence			0	Acres
2.	**a.** Preserved freshwater wetlands	0	Acres		
	b. Impacted wetlands	0	Acres		
	c. Preserved saltwater wetlands	0	Acres		
	d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)			0	Acres
3.	R-O-W providing access to non-residential uses			0	Acres
4.	Non-residential use areas (1) (2)			0	Acres
B.	**Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.).			**0**	**Acres**
C.	**Gross residential acres. (A minus B)** (3)			**66**	**Acres**
D.	**Gross residential acres (by Land Use Category)**				
1.	**a.** Intensive Development – upland				Acres
	b. Intensive Development – preserved freshwater wetlands				Acres
	c. Intensive Development – impacted wetlands				Acres
2.	**a.** Central Urban – upland				Acres
	b. Central Urban – preserved freshwater wetlands				Acres
	c. Central Urban – impacted wetlands				Acres
3.	**a.** Urban Community or Suburban – upland				Acres
	b. Urban Community or Suburban – preserved freshwater wetlands				Acres
	c. Urban Community or Suburban – impacted wetlands				Acres

4.	**a.**	Suburban – upland	55	Acres
	b.	Suburban – preserved freshwater wetlands		Acres
	c.	Suburban – impacted wetlands		Acres
5.	**a.**	Outlying Suburban – upland		Acres
	b.	Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Outlying Suburban – impacted wetlands		Acres
6.	**a.**	Sub-Outlying Suburban – upland		Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands		Acres
	c.	Sub-Outlying Suburban – impacted wetlands		Acres
7.	**a.**	Rural, Outer Island, Rural Community Preserve – upland	11	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands		Acres
8.	**a.**	Open Lands – upland		Acres
	b.	Open Lands – wetlands		Acres
9.	**a.**	Resource – upland		Acres
	b.	Resource – wetlands		Acres
10.	**a.**	Wetlands		Acres
11.	**a.**	New Community – upland		Acres
	b.	New Community – wetlands		Acres
12.	**a.**	University Community – upland		Acres
	b.	University Community – wetlands		Acres
13.	**a.**	Coastal Rural – upland		Acres
	b.	Coastal Rural – wetlands		Acres
		TOTAL (should equal "C" above)		**Acres**

Notes:

(1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.

(2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.

(3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5
RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

i. Complete only if living units are proposed in a Future Land Use Category.

ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.

iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: Suburban & Rural

		Lee Plan Table 1(a) Max. standard density			Units
1.	**Standard Units**				
a.	Total upland acres (from Part 4, D.)	55	x 6	equals	330
b.	Total preserved freshwater wetlands acres (from Part 4, D.)	11	x 1	equals	11
c.	Total impacted wetlands acres (from Part 4, D.)		x	equals	
d.	**Total Allowed Standard Units** (1)				**341**
2.	**Bonus Units** (2) (3)				
a.	Low-moderate-housing density				
b.	TDR units				
c.	Sub-total				
3.	**Total Permitted Units** (1)				

(see notes on next page)

Notes:

(1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

(2) If low-moderate housing density credits or Transfer of Development Rights (TDRs) credits are included, attach the calculations and approvals hereto.

(3) In Intensive Development, Central Urban, and Urban Community categories only.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS PRELIMINARY INTENSITY CALCUATIONS

		Height	Total Floor Area (Square Feet)
A.	**Commercial**		
1.	Medical		
2.	General Office		
3.	Retail		
4.	Other: _____		
5.	**TOTAL FLOOR AREA**		

		Height	Total Floor Area (Square Feet)
B.	**Industrial**		
1.	Under Roof		
2.	Not Under Roof		
3.	**TOTAL FLOOR AREA**		

		Depth	Total Acres
C.	**Mining**		
1.	Area to be excavated		

		Height	Total Beds/Units
D.	**Assisted Living Facilities**		
1.	Dependent Living Units		
2.	Independent Living Units		
3.	**TOTAL BEDS/UNITS**		

		Height	Total Rental Units
E.	**Hotels/Motels (Room Size)**		
1.	< 425 sq. ft.		
2.	426-725 sq. ft.		
3.	725 < sq. ft.		
4.	**TOTAL UNITS**		

PART 7
ACTION REQUESTED

A. **Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**

B. **Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**

C. **Master Concept Plan:**

1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**

2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. **[34-373(a)(9)]**

PART 8
ENVIRONMENTAL REQUIREMENTS

A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. **[34-373(a)(4)d.iv.]**
See Attached.

B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473].
See Environmental Assessment & Protected Species Survey Report.

C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
See Environmental Assessment & Protected Species Survey Report.

D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
N/A

E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. **[34-373(a)(4)b.i.]**
See Environmental Assessment & Protected Species Survey Report.

F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. **[34-373(a)(4)c.]**

G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. **[34-373(a)(4)b.iii.]**

H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. **[34-373(a)(4)b.v.]**

PART 9
SANITARY SEWER & POTABLE WATER FACILITIES

A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:
1. Method and degree of treatment:
2. Quality of the effluent:
3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. **Spray Irrigation:** If spray irrigation will be used, specify:
1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

PART 10
ADDITIONAL REQUIREMENTS

A. **Major Planned Developments:**
1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. **Amendments to Built Planned Developments:** The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. Attach proof of notice to other property. **[34-373(c)]**

C. **Development of Regional Impact:** Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(2)]**

D. **Private Recreational Facility Planned Developments (PRFPDs):**
1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**

6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**

E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?

☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(b)(8)]**

☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(b)(8)]**

F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(b)(7)]**

G. **Flood Hazard: [34-202(a)(8)]**

☐ Not applicable

☒ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.

☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

H. **Excavations/Blasting: [34-202(b)(6)]**

☒ No blasting will be used in the excavation of lakes or other site elements.

☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

I. **Bonus Density: [34-202(b)(5)]**

☒ Not Applicable

☐ Bonus density will be used. Provide a copy of the Bonus Density application showing calculations.

J. **Hazardous Materials Emergency Plan for Port Facilities: [34-202(b)(4)]**

☒ Not Applicable

☐ Provide a Hazardous materials emergency plan.

K. **Mobile Home Park: [34-203(d)]**

☒ Not Applicable

☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

L. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**

☒ Not Applicable

☐ Property is located within _____ Airport Noise Zone: **[34-1004]**

☐ Property is located within Airport Protection Zone. Indicate which Zone below. **[34-1005]**

- ☐ Property is located within Airport Runway Clear Zone: **[34-1006]**
- ☐ Property is located within Airport School Protection Zone: **[34-1007]**
- ☐ Property is located within Airport Residential Protection Zone: **[34-1009]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1009]**

☐ A Tall Structures Permit is required. **[34-1010]**

PART 5 SUBMITTAL REQUIREMENT CHECKLIST		
Clearly label your attachments as noted in bold below		
Copies Required		**SUBMITTAL ITEMS**
13	☒	Completed application for Public Hearing [34-201(b)]
1	☒	Filing Fee - [34-202(a)(9)]
3	☒	Notarized **Affidavit of Authorization** Form [34-202(b)(1)c]
3	☒	**Additional Agents** [34-202(b)(1)c.]
3	☒	**Multiple Owners List** (if applicable) [34-201; 34-204]
3	☒	**Disclosure of Interest** Form (multiple owners) [34-201(b)(2)a]
5	☒	**Legal description (must submit)** [34-202(a)(1)]
		☒ Legal description (metes and bounds) and sealed sketch of legal description
		OR
		☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
5	☒	**Boundary Survey** – not required if platted lot (2 originals required) [34-202(a)(2); [34-373(a)(4)a.]
3	☒	**Property Owners list** (if applicable) [34-202(a)(5)]
3	☒	**Property Owners map** (if applicable) [34-202(a)(5)]
3	☒	Confirmation of **Ownership/Title Certification** [34-202(a)(3)]
3	☒	**STRAP Numbers** (if additional sheet is required) [34-202(a)(1)]
1	☒	**List of Surrounding Property Owners** [34-202(a)(6)]
1	☒	**Map of Surrounding Property Owners** [34-202(a)(7)]
1	☒	**Mailing labels** [34-202(a)(6)]
13	☐	List of **Zoning Resolutions** and Approvals [34-202(a)8)]
13	☐	Summary of **Public Informational Session** (if applicable) [34-202(a)(10)]
13	☐	**Waivers** from Application Submission Requirements (if applicable)
13	☐	Preliminary **Density** Calculations (if applicable)
13	☒	**Request Statement**
5	☒	Traffic Impact Statement (**TIS**) (not required for existing development) [34-341(b)(2)d.1.]
13	☒	Master Concept Plan (**MCP**), **Non-PRFPD** [34-373(a)(6)]
13	☒	**Schedule of Uses** [34-373(a)(8)]
13	☒	Schedule of **Deviations and** Written **Justification** [34-373(a)(9)]
4	☐	**Topography** (if available) [34-373(a)(4)d.iv.]
4	☒	**Soils Map** [34-373(a)(4)b.v.]
4	☒	**FLUCCS Map** [34-373(a)(4)c.]
4	☐	Rare & Unique **Upland Habitat Map** [34-373(a)(4)b.iii.]
4	☐	Existing and Historic **Flow-Ways Map** [34-373(a)(4)b.v.]
4	☒	**Surface Water Management Plan** (if applicable) [34-373(b)(1)]
13	☐	**Phasing Program** (if applicable) [34-373(b)(3)]
4	☒	**Protected Species Survey** (if applicable) [34-373(b)(2)]
13	☐	**Proof of Notice** (if applicable) [34-373(c)]
13	☐	**Binding Letter** from DCA (if applicable) [34-373(d)(2)]
13	☐	Master Concept Plan (**MCP**), **PRFPD** (if applicable) [34-941(g)]

5	☐	**Conceptual Surface Water Management Plan** (if applicable) [34-941(d)(3)b.i.1)]
5	☐	**Well Drawdown** Information (if applicable) [34-941(d)(3)d.]
5	☐	Preliminary Indigenous **Restoration Plan** (if applicable) [34-941(e)(5)f.iii.]
5	☐	**Environmental Assessment** (if applicable) [34-941(g)(2)]
13	☐	Demonstration of **Compatibility** (if applicable) [34-941(g)(4)]
4	☐	**Potable Water & Sanitary Sewer**. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(b)(8)]
4	☐	Existing **Agricultural Use Affidavit** (if applicable) [34-202(b)(7)]
4	☐	Information Regarding **Proposed Blasting** (if applicable). [34-202(b)(6)]
4	☐	**Bonus Density App**lication (if applicable) [34-202(b)(5)]
3	☐	Hazardous Materials **Emergency Plan** (if applicable) [34-202(b)(4)]
3	☐	Mobile Home Park **Dislocated Owners** Information (if applicable) [34-203(d)]
3	☐	**Tall Structures Permit** (if applicable) [34-1001]

APPLICANT'S
EXHIBIT # 6

kwiktag® 022 564 824

REGULAR MEETING
OF THE
LOCAL PLANNING AGENCY

Monday, January 29, 2007
Human Resources Training Room
First Floor
County Administration Building
2115 Second Street, Fort Myers, FL
The meeting will commence at 1:30 p.m.

AGENDA

1. **Call to Order; Certification of Affidavit of Publication**

2. **Pledge of Allegiance**

3. **Public Forum**

4. **Approval of Minutes: November 27, 2006**

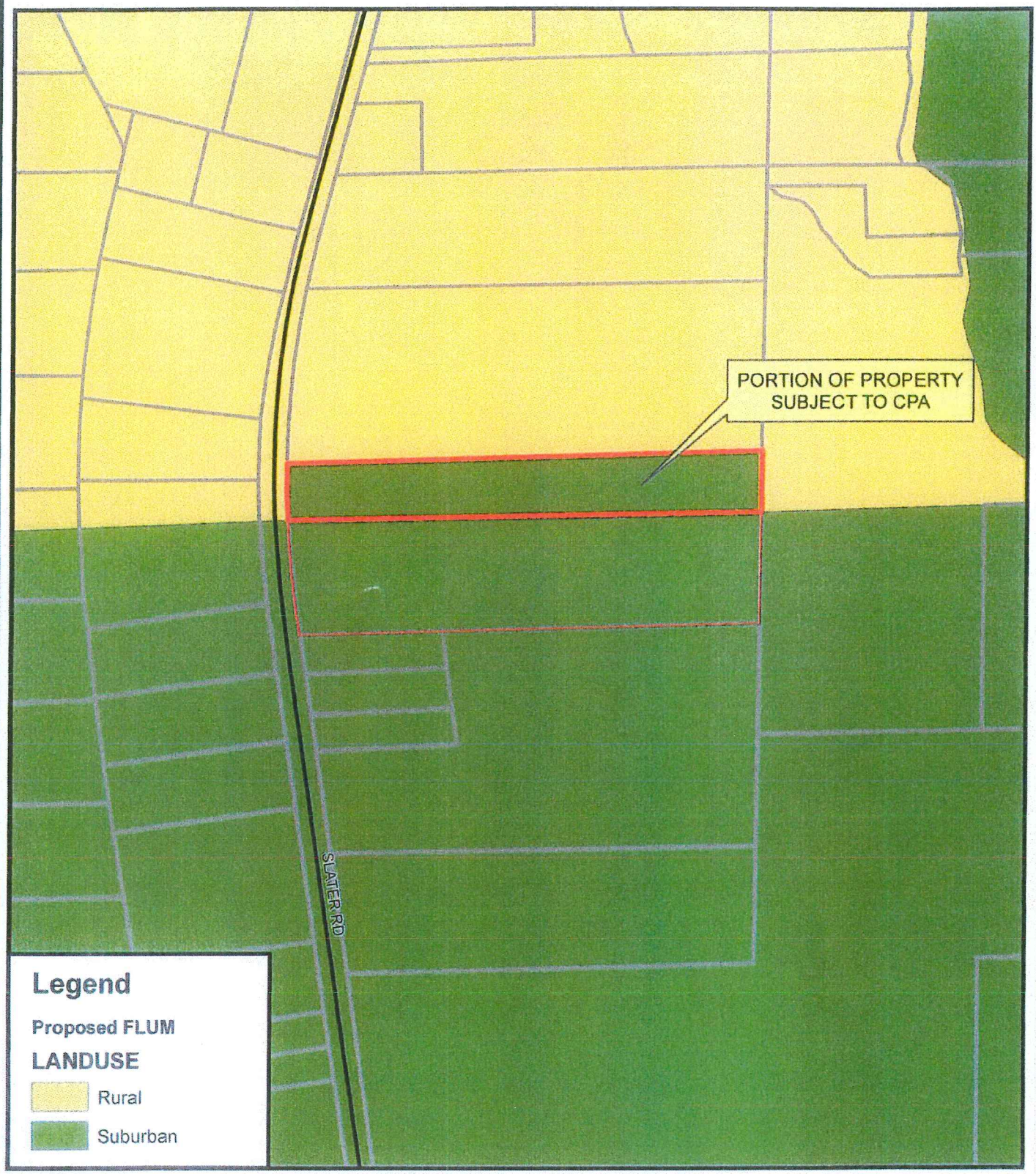
5. **Administrative Code 11-9 – Bicycle and Pedestrian Facilities – Construction on Major Roadways**

6. **CPA2006-00004 Adelson (Small Scale Amendment) - Amend the Lee Plan Future Land Use Map series for a specified 5.43± acre portion of a parcel located in Section 19, Township 43 South, Range 25 East (see Attachment 4, for general location) to change the Future Land Use classification shown on Map 1 from "Rural" to "Suburban." The site is generally located on the east side of Slater Road approximately 1 mile north of Bayshore Road.**

7. **Other Business**

8. **Adjournment**

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.



Proposed Future Land Use Map

MAP A2b

Adelson Parcel

S.W. Florida Land Twelve, L.L.C.

6150 Diamond Center Court
Bldg. #1300
Fort Myers FL, 33912

ADELSON SMALL SCALE CPA

400 200 0 400
Feet

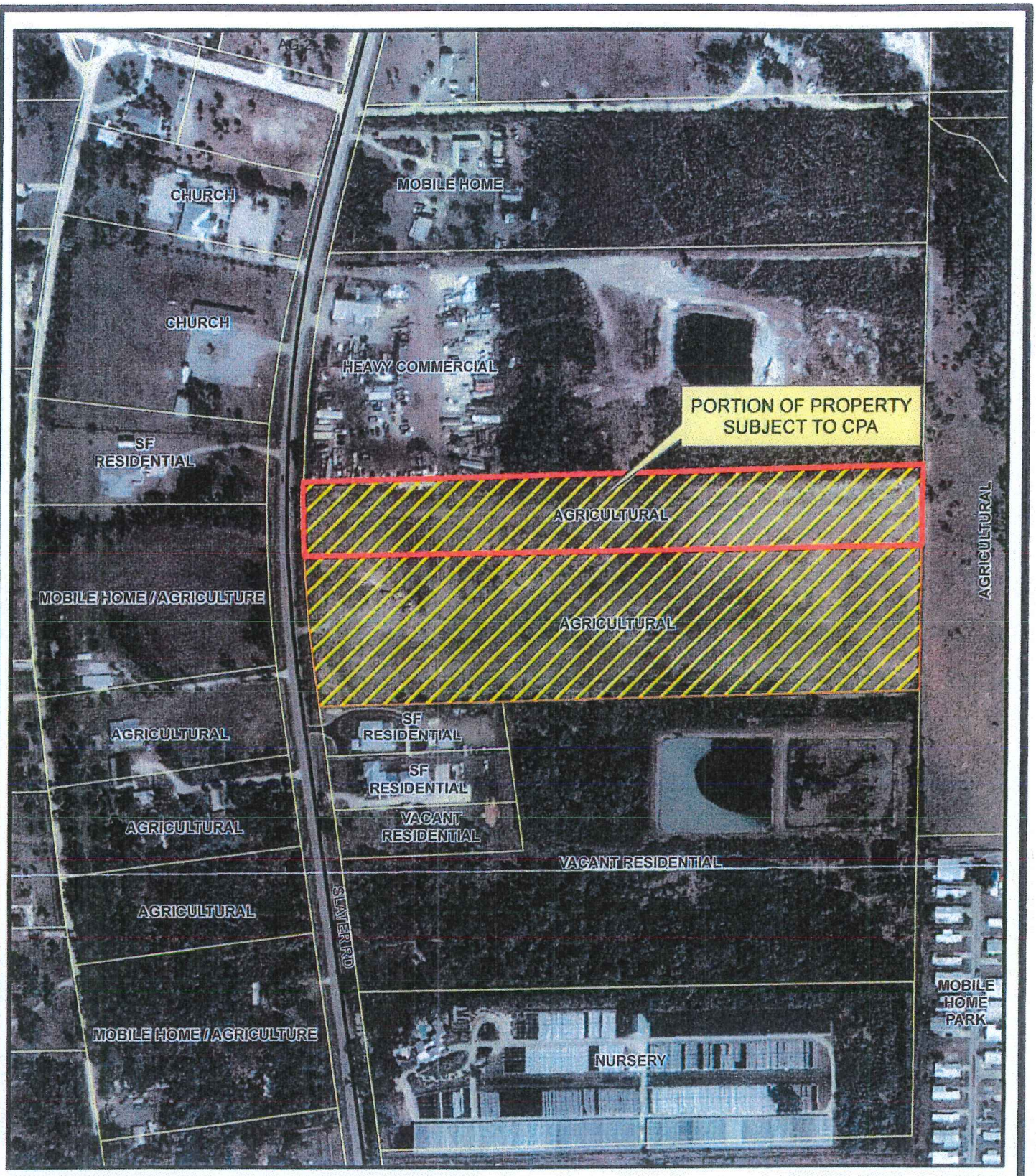
Date: 03-13-06

Map Number:
1023-01-CPA-EX2B

Project Number:
1023-01

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.



Existing Landuse Map

MAP A 3

Adelson Parcel
S.W. Florida Land Twelve, L.L.C.

6150 Diamond Center Court
Bldg. #1300
Fort Myers FL, 33912

ADELSON SMALL SCALE CPA

300 150 0 300
Feet

Date: 03-13-06

Map Number: 1023-01-CPA-EX3

Project Number: 1023-01

Source: Lee County Property Appraisers Office

It is the end user's responsibility to verify the data contained hereon.

LEE COUNTY ORDINANCE NO. 07-06
(Small Scale Amendment 5.43±-Acre Parcel from
Rural to Suburban)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" AS ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT SMALL SCALE AMENDMENT CPA 2006-00004 (PERTAINING TO THE DESIGNATION OF A 5.43±-ACRE PARCEL FROM RURAL TO THE SUBURBAN FUTURE LAND USE CATEGORY) APPROVED DURING A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT EFFORT; PROVIDING FOR AMENDMENT TO THE FUTURE LAND USE MAP SERIES, MAP 1; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1 and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6, provide an opportunity for private individuals to request amendment to the Future Land Use Map through a small scale amendment public hearing process; and,

WHEREAS, the Local Planning Agency (LPA) held a public hearing on the adoption of the proposed amendment on January 31, 2007. At that hearing, the LPA found the proposed amendment to be consistent with the Lee Plan and recommended that the Board adopt the amendment; and,

WHEREAS, the Board held a public hearing for the adoption the proposed amendment on April 24, 2007. At that hearing, the Board approved a motion to adopt proposed amendment CPA2006-00004 pertaining to the re-designation of a 5.43±-acre

parcel from Rural to Suburban on the Future Land Use Map Series, Map 1. The subject parcel is located on the east side of Slater Road, north of State Road 78 in North Fort Myers, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT, AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted a public hearing to review a proposed amendment to the Future Land Use Map Series of the Lee Plan. The purpose of this ordinance is to adopt the amendment to the Lee Plan discussed at that meeting and later approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." This amending ordinance may be referred to as the "2006 Small Scale Amendment Cycle CPA 2006-04, re-designation of 5.43±-acre parcel located on Slater Road, North of State Road 78 Ordinance."

SECTION TWO: ADOPTION OF SMALL SCALE AMENDMENT TO LEE PLAN FUTURE LAND USE MAPS SERIES, MAP 1

The Lee County Board of County Commissioners hereby amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment to the Future Land Use Map Series, Map 1, by changing the designation of a 5.43-acre parcel from the Rural to Suburban Future Land Use category. The subject parcel is located on the east side of Slater Road, north of State Road 78 in North Fort Myers, Florida. The

corresponding staff report and analysis, along with all attachments for this amendment, are adopted as "support documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention;

and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The small scale Lee Plan amendment adopted by this ordinance will be effective 31 days after adoption unless challenged within 30 days after adoption. If challenged within 30 days after adoption, the small scale amendment to the Lee Plan will not be effective until the Florida Department of Community Affairs or the Administrative Commission issues a final order determining the small scale amendment is in compliance with Florida Statutes, Section 163.3184. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective.

THE FOREGOING ORDINANCE was offered by Commissioner Hall, who moved its adoption. The motion was seconded by Commissioner Mann. The vote was as follows:

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

DONE AND ADOPTED this 24th of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Robert P. Janes, Chair

DATE: April 24, 2007

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

LeeClerk.ORG
CHARLIE GREEN: CLERK OF COURT

STATE OF FLORIDA

COUNTY OF LEE

I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-06, adopted by the Board of Lee County Commissioners, at their meeting held on the 24th day of April 2007 and same filed in the Clerk's Office.

Given under my hand and seal, at Fort Myers, Florida, this 24th day of April 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

By: Kathleen A. Matz
Deputy Clerk

CIRCUIT COURT * FLORIDA * LEE COUNTY

Finance & Records Dept. Minutes Office - P.O. Box 2469, Fort Myers, FL 33902
Phone: (239) 335-2328 | Fax: (239) 335-2938

CPA2006-04

ADELSON SMALL-SCALE AMENDMENT TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Privately Sponsored Application and Staff Analysis

BoCC Adoption Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

April 24, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2006-04

☐ Text Amendment ☑ Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 27, 2006

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. **APPLICANT/REPRESENTATIVE:**

SW Florida Land Twelve, LLC
6150 Diamond Centre Court, Building 1300
Fort Myers, FL 33912

DBS Consulting, Inc
Stephen Sposato, AICP
4450 Camino Real Way
Fort Myers, FL 33912

2. **REQUEST:** Amend the Lee Plan Future Land Use Map series for a specified 5.43± acre portion of a parcel located in Section 19, Township 43 South, Range 25 East (see Attachment 4, for general location) to change the Future Land Use classification shown on Map 1 from "Rural" to "Suburban."

3. **SUMMARY DISCUSSION:** The applicant's agent, DBS Consulting, Inc. is requesting a Small Scale Map Amendment to Map 1 of the Lee Plan for a 5.43 acre specified portion of an existing parcel to change the Future Land Use Category from the Rural Land Use designation to the Suburban Land Use designation. The change from Rural to Suburban would allow an increase in both residential density and commercial intensity. The existing Rural Land Use designation will allow a density of 1 du per acre and a low

intensity commercial usage intended to provide services needed by the surrounding rural community. The proposed Suburban Land Use designation will allow a residential density range of 1 du per acre to 6 du per acre and a commercial intensity up to neighborhood centers. The proposed map amendment would move the 5.43 acre site from a "non-urban" land use category to an "urban" land use category. The parcel is located east of Slater Road, approximately 1 mile north of Bayshore Road (SR 78). The property is currently located within the North Fort Myers Planning Community boundaries (Map 16). The property is not located in a special planning area.

BACKGROUND INFORMATION

1. **EXISTING CONDITIONS:**

SIZE OF PROPERTY: ± 5.43 acres

PROPERTY LOCATION: Generally located one mile north of Bayshore Road (SR 78), east of Slater Road.

STRAP #: 19-43-25-00-00014.0020

EXISTING USE OF LAND: Passive Agriculture / Grazing Lands / Improved Pasture

CURRENT ZONING: AG-2

CURRENT FUTURE LAND USE CLASSIFICATION: Rural

2. **INFRASTURCTURE AND SERVICES:**

FIRE: North Fort Myers Fire Control and Rescue District

EMS: Lee County EMS service area.

LAW ENFORCEMENT: Lee County Sheriff's Office.

SOLID WASTE: Waste Pro Franchise Area.

MASS TRANSIT: LeeTran Route is roughly 1 mile to the south on Bayshore Road.

POTABLE WATER: Lee County Utilities, Olga Water Treatment Plan

SANITARY SEWER: North Fort Myers Utility, Inc. This property is not within the sanitary sewage service area, as is depicted on Map 7 of the Lee Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Planning Staff recommends transmittal of the proposed amendment to the Future Land Use Map changing 5.43± acres of land currently having a Rural Land Use designation to the Suburban Land Use designation.

- Suburban land use designation is adjacent to this property to the south.

- The Comprehensive Plan Amendment site is located within the Category 3 Storm Surge Zone.
- The property is located within the Future Water Service Area, Map 6 of the Lee Plan.
- The property is not located within a Special Treatment Area regulated by specific Goals, Objectives, or Policies.
- The total 16.15 acre property, under common ownership, is currently split between the Rural Land Use designation and the Suburban Land Use designation.
- The property is located within the North Fort Myers Planning Community.
- The property is less than 10 acres and can be processed as a small scale plan amendment.
- No plan amendment has been granted to this property within the last 12 months.
- The property owner has not requested another plan amendment within 200 feet of this property within the past 12 months.
- The Land Use designations impacting this property did not follow property lines.
- The Land Use designations impacting this property did not follow complete Township, Section, or Range boundaries.

COMPREHENSIVE PLAN BACKGROUND

The subject property was designated "Suburban" by the original Lee County Future Land Use Map, adopted in 1984. By 1988 it had been designated "Rural" and has remained so. The initial change from the Suburban Land Use designation to the Rural Land Use designation took place through PAM 19-43-25, as a part of the 1986 plan amendment cycle, which had been erroneously named PAM 19-43-26 in many documents. In 1987, another round of plan amendments changed the land use designations in the same location. It is not entirely clear if this specific area was included or not, but the land use changes proposed were similar. The 1987 Plan amendments utilized changes that were proposed as an option (option 2) of the Bayshore Corridor Study (Attachment1). In reviewing the transcripts from Local Planning Agency meetings (Attachment 2) and Board of County Commissioner's meeting concerning this topic, it has been derived that a concern existed at that time that the owners in the northern part of Section 19 (STR 19-43-25) had expressed and interest to be placed in the Rural Land Use designation and not be infringed upon by an industrial or some other incompatible land use. Many of the decisions to restrict development within this area to 1 dwelling unit per acre were based on the Bayshore North Area Study (Attachment 3), which received conceptual approval from the Board of County Commissioners on May 19, 1981 and was adopted in May of 1982.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

Application Summary

FLUM Changes

The Comprehensive Plan Amendment requests changes to the Future Land Use designation of a 5.43 acre parcel from the Rural Land Use designation to the Suburban Land Use designation. This change would move property from a non-urban land use category to an urban category and increase its potential density and intensity. The impact to residential density would be an increase from 1 dwelling unit per acre under the Rural Land Use designation to 1 – 6 dwelling units per acre under the Suburban Land Use designation, a potential increase of 27 dwelling units. In addition, under the Rural Land Use designation commercial intensity is limited to uses needed to serve the rural community. Under the Suburban Land Use designation commercial intensities up to neighborhood centers are allowed, which would include uses such as the sale of convenience goods and personal services.

The existing boundaries between the Rural Land Use designation and the Suburban Land Use designation roughly followed the south ½ of the south ½ line of STR 19-43-25. This boundary, while not truly arbitrary, did not fall on any recognizable features or along the property lines and did not bisect the property in a functional manner. In this case, the property was split with roughly 1/3 of the property being in the Rural Land Use designation and 2/3 of the property falling under the Suburban Land Use designation. The portion of the property within the Rural LU has roughly 166 feet of frontage along Slater Road and has a depth of approximately 1,418 feet. While staff does not concede that this situation automatically warrants the concession to the more intense land use designation of Suburban, staff recognizes this split of land use designation will be problematic for development of the entire 16 .15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner.

Staff took into consideration the surrounding land use designations, how the property was split between the two different land use designations; the compatibility of the two different land use designations; the over-all size of the land use change request; the ability to provide and the existing infrastructure; and the over-all intent of the Lee Plan which is to depict Lee County as it will appear through the build-out year. These considerations have led to a staff decision that the impacts of unifying the land use designations for a parcel of land under one ownership is plausible and is compatible with the Lee Plan. Additionally, staff took into consideration the surrounding uses to the plan amendment site. Immediately north of the site is an area fronting Slater Road, roughly 3.6 acres in size with a zoning category of C-1. Currently, this site is being used as open storage. Surrounding this area is a mixture of single family dwelling units on varying sized lots,

mobile home sites (River Trails and Estates Mobile Home Park is located approximately ¼ mile to the south), religious facilities, and agricultural lands.

This does not mean staff is establishing a precedent that in any case of a split land use on a parcel the more intense or the majority land use designation should prevail. Staff has simply made the conclusion that in this specific case, considering the above listed conditions, this choice made sense and is compatible with the Lee Plan. Additionally, in this immediate area, there are only two other parcels, each roughly five acres in size, that are split in a similar manner. These parcels area located on the west side of Slater Road. While the physical characteristics are similar to the Adelson, Small Scale Amendment, staff stresses the fact that every plan amendment will be reviewed based on their own, individual merits. It should not be assumed a precedent is being established with the Adelson, Small Scale Amendment.

TRANSPORTATION/TRAFFIC CIRCULATION IMPACTS

The subject property currently has access from Slater Road. Slater Road is currently classified as an Arterial with a current Level of Service "C", as was stated in the Concurrency Report, June, 2006.

The Lee County Department of Transportation (LCDOT) has reviewed the request and has provided written comments dated November 3, 2006. These comments are provided below:

> *We have reviewed the above application which requests the land use designation of approximately 5.43 acres be changed from "Rural" to "Suburban." It is indicated in the application that given the existing FLUM designation of "Rural," 18,000 square feet of commercial and 36,300 square feet of general office could be built in the subject area. The proposed "Suburban" designation would allow 30,000 square feet of commercial and 24,300 square feet of general office. If this amendment is adopted, there will be 247 trips generated by this property on a PM peak hour peak directional basis. The 2030 FSUTMS travel demand model indicates that there will be 341 PM peak hour peak directional trips on Slater Road and the LOS of Slater Road will be "C." Adding 247 project's trips, LOS on Slater Road will still be "C." Therefore, we determine that this land use change will not alter the future road network plans.*

POPULATION ACCOMMODATION

Currently, there exists 498 acres of "Available" allocated land for Residential Use by the Suburban Future Land Use Category within the North Fort Myers Planning Community. Under the existing Rural Land Use designation, 5 dwelling units could be built, allowing for an approximate population of 12 people under the current land use. The proposed Suburban Land Use designation would allow for 30 dwelling units to be built on the 5.43 acre site or a proposed population 69 people under the proposed land use designation.

The applicant has stated the overall project site will be a 16.15 acre development. Keeping the Rural Land Use designation would allow the developer to build 69 dwelling units allowing the development to accommodate approximately 159 persons. The proposed

amendment changed to the Suburban Land Use designation would allow 96 dwelling units which could accommodate approximately 221 persons.

The proposed Land Use Change to the Suburban Land Use Designation would allow 27 more dwelling units or roughly 62 more people within a development, than would currently be allowed.

ENVIRONMENTAL CONSIDERATIONS

The application includes a map and report prepared by Boylan Environmental Consultants, Inc. to identify the potential for endangered or threatened species and to map vegetation communities on site. The map identifies the Florida Land Use, Forms and Cover Classifications System (FLUCFCS) Code, an acreage coverage and total acreage determination. The map depicts 5.43 acres of the site as being Improved Pasture (Code 211).

Lee County, Environmental Sciences Division has reviewed the application and provided an e-mailed response stating:

There are no Environmental Science issues with this request.

SOILS

The application includes a map prepared by Boylan Environmental Consultants, Inc. concerning the soil types located on the subject site. The soils types for the site were determined to be Oldsmar Sand over the entire 5.43 acre site.

HISTORIC RESOURCES

The application included a map depicting the subject parcel in relation to the Archaeological Sensitivity Map. The parcel in question is within the Archaeological Sensitivity Area, Level 2 boundary in the northeastern corner of the property. Chapter 22 of the Lee County Land Development Code defines the Sensitivity Level 2 as follows:

Those areas containing known archaeological sites that have not been assessed for significance but are likely to conform to the criteria for local designations, or areas where there is a high likelihood that unrecorded sites of potential significance are present.

The application includes a letter, dated March 21, 2005 from the Division of Historical Resources, Florida Department of State. This letter provides the following:

In response to your inquiry of March 17, 2005, the Florida Master Site File lists no previously recorded cultural resources in the following parcels:

T:43S R:25E Section 19

In interpreting the results of our search, please remember the following points:

- *Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.*
- *As you know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation.*

PUBLIC SERVICES

FIRE The North Fort Myers Fire District did not raise any objections to comprehensive plan amendment. As was stated in the letter, it was not expected that any increase in manpower or vehicles would be necessary to adequately service this proposed project.

EMERGENCY MEDICAL SERVICES (EMS) The Lee County Public Safety, EMS provided a form letter, "Statement of No Concern." It was stated in the form letter:

> *Lee County EMS has no concerns with the requested change from Rural to Suburban. The statement also does not indicate that any plans have been received or reviewed.*

LAW ENFORCEMENT The Lee County Sheriff's Office provided a letter that stated there were no anticipated problems with providing any potential development with adequate "core" level of law enforcement services. An excerpt of the letter provided by the Lee County Sheriff's Office is provided:

> *We anticipate that we will receive the reasonable and necessary funding to support growth within Lee County. We therefore believe that the Lee County Sheriff's Office will be able to serve your project as it builds out.*

SOLID WASTE The subject property is within the Lee County, Solid Waste District, Area 5. The franchise company responsible to collection for District #5 is Waste Pro. Lee County, Solid Waste Division was contacted about the comprehensive plan amendment and stated:

> *Disposal of the solid waste generated at this location will be accomplished at the Lee County Resource Recover Facility and the Lee-Hendry Regional Land fill. Plans have been made, allowing for growth, to maintain long-term disposal capacity at these facilities.*

MASS TRANSIT LeeTran received a copy of the amendment application and had no objections to the proposed map amendment. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by Lee County Transit is provided below:

Lee County does not currently provide public transportation services directly to the subject property and does not plan to extend service to the site anytime within the existing Lee County Transit Development Plan, which goes through 2013. The closest transit service accessible from this parcel is approximately 1 mile south at the intersection of Slater Road and Bayshore Road. Transit service to the subject site is also not identified in the transit element of the Lee County Long Range Transportation Plan, which has a planning horizon through 2030.

SCHOOL IMPACTS The School District provided a letter to the applicant and is a part of the comprehensive plan amendment application. The letter did not list any objections to the comprehensive plan amendment.

PARKS, RECREATION AND OPENSPACE Lee County Public Works staff reviewed the request and provided comments stating there were no objections to the proposed change from Rural to Suburban.

POTABLE WATER The property is located in the Lee County Future Water Service Areas delimited on Map 6. Lee County Utilities has provided a letter stating sufficient capacity exists to provide potable water. An excerpt of the letter provided by Lee County Utilities is provided below:

Your firm has indicated that this project will consist of 96 multi-family residential units with an estimated flow demand of approximately 19,200 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water 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 The property is not located in the Lee County Future Sewer Service Areas, delimited by Map 7. It is proposed that sanitary sewage will be supplied by the North Fort Myers Utility Incorporated. A letter was provided to the applicant and is a part of the comprehensive plan amendment application. An excerpt of the letter provided by the North Fort Myers Utility Incorporated is provided below:

Currently we do not have a waterwater force main adjacent to the property therefore, the developer shall construct the offsite and onsite waterwater collection system under the terms of the Developer's Agreement.

North Fort Myers Utility, Inc. has the capacity to provide 21,600 gallons per day from its waterwater treatment plant.

This letter should not be construed as a commitment to service, but only the availability of wastewater service. The company will commit to service only upon receipt of a signed required for service, executed Developer's Agreement,

appropriate fees and charges and the approval of all federal, state and local regulatory agencies.

STORMWATER MANAGEMENT The applicant has stated that the property is located within the Daughtrey Creek Watershed. Any development would need to be in compliance with the South Florida Water Management District and the Lee County Land Development Code with regard to surface water management.

PUBLIC NOTIFICATION PROCESS

Signs Posted and Letters Mailed Out

As part of the requirements of Administrative Code 13-7, residents within 500 feet of the proposed amendment site are to be mailed a notice stating the nature of the Future Land Use Map change. In addition, a sign is posted at the site with a description of the proposed amendment and the assigned case number.

CONSISTENCY WITH THE LEE PLAN

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. (Amended by Ordinance No. 94-30)*

The proposed small-scale amendment is will provide a uniform land use designation for a parcel of land under one owner. There are no natural features or landmarks that direct the boundaries for different land use designations.

POLICY 1.4.1: *The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).*

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. (Amended by Ordinance No. 94-30, 00-22)*

The existing utilities and the development's access to Slater Road, which functions as an Arterial does promote the ability to create a contiguous and compact development

pattern. Existing developments of similar densities do exist further south of the proposed amendment site.

POLICY 5.1.2: *Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.*

No physical constraints or hazards are evident that would impact a residential development.

STANDARD 11.1: WATER.

1. *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.).*

2. *If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.*

3. *The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.*

4. *All waterline extensions to new development will be designed to provide minimum fire flows, as well as adequate domestic services as required by Chapter 10D-4, F.A.C.*

STANDARD 11.2: SEWER.

1. *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.*

2. *If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.*

3. *If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.*

The property can be service by Lee County Utilities for potable water. The property is outside of the Lee County Sanitary Sewage Service Area, as is depicted in Map 7 and will receive sanitary sewage service from the North Fort Myers Utilities Inc. Letters stating the availability of capacity is included in the application.

> ***POLICY 39.1.4:*** *Main access points from new development will not be established where traffic is required to travel through areas with significantly lower densities or intensities (e.g. multifamily access through single-family areas, or commercial access through residential areas) except where adequate mitigation can be provided. (Amended and Relocated by Ordinance No. 99-15)*

Direct access to the project is on Slater Road Road, which functions as an arterial roadway.

REGIONAL POLICY PLAN

> ***Goal 2:*** *Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities. By locating new housing in areas where services already exist, local governments can reduce the strain on their resources and promote the cost effective use of their services. Doing so can also promote livable communities that offer residents a variety of amenities and opportunities. Encouragement of infill development, mixed land uses, and neighborhood revitalization are among the steps local governments can take to promote new affordable housing without sacrificing other planning goals.*

FLORIDA STATE COMPREHENSIVE PLAN

The proposed amendment is consistent with relevant State Comprehensive Plan Goals and Policies.

> *(16) LAND USE(a)*
> *Goal – In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place or have agreements to provide, the land and water resources, fiscal abilities, and ser capacity to accommodate growth in an environmentally acceptable manner.*

AFFECT ON ADJACENT LOCAL GOVERNMENTS

The propose amendment is not adjacent to any local governmental boundaries. The proposed amendment does not affect any local governments.

B. CONCLUSIONS

It is not anticipated that the proposed land use change will adversely impact any public service provider. The proposed plan amendment is consistent with the Lee Plan. Staff concedes that in this case, with the majority of a parcel of land being located in a more intense land use and the limited dimensions and size of the remaining area, the request to unify the parcel under one land use designation is acceptable. In this case, with the more

intense land use covering the majority of the property, it seems plausible to allow the Suburban Land Use designation to regulate development over the entire site as this split of land use designations will be problematic for development of the entire 16 .15 acre site. The differences in density and intensity will not allow for a unified, cohesive development plan within the property that is currently under a single owner. However, staff does not believe that the more intense land use designation should be the first consideration if a situation similar to this does occur.

C. STAFF RECOMMENDATION

Planning staff recommends transmittal of the proposed small scale amendment consisting of the Future Land Use Map change of 5.43± acres of land currently holding the land use designation of Rural to Suburban.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: January 29, 2007

A. **LOCAL PLANNING AGENCY REVIEW:** One LPA member started the session by stating he was president of the company involved in the development proposed on this site and that he had notified, to the best of his ability, his fellow LPA board members. This member did not participate in the discussion and left the public hearing.

Staff explained the purpose of the amendment and reviewed the staff report and recommendations. The applicant's representatives then made a presentation describing the surrounding uses, zoning, and potential impacts. The hearing was then opened to the public. Several members of the public spoke with issues ranging from the type of product that was proposed, drainage, non-conforming land uses, traffic issues, and a lack of public services.

LPA members then began a discussion centering around the compatibility of the land use amendment to the Lee Plan. One of the LPA members took issue with the amendment stating it was not compatible with the 2030 allocation tables that were proposed through the 2005/2006 plan amendment cycle; this type of amendment would set a precedent for change to more intense land use designations; it was not located on the fringe of an existing Central Urban or Urban Community land use designation as is stated in Policy 1.1.5 (Suburban); the surrounding area was not intensively developed, except for the mobile home park located south of the property; this was not an infill type of development; the traffic that would be generated would be an issue; and this type of amendment reduces the rural lands. The LPA members also discussed when and how the property was cleared and if there were any time constraints that would have existed because of the vegetative clearing permits that would have been required. LPA members discussed these issues before calling for a vote to recommend adoption of the small-scale amendment 4 to 1, with one member abstaining.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends adoption of the proposed small scale amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	AYE
RAE ANN WESSEL	NAY
DEREK BURR	AYE
RONALD INGE	ABSTAIN
LESLIE COCHRAN	AYE
CARLETON RYFFEL	AYE

PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT

DATE OF ADOPTION HEARING: April, 24, 2007

A. BOARD REVIEW:

Planning staff provided a brief overview of the proposed amendment followed by a PowerPoint presentation from the applicant. Three Board members agreed that any proposed residential development on the subject property would be more cohesive with one Future Land Use designation instead of two. One Board member was concerned with density allocations under the Suburban Future Land Use category and the compatibility with the surrounding neighborhood. Planning staff explained that any proposed residential development requiring a rezoning from AG-2 to a residential planned development would have to adhere to the review process that would include a compatibility analysis. There were several comments provided by residents in the immediate area of the subject amendment parcel. They were concerned about the increased density that would be allowed with the proposed amendment request and the potential for increased traffic on Slater Road. The three Board members again stated that a cohesive land use designation would allow greater flexibility for the applicant to design the project for review during the rezoning process. The applicant had no objections regarding the Board's recommendation and stated that they will provide adequate buffering for the proposed project.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners adopted the proposed plan amendment.

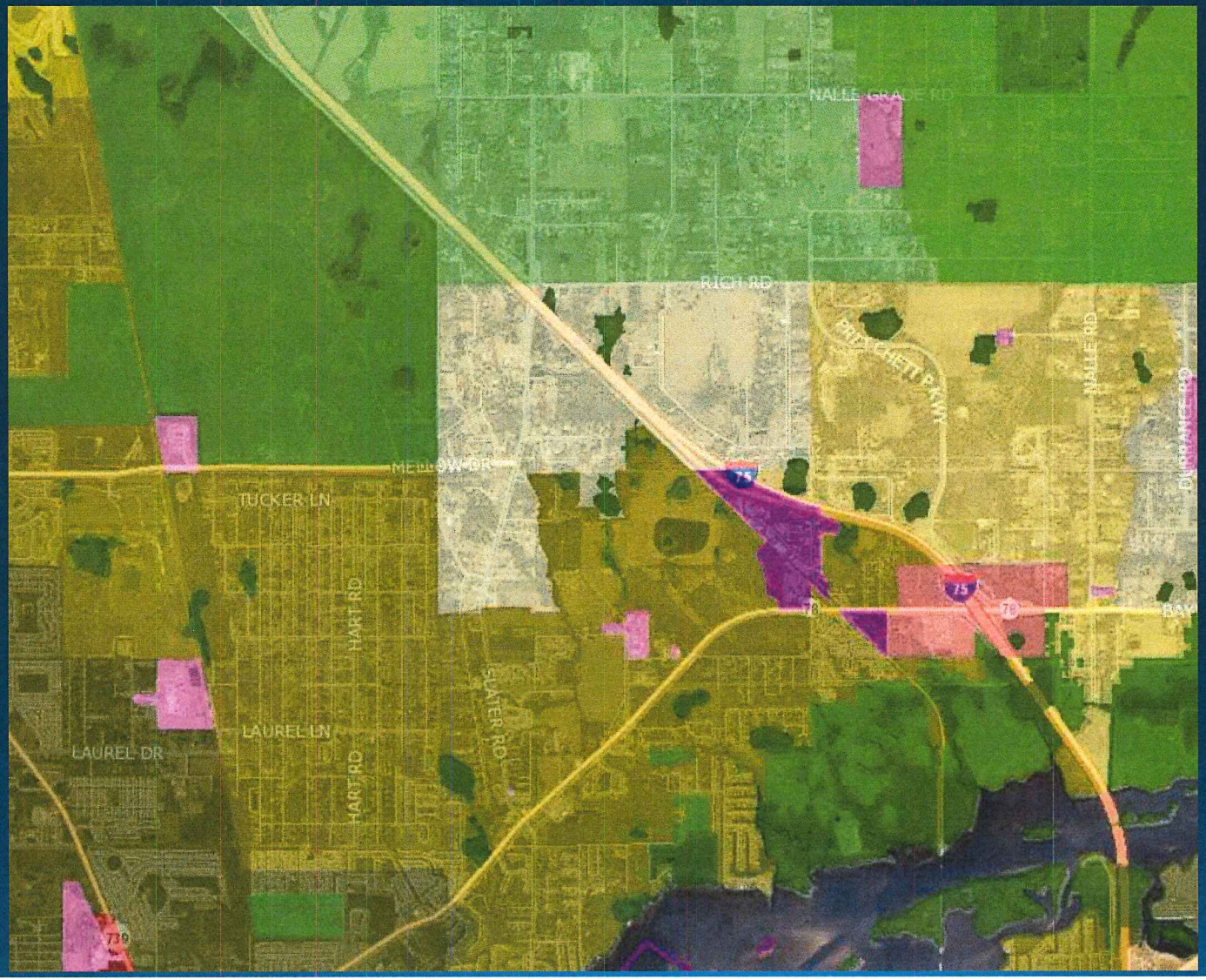
2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the finding of facts that were advanced by staff and the LPA

C. VOTE:

A. BRIAN BIGELOW	NAY
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	ABSENT
FRANKLIN B. MANN	AYE

Future Land Use

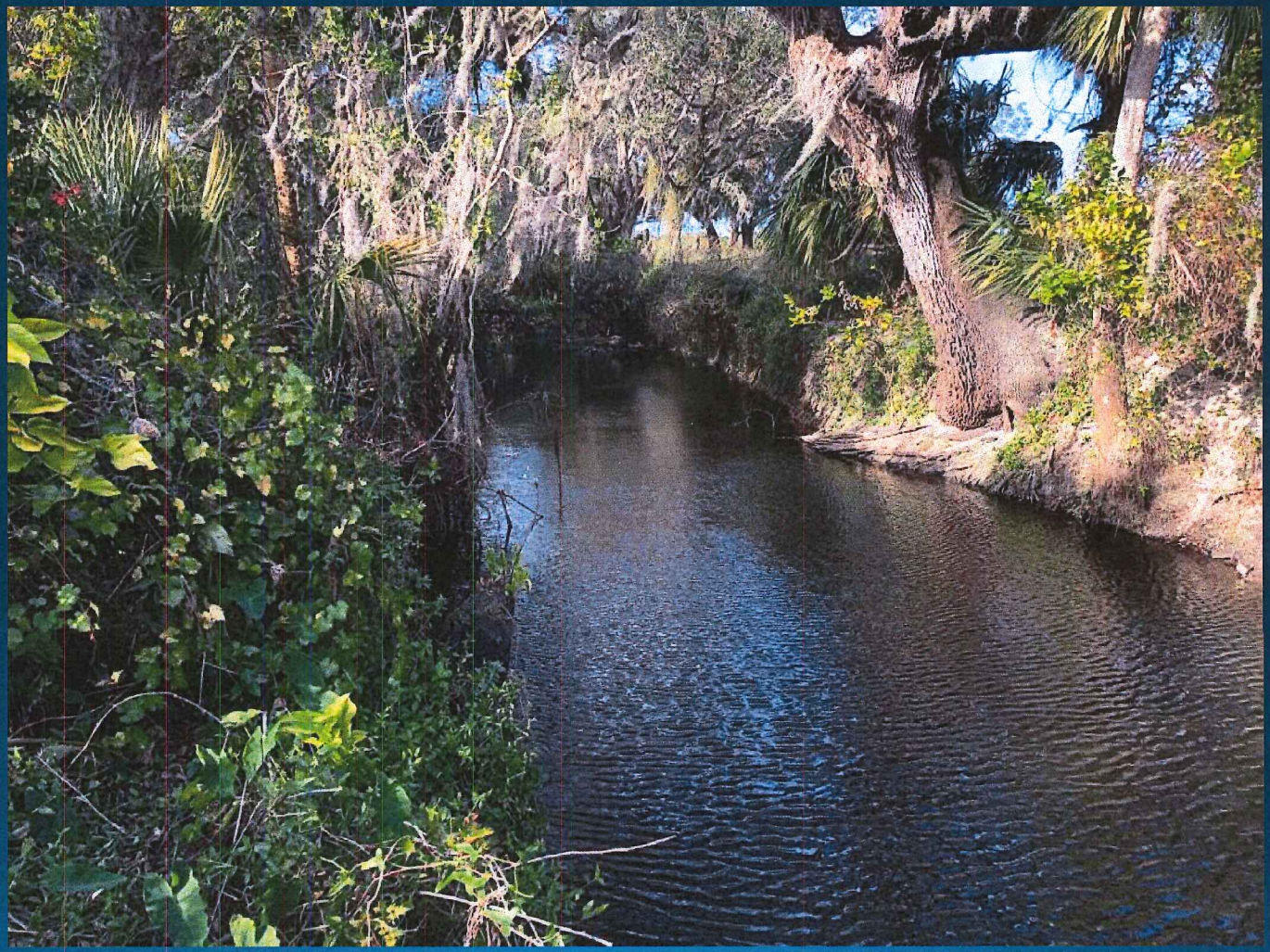


Jennifer

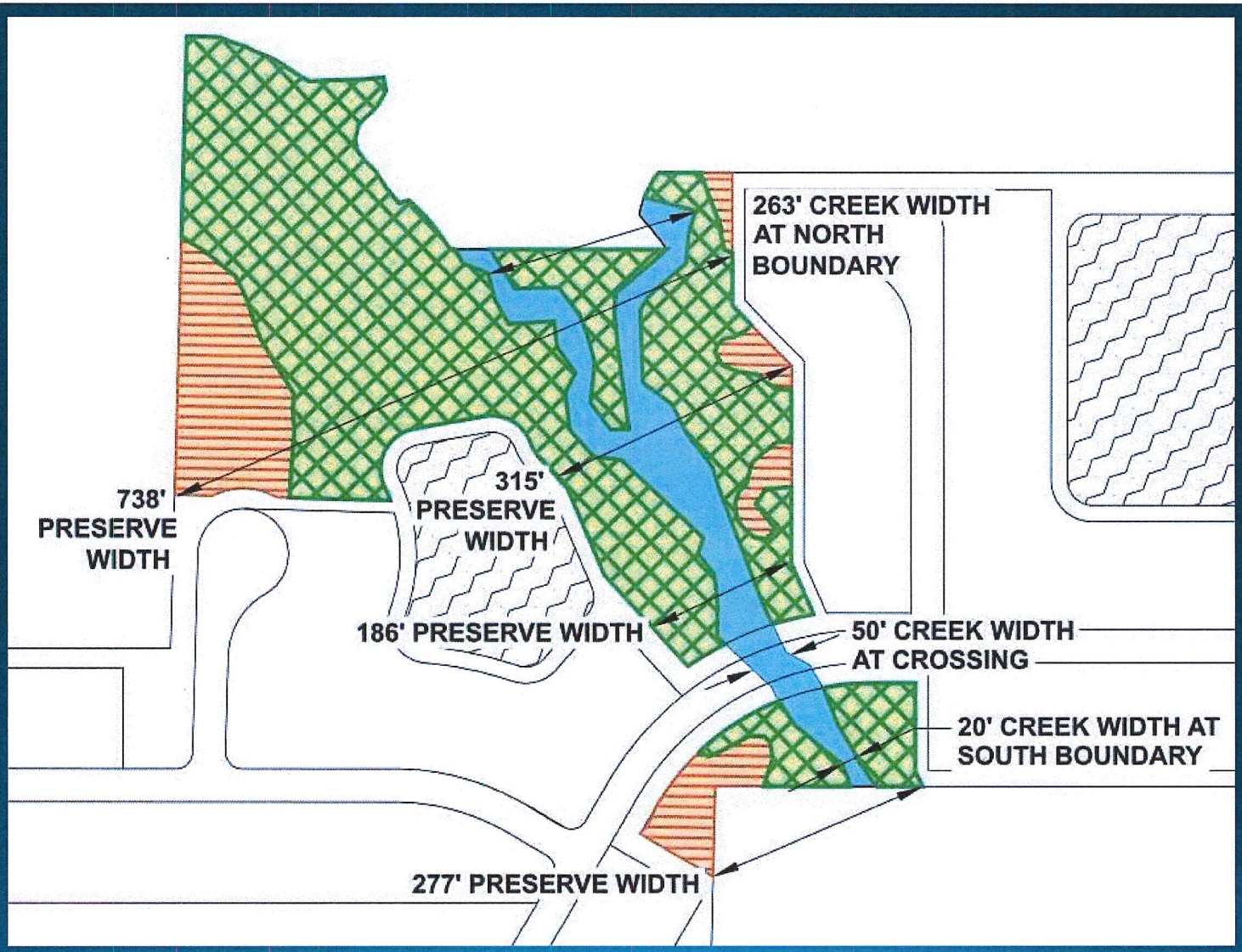
Applicant Exh. # 17
DC/2016-00034

Wes

Daughtrey Creek

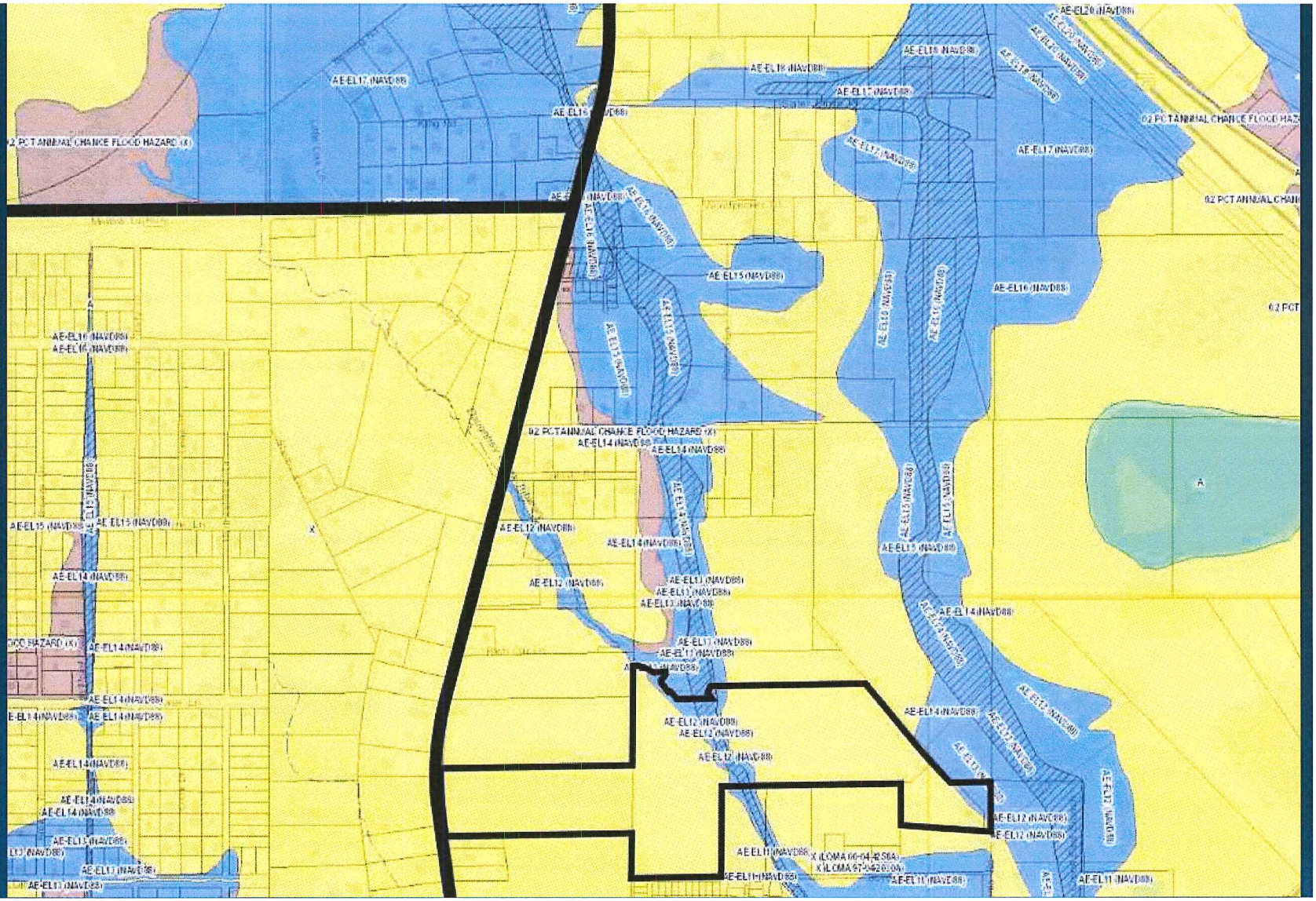


Creek Crossing



Wes

FEMA Flood Map



FIRM Floodway

