RESOLUTION NUMBER Z-18-032

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

WHEREAS, the property owner, Homestead Retail Properties, LLC, filed an application to amend an existing Mixed Use Planned Development (MPD), Lee County Zoning Resolution No. Z-05-080, in reference to Caloosa Lakes MPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera was advertised and held on September 13, 2018. 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 September 14, 2018; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2018-00012 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on February 20, 2019 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 amend an existing MPD to establish an access point on Homestead Road for the southern portion of Commercial Parcel 3 and amend the approved scheduled of uses to add restaurant drive-through.

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). These conditions and deviations codify zoning conditions approved under Resolution Z-05-080, ADD2006-00097, ADD2008-00127, ADD2017-00056, ADD2018-00008, and ADD2018-00028. Conditions and deviations approved by these zoning actions have been revised where necessary to provide clarification, ensure consistency with current regulations, and provide updated LDC citations.

1. Master Concept Plan/Development Parameters

Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Parcel 3 Concept Plan, Homestead Retail" prepared by DeLisi Fitzgerald, Inc., date-stamped "received" on May 31, 2018, and attached hereto as Exhibit C, except where modified by the conditions below. All other development within the Mixed Use Planned Development must be consistent with the one-page Master Concept Plan (MCP) entitled "The Grove Model Center Master Concept Plan", prepared by JR Evans Engineering, dated February 2018, approved by ADD2018-00028, and attached hereto as Exhibit D.

Development must comply with the LDC and Lee Plan at time of local development order approval, except where deviations are approved herein. Subsequent amendments to the MCP, conditions, or deviations are subject to the planned development amendment process established by the LDC.

This Mixed Use Planned Development allows a maximum of 394 single- and two-family units, a maximum of 406 multifamily units (total maximum 800 dwelling units) and a maximum of 160,000 square feet of floor area for commercial uses including retail, office, and restaurant uses, inclusive of outdoor seating areas, on a total of ±196.41 acres of land. The maximum height is limited to 4 stories/50 feet.

2. Schedule of Uses

a. Residential Areas (Parcels 1 and 2)

- Administrative Offices
- Accessory Uses and Structures
- Dwelling Units, limited to a maximum of 800 units as follows:
  - Single-Family, Zero-Lot-Line, Two-Family Attached (Parcel 1 only): 394 units
  - Multifamily, Townhouse (Parcel 2 only): 406 units
- Entrance Gates and Gatehouse
- Essential Services
- Essential Service Facilities, Group I
- Excavation, Water Retention (No Blasting) (see Condition 9 for off-site spoil removal)
- Fences, Walls
- Home Occupation
- Models
  - Display Center
  - Model Home
  - Model Unit
- Real Estate Sales Office (limited to one as depicted on the MCP, see Condition 8)
- Parking Lot
  - Accessory
  - Temporary
- Recreation Facilities
  - Personal
  - Private, On-Site

Residential Accessory Uses
Signs
Temporary Uses (temporary construction trailers are limited to one trailer)

b. Commercial Areas (Parcel 3)

Accessory Uses and Structures
Administrative Offices
ATM (Automatic Teller Machine)
Banks and Financial Establishments, Group I
Business Services, Group I
Clothing Stores, General
Contractors and Builders, Group I
Convenience Food and Beverage Store (limited to one for the entire planned development; no self-service fuel pumps or fast food restaurants permitted with this use)
Drive-through facility (limited to one lane for each use; limited to Banks and Financial Establishments, Group I, Laundry or Dry Cleaning, Group I, Drugstore/Pharmacy, and Restaurant)
Drugstore, Pharmacy (limited to one for the entire planned development)
EMS, Fire, or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention (no blasting, see Condition 9 for off-site spoil removal)
Fences, Walls
Food Stores, Group I
Gift and Souvenir Shop
Hobby, Toy, and Game Shops
Insurance Companies
Laundry or Dry Cleaning, Group I
Medical Offices
Paint, Glass, and Wallpaper I (no outdoor display or storage)
Parking Lot
  Accessory
  Temporary
Personal Services, Groups I and II (excluding massage parlors, steam or Turkish baths)
Restaurant, Fast Food (limited to locations in multi-occupant buildings only; standalone fast food restaurants are not permitted)
Restaurants, Groups I through IV
Schools, Commercial
Signs
Social services, Groups I and II
Specialty Retail Shops, Groups I through IV (excluding ammunition, firearms, and hunters' equipment)
Studios
Variety Store

3. Property Development Regulations

Land Use	Min. Lot Area (SF)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Max. Lot Coverage	Setbacks (ft) [6]				Max. Height (ft/stories)
					Street	Side	Rear	Water	
Residential (Two-Family, Multifamily, and Townhouse Plan)									
Two-Family Attached	7,500 3,750/unit	65	115	52%	20	5/0[3] 5[1]	15 5[1]	20 5[1]	2 stories
Multifamily[7] (3 or more units)	10,000 3,000/unit	100	100	45%	20	10[4] 5[1]	20 5[1]	20 5[1]	50 4 stories
Townhouse[7] (3 or more units)	10,000 2,400/lot	100	100	45%	20	10[4] 5[1]	20 5[1]	20 5[1]	50 4 stories
Residential (Alternative Zero-Lot-Line and Single Family Plan)									
40' Single-Family Lots	4,600	40[5]	115	45%	20	5 5[1]	15 5[1]	20 5[1]	35 2 stories
Single-Family	6,500	52	125	45%	20	5 5[1]	15 5[1]	20 5[1]	35 2 stories
Zero-Lot-Line	6,500	52	125	45%	20	0/10[2] 5[1]	15 5[1]	20 5[1]	35 2 stories
Commercial									
Retail	7,500	75	100	40%	20	10	15 5[1]	20 5[1]	40 3 stories
Office	7,500	75	100	40%	20	10	15 5[1]	20 5[1]	40 3 stories
Recreational Facilities									
Recreational Facilities, Private On-Site and Clubhouse	Setbacks for on-site recreational facilities will be in accordance with all applicable requirements of LDC §§ 34-1176 and 34-2474(b)(6). In addition, the applicant will provide, at the time of first development order approval, a landscape betterment plan buffer for any common area amenity structures in association with the zero-lot line and single-family MCP. Parking for the private on-site recreational facility clubhouse will be calculated at 1 space per 300 square feet of total floor area.								

Building Separation

Land Use	Minimum Building Separation
Residential (Two-Family, Multifamily, and Townhouse Plan)	
Two-Family Attached	10
Multifamily (3 or more units)	20/10[1]
Townhouse	20/10[1]
Residential (Alternative Zero-Lot-Line and Single Family Plan)	
Single-Family	20
Zero-Lot-Line	20
Commercial	
Retail	10
Office	10
Recreational Facilities	20

(1) Accessory Structures
(2) Side opposite zero lot line
(3) Interior side only
(4) Exterior side only, with minimum building separation of 20 feet
(5) Irregular lots, inclusive of eyebrow lots, and cul-de-sac lots, shall in all cases be designed to contain the minimum required width as measured between the mid-point of the foremost points of the side lines in front (where they intersect with the street line), and the rearmost points of the side lot line in the rear, except that the minimum street frontage shall not be less than 20 feet as measured along the chord of an eyebrow, or cul-de-sac lot. The chord represents a straight

Land Use	Min. Lot Area (SF)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Max. Lot Coverage	Setbacks (ft) [6]				Max. Height (ft/stories)
					Street	Side	Rear	Water	

line joining the foremost points of the lot where it intersects with the street line.

(6) All structures must be set back a minimum of 10 feet from the boundary of the preserve as shown on the MCP

(7) Fee simple lots for two-family attached, townhouse, and multifamily attached dwelling units with 3,750 square feet, 2,400 square feet, and 3,000 square feet per dwelling unit respectively, will be allowed and deemed consistent with the minimum lot area and frontage requirements for two-family attached and multifamily housing structures notwithstanding the actual frontage of each respective unit.

a. Single-family, zero-lot-line, and two-family attached development will be limited to the areas identified on the approved MCP as "Residential, one- and two-family" (Parcel 1). Multifamily development will be permitted on Parcel 2 on the approved MCP. Single-family, two-family attached, and zero-lot-line dwelling units are not permitted on Parcel 2.

b. Single-family, zero-lot-line, and two-family attached development are prohibited within the Lehigh Commercial Overlay Zone.

c. Commercial Development will be permitted within the Lehigh Commercial Overlay Zone within this Mixed Use Planned Development.

d. A clubhouse will be permitted within the Lehigh Commercial Overlay Zone within this Mixed Use Planned Development.

4. No Blasting

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

5. Environmental Conditions

a. Prior to local development order approval, the development order plans must delineate:

i. A 3.1-acre gopher tortoise preserve in substantial compliance with the MCP with a fence or continuous hedge consisting of native shrubs along the perimeter of the gopher tortoise preserve where it abuts single-family lots. (Shrubs should be a minimum 24 inch, 3 gallon container size). The fence or hedge must be installed prior to issuance of a certificate of compliance for the infrastructure.

ii. An 8.4-acre gopher tortoise preserve in the northern parcel with a permanent gopher tortoise fence behind the right-of-way buffer along Homestead Road South and a continuous native hedge where the preserve abuts commercial or multifamily development. The fence and hedge must be installed prior to the issuance of a certificate of compliance for the infrastructure. An indigenous management plan must be submitted for the 8.4-acre preserve that details how the preserve will be prepared to provide adequate foraging habitat for the gopher tortoises.

b. Prior to moving the gopher tortoises into the preserve, all invasive exotic vegetation and any trash/debris must be hand removed from the preserve area.

c. The buildings must be set back a minimum of 30 feet from the 8.0-acre indigenous preserve.

6. 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.

7. Lee Plan Consistency

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

8. Model Homes and Real Estate Sales

a. Model homes are limited to eight, at locations as shown on the approved MCP.

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

c. Real estate sales are limited to the clubhouse, model home locations, and sales center as shown on the approved MCP.

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

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

f. No dry models are permitted.

g. Model homes and real estate sales will be valid for a period of up to seven years from the date of issuance of a certificate of occupancy of a model home (see Deviation 5).

9. Excess Spoil Removal

a. Excess spoil removal will not take place without the developer first obtaining a Mining Operation Permit from the Development Services Section. An application for a Mining Operation Permit may be submitted concurrently or subsequent to an application for local development order. An application for local development order must be approved prior to the issuance of the Mining Operation Permit.

b. The Mining Operation Permit will be consistent with the Excess Spoil Removal Plan approved by Resolution Z-05-080 (Exhibit E) and the provisions of LDC §34-1651. If the two conflict, then the more stringent standard will apply.

c. This approval grants the requested planned development zoning allowing for residential and commercial development and associated uses. This approval only allows the temporary mining activity sought in this general application with the new development and proposed lakes. Mining will be limited to excess spoil removal (fill dirt) as noted in the Excess Spoil Removal Plan. This is a temporary use and will not continue upon completion of the development.

The permitted length of the entire mining operation, including removal of the spoil material from the site, is one year from the date of this zoning approval. Any extension of this deadline must be approved through the public hearing process amending this planned development.

d. The permitted hours of the approved mining operation and activities related to hauling the material off site are 7:30 a.m. to 5:30 p.m., Monday through Friday, excluding holidays.

e. Construction materials mining, as defined under F.S. 552.30, is not permitted.

f. The Excess Spoil Removal Plan is considered to be a condition of approval, except specifically conditions to the contrary as part of this planned development. Where a conflict may occur, the specific condition will be the ruling requirements.

g. Trucks must enter and exit the site consistent with the Excess Spoil Removal Plan, with drivers limiting their routes to collector and arterial roadways (i.e., Homestead Road, Bell Boulevard, State Road 82, County Road 884, Joel Boulevard, and Lee Boulevard) to the greatest extent possible. No truck traffic is allowed on any of the other roads, except for local delivery to a lot or parcel located on that road. Trucks must travel south on Homestead Road and not north.

h. The owner may be allowed to temporarily stockpile excavated material on site to allow the excavated material to sufficiently dry out to be moved to one of the spoil disposal sites or delivery to a construction site. Stockpiles of excavated material are limited to a maximum of eight feet in height.

i. Any damage directly attributable to this temporary mining operation to the roadways or culvert crossing must be repaired by the holder of the mining operations permit.

j. Deviations from the terms and conditions of this approval may only take place after approval through the appropriate public hearing process amending the Planned Development. Conditions further restricting the mining operations, such as reduced hours or a reduction in material extracted, may be approved administratively.

k. Excavation depths will be limited to no more than 12 feet below the wet season water table.

l. Lakes will be limited to those depicted on the approved MCP.

m. The total volume of material to be hauled off site may not exceed 690,000 cubic yards. During the mining operation, the owner or the owner's representative must submit quarterly reports on the amount of material mined and/or hauled off site to the Development Services Section.

n. Prior to any off-site hauling, the contractor must coordinate with the Lee County Department of Transportation (LCDOT) regarding the condition of the existing haul routes and proposed mitigation for any damage caused by the hauling operation.

o. The developer is responsible for the conduct of the haul trucks (i.e., routes, hours of operation, noise, dust, etc.). The Director of Development Services will require the developer to provide for truck monitoring to ensure the haul trucks comply with the conditions of this rezoning and do not jeopardize the health, safety, and welfare of the general public.

10. Dewatering

Dewatering is prohibited.

11. Concurrency

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to the issuance of a local development order.

12. Development Permits

Issuance of a county development permit does not establish a right to obtain permits from a state or federal agencies. Further, it does not establish any liability on 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.

13. Interconnection to Adjacent Property

The developer must execute and record in the Public Records of Lee County an access easement agreement in favor of Lee County (in a form acceptable to the Department of Community Development and the Office of the Lee County Attorney) providing for a joint-use interconnection between the property and the adjoining property to the southeast prior to the first development order approval.

SECTION C. DEVIATIONS:

1. Deviation (1) Excavation Setbacks seeks relief from the LDC §10-329(d)(1)a.1, requirement that no excavations be allowed within 25 feet of an existing street right-of-way line or easement for a local street, to allow water retention lakes to be located within zero (0) feet of the right-of-way from back of curb of local streets to the water control elevation. This deviation is APPROVED by Resolution Z-05-080, SUBJECT TO the following conditions:

   a. The deviation is limited to the lakes identified on the MCP.

   b. The developer must provide for the protection of wayward vehicles using guardrails, berms, swales, vegetation or other suitable methods as approved by the Director of Development Services.

2. Deviation (2) Excavation Setbacks seeks relief from the LDC §10-329(d)(1)a.3 requirement that no excavations be allowed within fifty (50) feet of any private property line under separate ownership, to allow a setback of no less than 25 feet from any adjoining property under separate ownership. This deviation is APPROVED by Resolution Z-05-080, SUBJECT TO the condition that the deviation is limited to the lakes identified on the MCP.

3. Deviation (3) Waterbody Setbacks seeks relief from the LDC §34-2194(c)(3)b requirement that non-roofed structures be permitted no closer than ten (10) feet from a non-seawalled artificial body of water, to allow recreational/amenity structures to be placed at the lake's control elevation as depicted in the deviation illustration. Recreational/amenity structures include observation decks, fishing piers, or leisure space. This deviation is APPROVED by Resolution Z-05-080, SUBJECT TO the following condition that the location of observation decks, fishing piers or gazebos must be detailed on development order plans with no more than one structure per lake and containing no more than 100 linear feet of shoreline per lake.

4. Deviation (4) Cul-de-sacs seeks relief from the LDC §10-296(k) requirement to provide modified cul-de-sac (eyebrows) with certain geometry (typically 90-degree angles) to maximize street frontage, and to provide visual landscape relief. This deviation is APPROVED by Resolution Z-05-080, SUBJECT TO the following condition that the developer must demonstrate traffic control devices support the safe operation of the eyebrow in the Development Order application materials.

5. Deviation (5) Model Homes seeks relief from the LDC §34-1954(d) requirement which limits the operation of model homes and model sales centers to three years, to allow the operation until all lots are sold, but not to exceed 10 years. This deviation is APPROVED SUBJECT TO CONDITION 8, to allow the operation of model homes and model sales centers until all lots are sold, but not to exceed a period of 7 years.

6. Deviation (6) Connection Separation seeks relief from the LDC §10-285 requirement to provide a connection separation of 660 feet for arterial roads and to provide connection separation distances of 510 feet and 333 feet on Homestead Road. This deviation is APPROVED by Resolution Z-05-080.

7. Deviation (7) Access seeks relief from the LDC §10-285(a) requirement which prohibits direct arterial road access for urban lots with alternative access and requires 440 feet separation distance, to allow for direct motor vehicle access to an arterial road (Homestead Road South) via a right-in, right-out driveway connection, and to allow for connection separation distances of 403 feet between Marble Brook Boulevard and the proposed access driveway and 199 feet between the proposed access driveway and the driveway connection to the multifamily development to the southeast. This deviation is APPROVED SUBJECT TO the condition that the development order approval plans must depict a deceleration/right-turn lane along Homestead Road to provide for adequate access to the Homestead Road driveway connection.

8. Deviation (8) Buffer seeks relief from the LDC §33-1405(c)(3) requirement to provide a 25-foot-wide buffer with no wall between commercial and residential uses and to provide a 15-foot-wide buffer with a minimum eight-foot-high berm/wall combination. This deviation is APPROVED.

9. Deviation (9) Bicycle Facilities seeks relief from the LDC §10-296(e)(1)i.1 requirement that on-road bicycle facilities on an arterial road to be five feet wide, to allow for a four-foot-wide bike lane along the property's frontage on Homestead Road South. This deviation is APPROVED.

10. Deviation (10) Sidewalks seeks relief from the LDC §10-296(e)(1)i.5 requirement to provide six-foot-wide sidewalks and eight-foot-wide planting strips along commercial land use frontages on local roads within the Central Urban Future Land Use Map category, to allow for a four-foot-wide sidewalk and a 5.5-foot wide planting strip along the property's frontage on Marble Brook Boulevard. 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: Parcel 3 Concept Plan, Homestead Retail Master Concept Plan
Exhibit D The Grove Model Center Master Concept Plan
Exhibit E Excess Spoil Removal Plan

SECTION E. FINDINGS AND CONCLUSIONS:

1. The requested amendment to the MPD complies with the Lee Plan. *See* Lee Plan Goals 2, 4, 6, and 25; Objectives 2.1, 2.2, 17.3, 25.6, and Policies 1.1.4, 1.7.6, 2.1.1, 2.2.1, 4.1.1, 4.1.2, 6.1.4, 6.1.7, 25.6.1; Lee Plan Vision Statement Paragraph 17, Map 1, Map 16, Table 1(b);

2. As conditioned, the amended MPD zoning designation:

   a. Will meet the standards set forth in the LDC and other applicable County regulations. *See* Lee Plan Goals 2, 4, 6, 25; Objectives 2.1, 2.2 and Policies 2.1.1, 6.1.1, 25.6.1; LDC §§ 34-411 *et seq.*, 33-1400 *et seq.;*

   b. Is compatible with existing and planned uses in the surrounding area. See Lee Plan Objectives 2.1, 2.2, and Policies 1.7.6, 2.1.1, 6.1.4; and LDC §34-411(i);

   c. Will not adversely affect environmentally critical or sensitive areas or natural resources. See Lee Plan Objective 25, Policy 25.10; LDC §34-411(h);

   d. Will be served by urban services including public water and sewer, paved streets, and public transit. See Lee Plan Objectives 2.1, 2.2, and 4.1; Policies 2.2.1, 6.1.4; and Standards 4.1.1, 4.1.2;

   e. Will provide sufficient access to support the proposed development intensity. See Lee Plan Policies 6.1.1, 39.2.1; and LDC §34-411(d);

   f. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval. See §LDC 34-411(d)-(e);

g. The proposed uses are appropriate at the proposed location. See Lee Plan Policies 2.1.1, 2.2.2, 6.1.4, 6.1.7; and LDC §34-411(j);

h. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. See LDC §§ 34-932 (b-c); 34-83(a)(4)(a)(3); and

i. The deviations, as conditioned:

   i. Enhance the objectives of the planned development; and

   ii. Preserve and promote the general intent of the LDC to protect the public health, safety and welfare.

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

Adopted by unanimous consent.

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

DULY PASSED AND ADOPTED this 20th day of February 2019.

ATTEST:
LINDA DOGGETT, CLERK

BY: Chris Du
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Brian Hamman
FOR: Larry Kiker, Chair

BOARD OF COUNTY COMMISSIONERS SEAL 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
2019 MAR -1 PM 3:44

LEGAL DESCRIPTION

OF A PARCEL LYING IN SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA

LEGAL DESCRIPTION:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, PART OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST AND BEING THE PARCELS OF LAND AS RECORDED AS INSTRUMENT 2012000090766 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA; THENCE N.89°01'09"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, FOR A DISTANCE OF 1053.63 FEET; THENCE S.00°58'51"E., FOR A DISTANCE OF 211.74 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE FOR MARBLE BROOK BOULEVARD AS SHOWN IN THE PLAT OF CALOOSA LAKES PHASE 1 AS RECORDED AS INSTRUMENT 2006000358513 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE N.72°17'36"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 50.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 27°34'11", A CHORD BEARING OF N.58°30'30"E., A CHORD LENGTH OF 262.10 FEET AND AN ARC LENGTH OF 264.65 FEET; THENCE N.44°43'25"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 13.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°01'09", A CHORD BEARING OF N.89°43'59"E., A CHORD LENGTH OF 56.58 FEET AND AN ARC LENGTH OF 62.85 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE FOR HOMESTEAD ROAD; THENCE S.45°15'27"E. ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 453.58 FEET; THENCE S.89°01'16"W. FOR A DISTANCE OF 515.25 FEET; THENCE N.39°55'58"W. ALONG THE EASTERLY LINE OF TRACT FD-2 OF SAID CALOOSA LAKES PHASE 1, FOR A DISTANCE OF 141.13 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 122.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°13'34", A CHORD BEARING OF N.28°49'11"W., A CHORD LENGTH OF 47.22 FEET AND AN ARC LENGTH OF 47.52 FEET; THENCE ALONG THE EASTERLY LINE OF TRACT FD-2 WITH A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.62°42'24"W., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 122,580 SQUARE FEET, OR 2.814 ACRES, MORE OR LESS.

Applicant's Legal Checked by 7/12/18 MJL

RECEIVED
MAR 19 2018
COMMUNITY DEVELOPMENT

BY: _____
DENIS J. O'CONNELL, JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

DATE SIGNED: 10/27/17

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

DCI 2018-00012

* THIS IS NOT A SURVEY *

HOMESTEAD ROAD - LEHIGH ACRES

NOTES:

1. BEARINGS ARE BASED ON THE NORTH LINE OF THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA AS BEARING N.89°01'09"E.

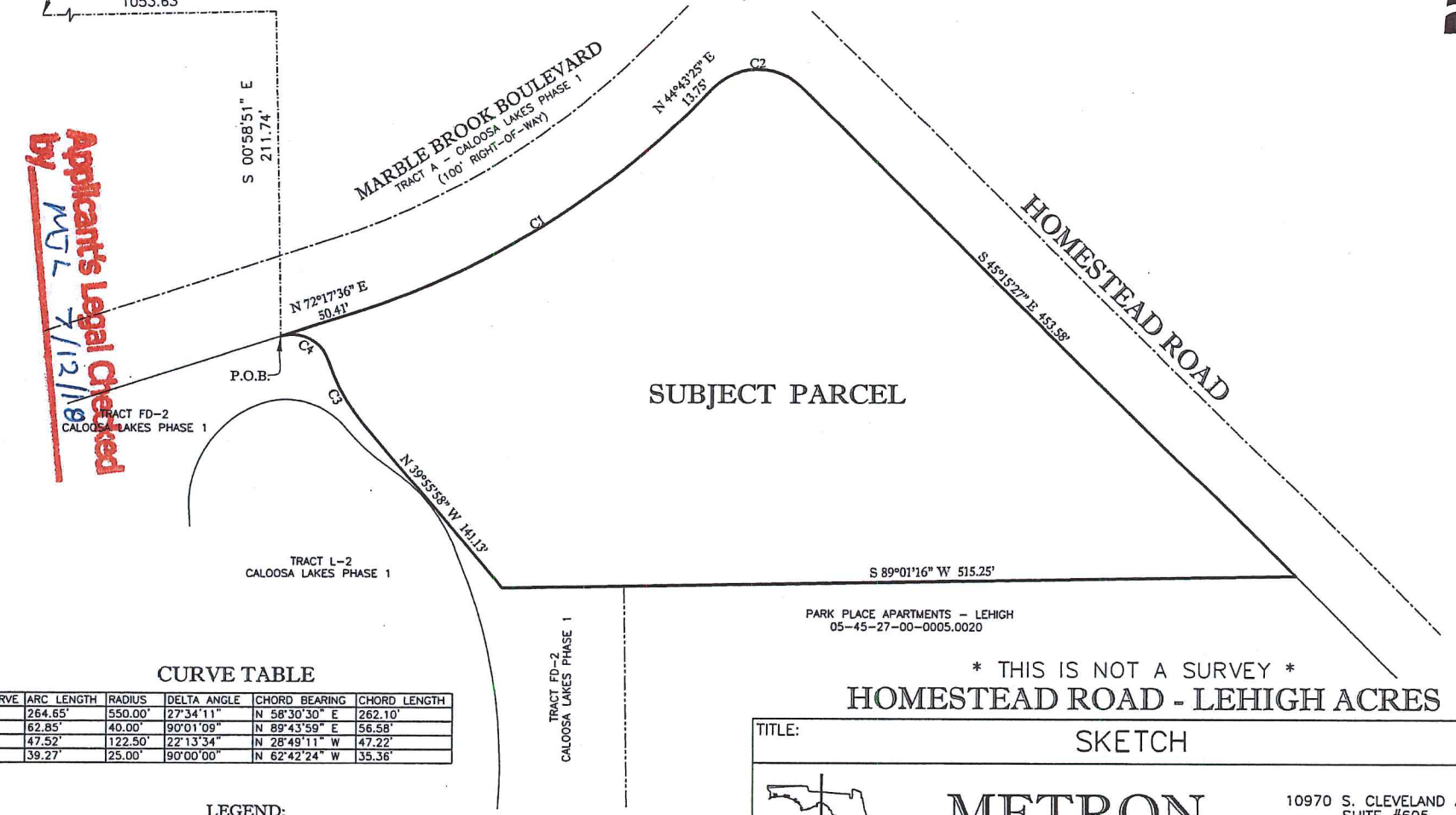
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.

3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).

TITLE:	LEGAL DESCRIPTION			
METRON SURVEYING & MAPPING, LLC LAND SURVEYORS·PLANNERS LB# 7071			10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com	
FILE NAME: 14287SK.DWG	FIELD BOOK/PAGE: SEE FILE	PROJECT NO.: 14287		SHEET: 1 OF 2
EXHIBIT DATE: 10-26-2017	DRAWN BY: DJO	SCALE: 1"= 100'	CHECKED BY: TLM	FILE NO. (S-T-R): 05-45-27

EXHIBIT A

SKETCH OF DESCRIPTION
OF A PARCEL LYING IN
SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA



Applicant's Legal Checked by MJZ 7/12/18

CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	264.65'	550.00'	27°34'11"	N 58°30'30" E	262.10'
C2	62.85'	40.00'	90°01'09"	N 89°43'59" E	56.58'
C3	47.52'	122.50'	22°13'34"	N 28°49'11" W	47.22'
C4	39.27'	25.00'	90°00'00"	N 62°42'24" W	35.36'

LEGEND:

P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG. = PAGE
C.U.E. = COUNTY UTILITY EASEMENT
A.E. = ACCESS EASEMENT
C.R. = COUNTY ROAD
R/W = RIGHT OF WAY
L.B.E. = LANDSCAPE BUFFER EASEMENT
D.E. = DRAINAGE EASEMENT
P.U.E. = PUBLIC UTILITY EASEMENT
SEC = SECTION
TWP = TOWNSHIP
RNG = RANGE

* THIS IS NOT A SURVEY *

HOMESTEAD ROAD - LEHIGH ACRES

TITLE: SKETCH

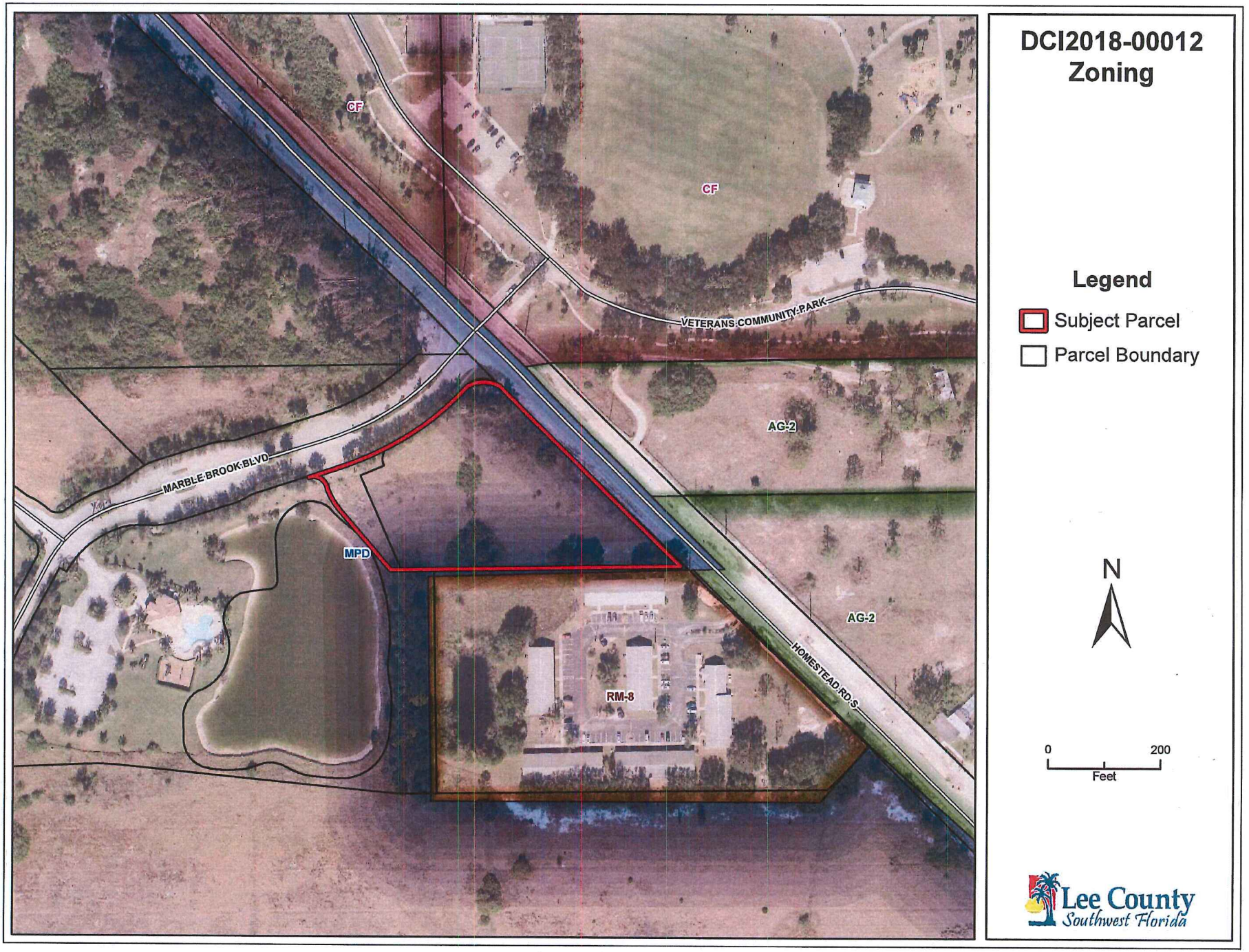
METRON
SURVEYING & MAPPING, LLC
LAND SURVEYORS·PLANNERS
LB# 7071

10970 S. CLEVELAND AVE.
SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

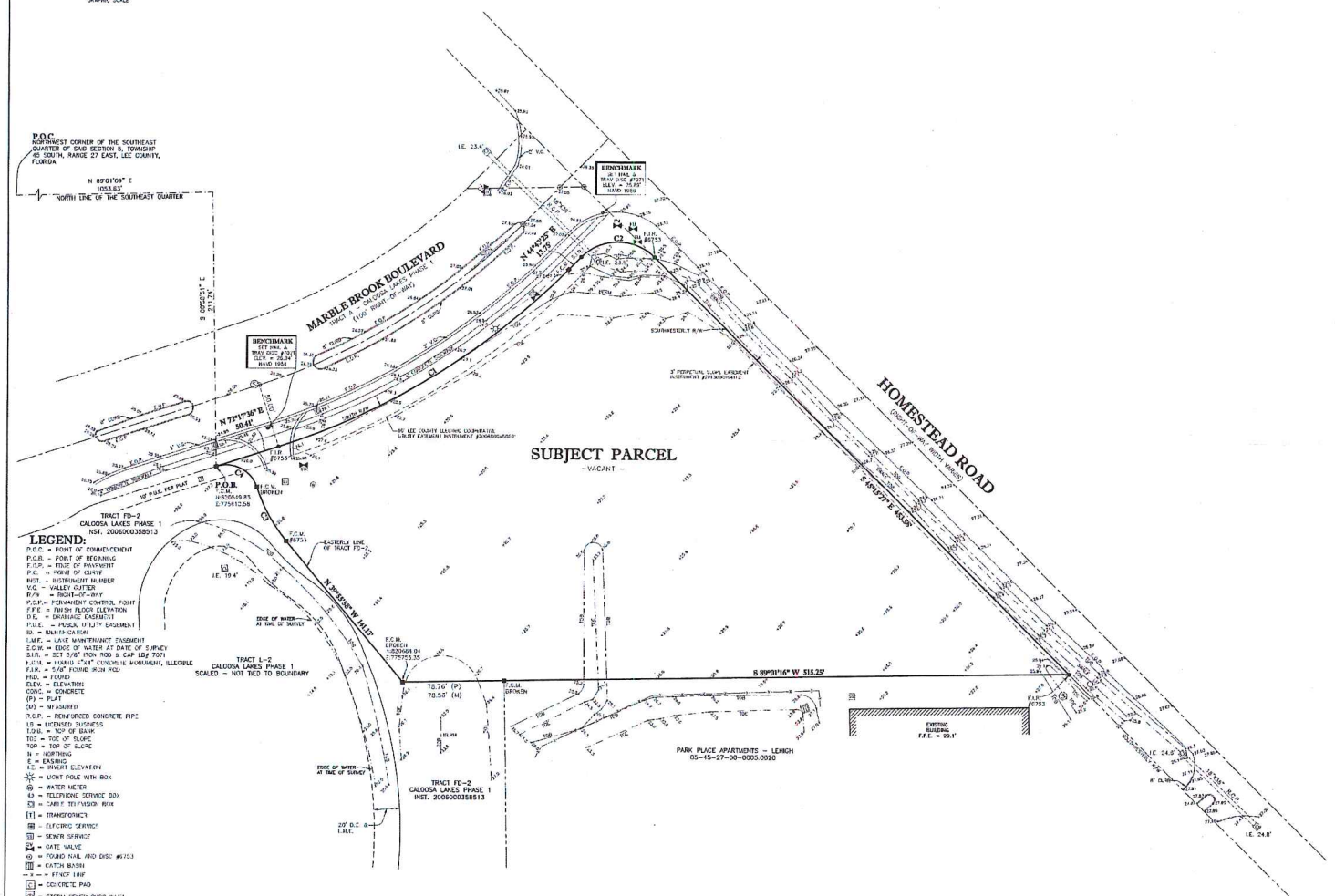
FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
14287SK.DWG	SEE FILE	14287	2 OF 2

EXHIBIT DATE:	DRAWN BY:	SCALE:	CHECKED BY:	FILE NO. (S-T-R)
10-26-2017	DJO	1"= 100'	TLM	05-45-27

EXHIBIT B


CF
CF
VETERANS COMMUNITY PARK
AG-2
MARBLE BROOK BLVD
MPD
AG-2
HOMESTEAD RD S
RM-8
DCI2018-00012
Zoning
Legend
Subject Parcel
Parcel Boundary
N
0
200
Feet
Lee County
Southwest Florida

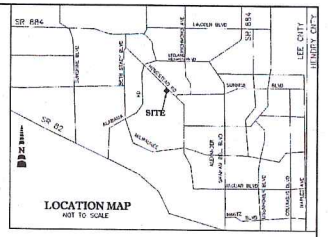
SURVEY PLAT
OF A PARCEL LYING IN
SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST,
LEE COUNTY, FLORIDA



CURVE TABLE

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	264.65'	550.00'	27°34'11"	N 58°30'30" E	262.10'
C2	62.85'	40.00'	90°01'09"	N 89°43'59" E	56.58'
C3	47.52'	122.50'	22°13'34"	N 28°49'11" W	47.22'
C4	39.27'	25.00'	90°00'00"	N 62°42'24" W	35.36'

REVISED: 6-21-2018 ADD NEW TITLE — DJO



NOTES:

SURVEY BASED ON A TITLE OPINION PREPARED BY WOODS, WIDDENMILLER, MICHETTI & RUDNICK, LLP, EFFECTIVE DATE MAY 24, 2018, THE LEGAL DESCRIPTION AS SHOWN, THE RECORD PLAT OF CALOOSA LAKES PHASE 1 AS RECORDED AS INSTRUMENT 2006000358513 IN THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, LEE COUNTY RIGHT OF WAY MAPS FOR HOMESTEAD BOULEVARD, AND EXISTING MONUMENTATION.

BEARINGS ARE BASED ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA AS BEARING N.89°01'05"E.

PARCEL LIES WITHIN FLOOD ZONE "X", HAVING NO BASE FLOOD ELEVATION, PER FLOOD INSURANCE RATE MAP (FIRM) 12071C 0475F, (PANEL NOT PRINTED) HAVING AN EFFECTIVE DATE OF AUGUST 28, 2008 AND THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) WEBSITE.

THE F.E.M.A. FLOOD ZONE INFORMATION INDICATED HEREON IS BASED ON MAPS SUPPLIED BY THE FEDERAL GOVERNMENT. THIS FLOOD INFORMATION MUST BE VERIFIED WITH ALL PERMITTING REGULATORY ENTITIES PRIOR TO COMMENCING ANY WORK OR APPLICATION DEPENDENT ON SAID FLOOD INFORMATION.

THE ELEVATIONS SHOWN HEREON ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (N.A.V.D. 88) IN FEET AND DECIMALS THEREOF AND BASED UPON CONTINUOUSLY OPERATING FLORIDA PERMANENT REFERENCE NETWORK (FPRN) STATIONS MAINTAINED BY THE FLORIDA DEPARTMENT OF TRANSPORTATION.

COORDINATES SHOWN HEREON ARE STATE PLANE, FLORIDA WEST ZONE, NORTH AMERICAN DATUM OF 1983-1990 ADJUSTMENT (N.A.D. 83/90).

IRON RODS "SET" ARE 5/8" X 18" REBAR WITH ORANGE CAP BEARING CORPORATION NO. 7071.

SITE ADDRESS NOT LISTED PER LEE COUNTY PROPERTY APPRAISERS WEBSITE.

ADJOINING OWNER INFORMATION WERE TAKEN FROM THE LEE COUNTY PROPERTY APPRAISERS WEBSITE.

UNDERGROUND IMPROVEMENTS, UTILITIES AND/OR FOUNDATIONS WERE NOT LOCATED UNLESS OTHERWISE NOTED.

WETLANDS, IF ANY, WERE NOT LOCATED.

THIS PLAT PREPARED AS A BOUNDARY AND TOPOGRAPHIC SURVEY, TO SHOW THE ABOVE GROUND VISIBLE IMPROVEMENTS LOCATED ON THE PROPERTY AS DESCRIBED HEREON AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

DATE OF LAST FIELD WORK: 10-24-2017.

PROPERTY DESCRIPTION:

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, PART OF SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST AND BEING THE PARCELS OF LAND AS RECORDED AS INSTRUMENT 2012000080766 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 5, TOWNSHIP 45 SOUTH, RANGE 27 EAST, LEE COUNTY, FLORIDA; THENCE N.89°01'05"E., ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 5, FOR A DISTANCE OF 1053.63 FEET; THENCE S.00°58'31"E., FOR A DISTANCE OF 211.74 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE FOR MARBLE BROOK BOULEVARD AS SHOWN IN THE PLAT OF CALOOSA LAKES PHASE 1 AS RECORDED AS INSTRUMENT 2006000358513 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE N.72°17'30"E., ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 50.41 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 27°34'11", A CHORD BEARING OF N.58°30'30"E., A CHORD LENGTH OF 262.10 FEET AND AN ARC LENGTH OF 264.65 FEET; THENCE N.44°43'25"E. ALONG SAID SOUTH RIGHT OF WAY LINE, FOR A DISTANCE OF 13.75 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 40.00 FEET; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°01'09", A CHORD BEARING OF N.89°43'59"E., A CHORD LENGTH OF 56.58 FEET AND AN ARC LENGTH OF 62.85 FEET TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE FOR HOMESTEAD ROAD; THENCE S.45°15'27"E. ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE FOR A DISTANCE OF 453.58 FEET; THENCE S.89°01'16"W. FOR A DISTANCE OF 515.25 FEET; THENCE N.39°55'58"W. ALONG THE EASTERLY LINE OF TRACT FD-2 OF SAID CALOOSA LAKES PHASE 1, FOR A DISTANCE OF 141.13 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 122.50 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 22°13'34", A CHORD BEARING OF N.28°49'11"W., A CHORD LENGTH OF 47.22 FEET AND AN ARC LENGTH OF 47.52 FEET; THENCE ALONG THE EASTERLY LINE OF TRACT FD-2 WITH A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", A CHORD BEARING OF N.62°42'24"W., A CHORD LENGTH OF 35.36 FEET AND AN ARC LENGTH OF 39.27 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 122,580 SQUARE FEET, OR 2.814 ACRES, MORE OR LESS.

RECEIVED
JUL 03 2018
COMMUNITY DEVELOPMENT

Applicant's Submittal #DCI2018-00012
by MJL 7/2/18

FOR THE FIRM:

BY: _____
DENIS J. O'CONNELL JR.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LSF 5430

DATE SIGNED: 6-21-2018

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

THIS BOUNDARY & TOPOGRAPHIC SURVEY IS ONLY FOR THE LANDS AS DESCRIBED.

THIS SURVEY WAS PREPARED WITH BENEFIT OF A TITLE OPINION PREPARED BY WOODS, WIDDENMILLER, MICHETTI & RUDNICK, LLP, EFFECTIVE DATE MAY 24, 2018, ALL MATTERS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

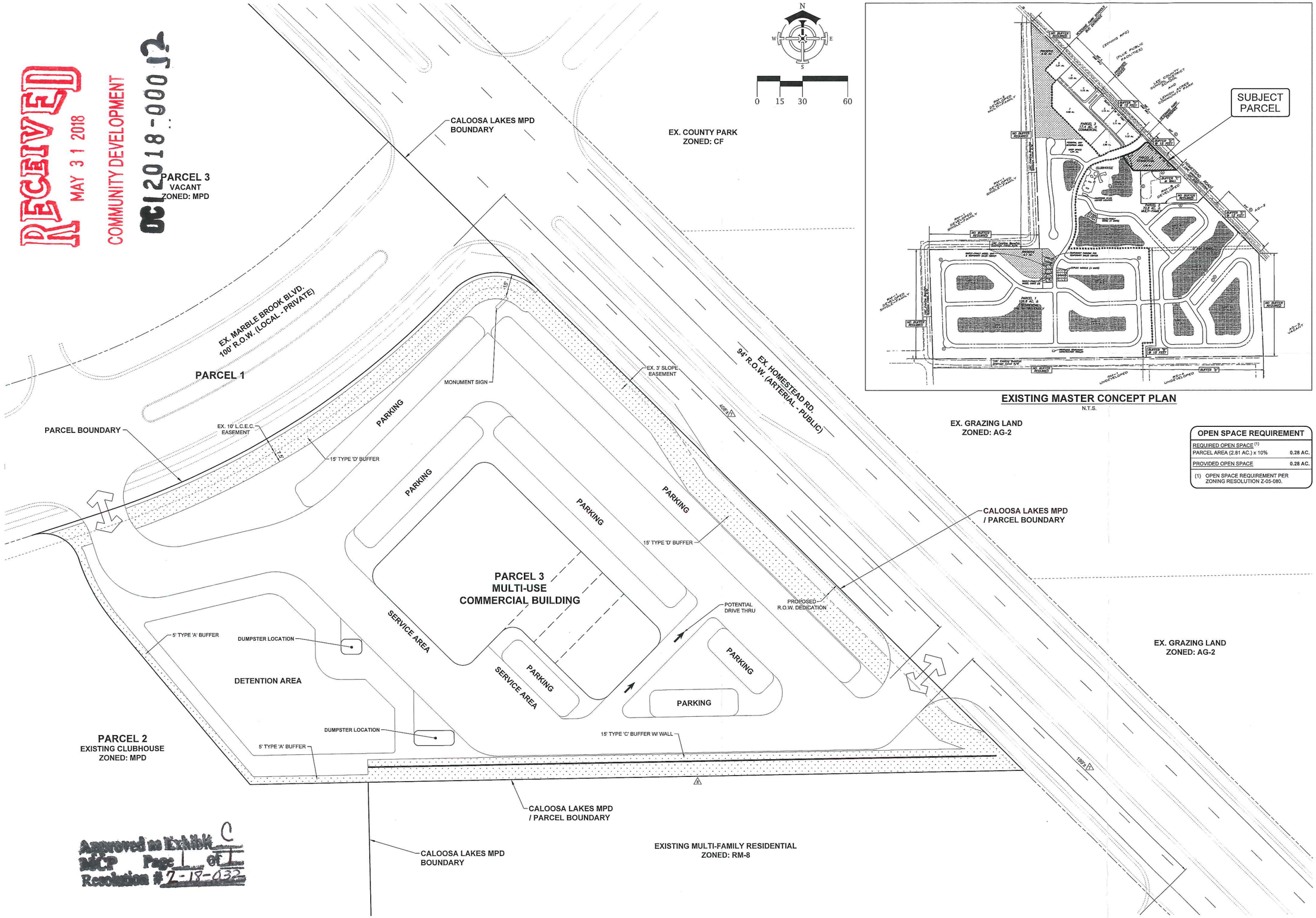
HOMESTEAD ROAD, LEHIGH ACRES

TITLE: BOUNDARY AND TOPOGRAPHIC SURVEY

METRON SURVEYING & MAPPING, LLC
LAND SURVEYORS + PLANNERS
LB# 7071
10970 S. CLEVELAND AVENUE, SUITE #605
FORT MYERS, FLORIDA 33907
PHONE: (239) 275-8575
FAX: (239) 275-8457
www.metronfl.com

FILE NAME:	FIELD BOOK/PAGE:	PROJECT NO.:	SHEET:
14287SR.DWG	601/50,53,61	14287	1 OF 1
SURVEY DATE:	**DRAWN BY:**	**SCALE:**	**CHECKED BY:**	**(S-T-R)**
10-24-2017	DJO	1" = 40'	TLM	05-45-27

RECEIVED
MAY 31 2018
COMMUNITY DEVELOPMENT
DCI2018-00012



EXISTING MASTER CONCEPT PLAN
N.T.S.

EX. GRAZING LAND
ZONED: AG-2

OPEN SPACE REQUIREMENT	
REQUIRED OPEN SPACE (1)	
PARCEL AREA (2.81 AC.) x 10%	0.28 AC.
PROVIDED OPEN SPACE	0.28 AC.

(1) OPEN SPACE REQUIREMENT PER ZONING RESOLUTION Z-05-080.

Approved as Exhibit C
DCP Page 1 of 1
Resolution # Z-18-032

K:\21456 - HOMESTEAD RETAIL\MCP\PLAN SET\21456-01-MCP.DWG
5/29/2018 4:01 PM

DeLisi Fitzgerald, Inc.
Planning – Engineering – Project Management
1605 Hendry Street
Fort Myers, FL 33901
(239) 418-0691
(239) 418-0692 fax
Florida Certificate of Authorization Engineering LB #26978

OWNER / DEVELOPER:
HOMESTEAD RETAIL PROPERTIES, LLC
23190 PASHION DRIVE, SUITE 202
ESTERO, FL 33928

PROJECT:
HOMESTEAD RETAIL

PLAN REVISIONS

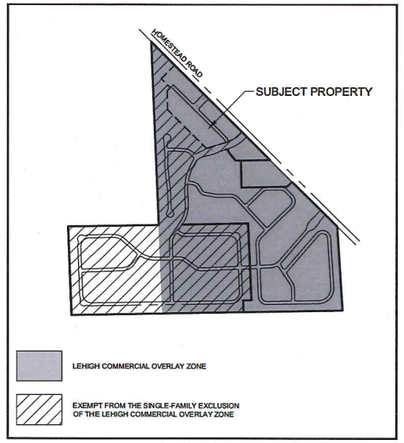
#	DATE	DESCRIPTION

PARCEL 3
CONCEPT PLAN

Project Manager:	ADF
Drawn By:	CAS
Checked By:	ADF
Project Number:	21456
Part of Section(s):	5
Township: 45 S	Range: 27 E
County, State:	LEE COUNTY, FL

Status:
FOR PERMITTING PURPOSES ONLY
NOT FOR CONSTRUCTION

Sheet Number: 1

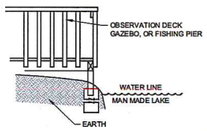


COMMERCIAL OVERLAY EXHIBIT

SCALE: 1" = 1,000'

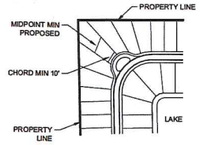
LEGEND ⚠

- DENOTES MODEL CENTER AREA
- # LOCATION OF APPROVED DEVIATIONS
- DENOTES PARCEL BOUNDARY
- 40' WIDE SINGLE FAMILY LOTS
- TWO FAMILY ATTACHED LOTS



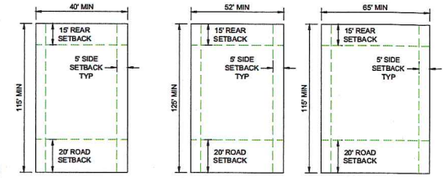
DEVIATION 3:

NTS



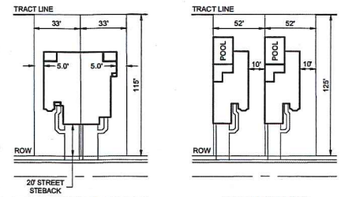
LOT CONFIGURATION AROUND EYEBROW DEVIATION 4:

NTS



40' SINGLE FAMILY HOMES | SINGLE FAMILY HOMES | DUPLEX

NTS

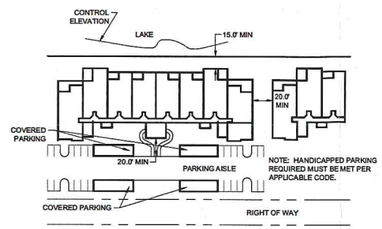


TWO FAMILY ATTACHED | ZERO LOT LINE

NTS

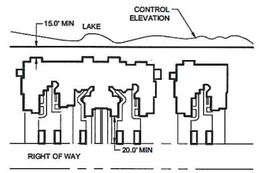
TYPICAL LOT CONFIGURATION

NTS



MULTI-FAMILY DETACHED GARAGE

NTS



MULTI-FAMILY ATTACHED GARAGE

NTS

OPEN SPACE TABLE ⚠

LAND USE	AREA (AC)	OPEN SPACE REQUIREMENT (AC)	INDIGENOUS PRESERVE REQUIREMENT (AC)	CREATED OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC)	INDIGENOUS PROVIDED (AC)	TOTAL PROVIDED (AC)
RESIDENTIAL SINGLE FAMILY LOTS GREATER THAN 6,500 SF	84.20	N/A	N/A	N/A	10.40	18.09	28.49
RESIDENTIAL SINGLE FAMILY LOTS GREATER THAN 4,600 SF	10.00	10.0 x 40% = 4.00 AC	4.0 x 50% = 2.00 AC	2.00	0.00	0.00	0.00
ATTACHED VILLA LOTS (ADDITIONAL 7% LOT COVERAGE	12.00	12.0 x 7% = 0.84 AC	0.8 x 50% = 0.42 AC	0.42	0.00	0.00	0.00
RESIDENTIAL MULTI-FAMILY	72.80	72.8 x 40% = 29.12 AC	29.1 x 50% = 14.56 AC	14.56	11.72	0.00	11.72
COMMERCIAL	17.40	17.4 x 30% = 5.22 AC	5.2 x 50% = 2.61 AC	2.61	1.70	0.00	1.70
TOTAL	208.40	39.18	19.59	19.59	23.82	18.09	41.91

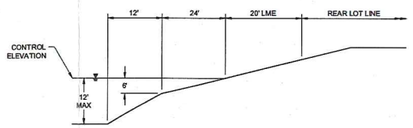
OPEN SPACE BREAKDOWN ⚠

LAND USE	LAKE (25% OF REQUIRED OPEN SPACE ALLOWED (AC)	LAKE MAINTENANCE EASEMENT (AC)	LANDSCAPE BUFFER (AC)	OPEN SPACE (AC)	TOTAL (AC)
RESIDENTIAL SINGLE FAMILY LOTS GREATER THAN 6,500 SF	3.68	3.88	0.00	2.84	10.40
RESIDENTIAL SINGLE FAMILY LOTS GREATER THAN 4,600 SF	0.00	0.00	0.00	0.00	0.00
ATTACHED VILLA LOTS (ADDITIONAL 7% LOT COVERAGE	0.00	0.00	0.00	0.00	0.00
RESIDENTIAL MULTI-FAMILY	5.90	4.77	1.05	0.00	11.72
COMMERCIAL (10% OF TOTAL AREA)	0.00	0.00	0.00	1.70	1.70
TOTAL	9.58	8.65	1.05	4.54	23.82

INDIGENOUS PRESERVE CALCULATION ⚠

PRESERVE AREA	AREA (AC)	50% CREDIT PER LDC 10.415 (b)(3)a. (AC)	50% CREDIT PER LDC 10.415 (b)(3)b.4. (AC)	TOTAL (AC)
PRESERVE AREA #1	8.40	4.20	0.84	13.44
PRESERVE AREA #2	3.10	1.55	0.00	4.65
TOTAL	11.50	5.75	0.84	18.09

Approved as Exhibit D
MCP Page 1 of 1
Resolution # Z-18-032



TYPICAL LAKE SECTION

NTS

DATUM NOTE:

ALL ELEVATIONS REFERENCE NAVD88 VERTICAL DATUM. CONVERSION FOR LEE COUNTY: NAVD88 + 1.18' = NGVD29. ANY DATUM CONVERSIONS SHOULD BE CONFIRMED BY A LICENSED SURVEYOR PRIOR TO USE.

J.R. EVANS ENGINEERING, P.A.
9351 CORKSCREW ROAD, SUITE 102
ESTERO, FLORIDA 33928
PHONE: (239) 405-8148
FAX: (239) 992-0067
WWW.JREVANSENGINEERING.COM

J.R. EVANS ENGINEERING

THE GROVE MODEL CENTER

MASTER CONCEPT PLAN

#	DATE	REVISIONS
1	02/2018	40' LOT AND OPEN SPACE TABLE

KRISTINA M. JOHNSON P.E.
FL. LICENSE NO. 73793
FL. COA # 29226

PROJECT #: 0038217-00

SHEET: 1 OF 1

O:\LAND\2017\383, THE GROVE (AKA CALOOSA LANES)\0038383-00 THE GROVE (REPLATTING-AUTOCAD)\MBIT\MASTER CONCEPT PLAN.DWG 3/5/2018 11:57 AM

CALOOSA LAKES MPD

EXCESS SPOILS REMOVAL PLAN

May 2005

1. Location shape and dimensions of the areas to be excavated relative to all property lines, easements, and rights-of-way are indicated on the included Caloosa Lakes MPD Master Concept Plan – Exhibit 6-J. There are ten (10 lakes) totaling approximately 33 acres in surface area at the control elevation (24.5).

2. The proposed slopes, the maximum and average depth and the controlled water depth of the proposed excavations are indicated on the lake cross-section detail on the included Caloosa Lakes MPD Master Concept Plan – Exhibit 6-J.

3. It is estimated that up to 920,000 truck-measure cubic yards (tmcy) will be generated from the excavation of lakes. Approximately 230,000 tmcy will be used on-site, and the remaining approximately 690,000 tmcy of excess spoils will be removed from the site.

4. The maximum proposed haul-off truck volume is expected to be 200 trucks per day (approximately 3600 tmcy).

5. It is anticipated that the excess spoils will be hauled off within one (1) year, from issuance of the Development Order

6. The destination(s) of the removed material will be amongst four (4) different projects controlled by the developer, TOUSA Homes, Inc., d/b/a Engle Homes Southwest Florida, Inc. Reflection Key and Oasis Key will have Development Orders (DO's) in place by June or July of 2005. Other receiving sites include Gladiolus RPD and Ref Shores, which are scheduled to have DO's in September 2005.

7. The proposed haul route will be on to Homestead Road near the southerly limits of the Caloosa Lakes site. Trucks then will travel south on Homestead Road to SR82 and westerly to the receiving sites. The precise route(s) from the Homestead Road and SR82 intersection may vary, but all of the proposed receiving sites are in the area of Sutherlin Road and Gladiolus Boulevard.

8. The contractor shall take adequate measures to control dust, mud, and debris along the proposed haul route and on-site. Measures shall include, but are not limited to using water trucks to control dust and avoid hauling excessively saturated material. In accordance with BMP(s) identified in the SWPPP, a gravel entrance will be provided at the access point(s) with Homestead Road. The project superintendent will inspect the access route daily to assure that any debris from the haul operations is removed from the access route in a timely manner.

EXHIBIT E