ADD2019-00085 Lee County ePlan

Exhibit C

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to amend the 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-21-11 Z

ADD2019-00085 Lee County ePlan

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

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

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

ADD2019-00085 Lee County ePlan

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

ADD2019-00085 Lee County ePlan

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

ADD2019-00085 Lee County ePlan

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

ADD2019-00085 Lee County ePlan

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

ADD2019-00085 Lee County ePlan

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

ADD2019-00085 Lee County ePlan

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories
Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

ADD2019-00085 Lee County ePlan

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

ADD2019-00085 Lee County ePlan

Minimum Setbacks - Also see Deviation 5

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

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

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

ADD2019-00085 Lee County ePlan

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

ADD2019-00085 Lee County ePlan

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

ADD2019-00085 Lee County ePlan

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

ADD2019-00085 Lee County ePlan

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

ADD2019-00085 Lee County ePlan

Minimum Setbacks

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

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

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

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

ADD2019-00085 Lee County ePlan

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

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

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

ADD2019-00085 Lee County ePlan

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

I. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **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.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **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, as well as all other Lee Plan provisions.

ADD2019-00085 Lee County ePlan

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

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.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

ADD2019-00085 Lee County ePlan

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

ADD2019-00085 Lee County ePlan

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

ADD2019-00085 Lee County ePlan

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

ADD2019-00085 Lee County ePlan

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

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5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

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regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

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8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private 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

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

ADD2019-00085 Lee County ePlan

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

RECEIVED
MINUTES OFFICE
MW
2011 MAY -9 PM 2:00

Approved as to form by:

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

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DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO **THE POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

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

Applicant's Legal Checked
by 11/08/06 csf

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.93	688334.48
NE#2	856328.35	686692.18
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'31"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°28'24"	120.87'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'31"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'31" W	8.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

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COMMUNITY DEVELOPMENT

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48' N 89°51'48" E
NE#8
N 00°08'12" W 244.17'
S 00°08'12" E 250.00'
253.42' S 89°51'48" W
L17

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH
P.O.C.
POINT "B"

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.

S 89°51'48" W 1484.79'

P.O.B. NORTH CPD ZONING PARCEL NE#1
S 89°54'50" E 500.85'

POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

U.S. 41 (S.R. 45, O/A/O TAMIAMI TRAIL)(200' WIDE)
S 03°25'50" W, 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7
SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156) ADDITIONAL SOUTH CPD ZONING PARCEL
P.O.B.

DIPLOMAT PARKWAY (100' WIDE)
NORTHERLY RIGHT-OF-WAY

NE#6 S 89°51'48" W 383.07'
NE#5 N 89°51'48" E 575.20'

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4
N 00°08'12" W 274.66'

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

P.O.B. SOUTH CPD ZONING PARCEL NE#3
S 03°25'50" W 429.00'

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S 03°25'50" W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

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

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
- PREPARED NOVEMBER 2, 2006

CSJ 11/6/08

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2918 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690

SHEET 3 OF 3

S:\Jobs\20ad2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Biehlschmidt

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DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 2 7 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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APR 27 2011
DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

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

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

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

Applicant's Legal Checked
by CSJ 11/6/06

ADD2019-00085 Lee County ePlan

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08'	687836.83'
NE#2	857282.30'	686349.89'
NE#3	855837.18'	687675.48'
NE#4	855643.31'	686731.56'

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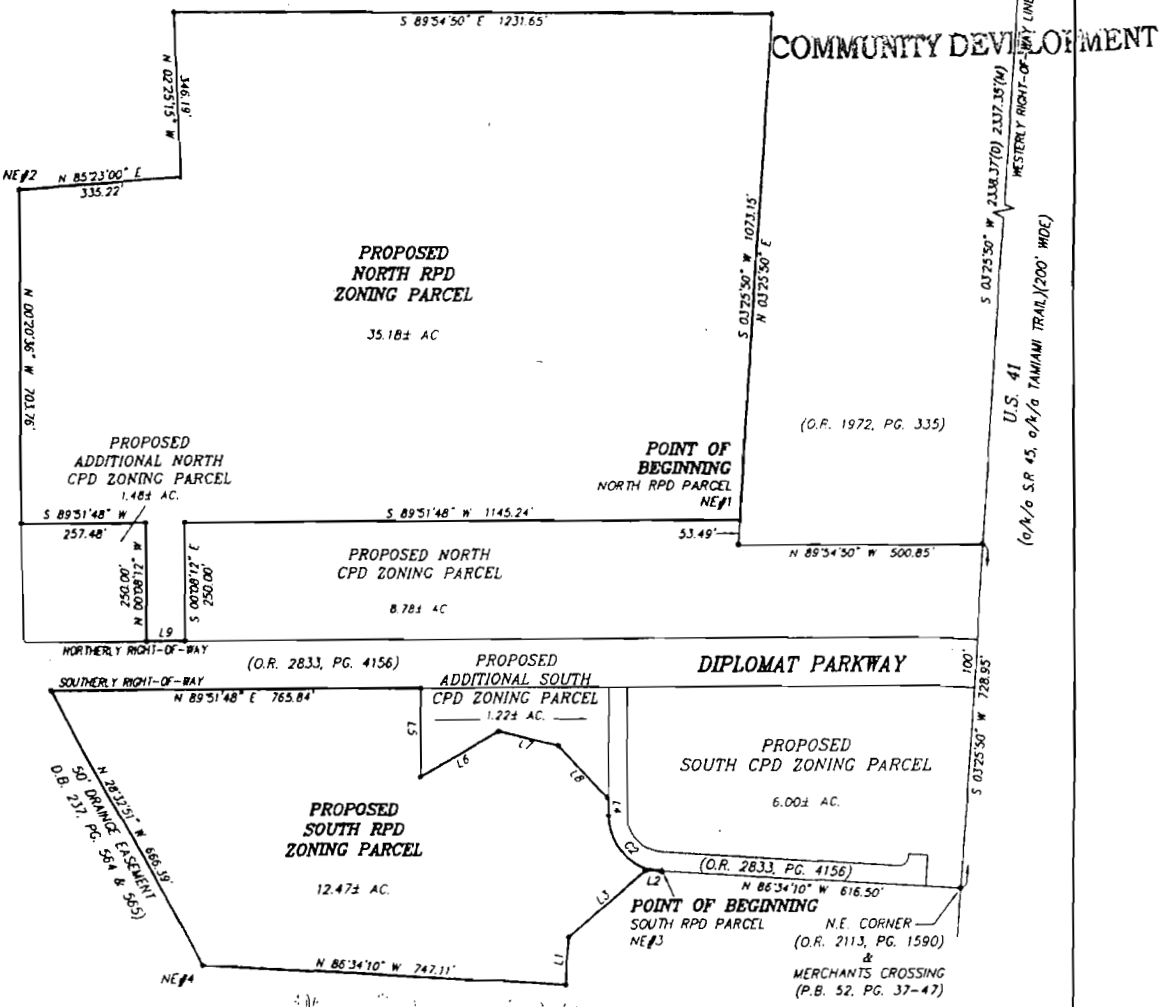
APR 27 2011
COMMUNITY DEVELOPMENT



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
O.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006.

SKETCH

CSJ 11/6/06

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
8616 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Biehschmidt

EXHIBIT "A"
(Page 6 of 6)

ADD2019-00085 Lee County ePlan

Zoning Map

DCI2010-00015

Mapped:4/29/11

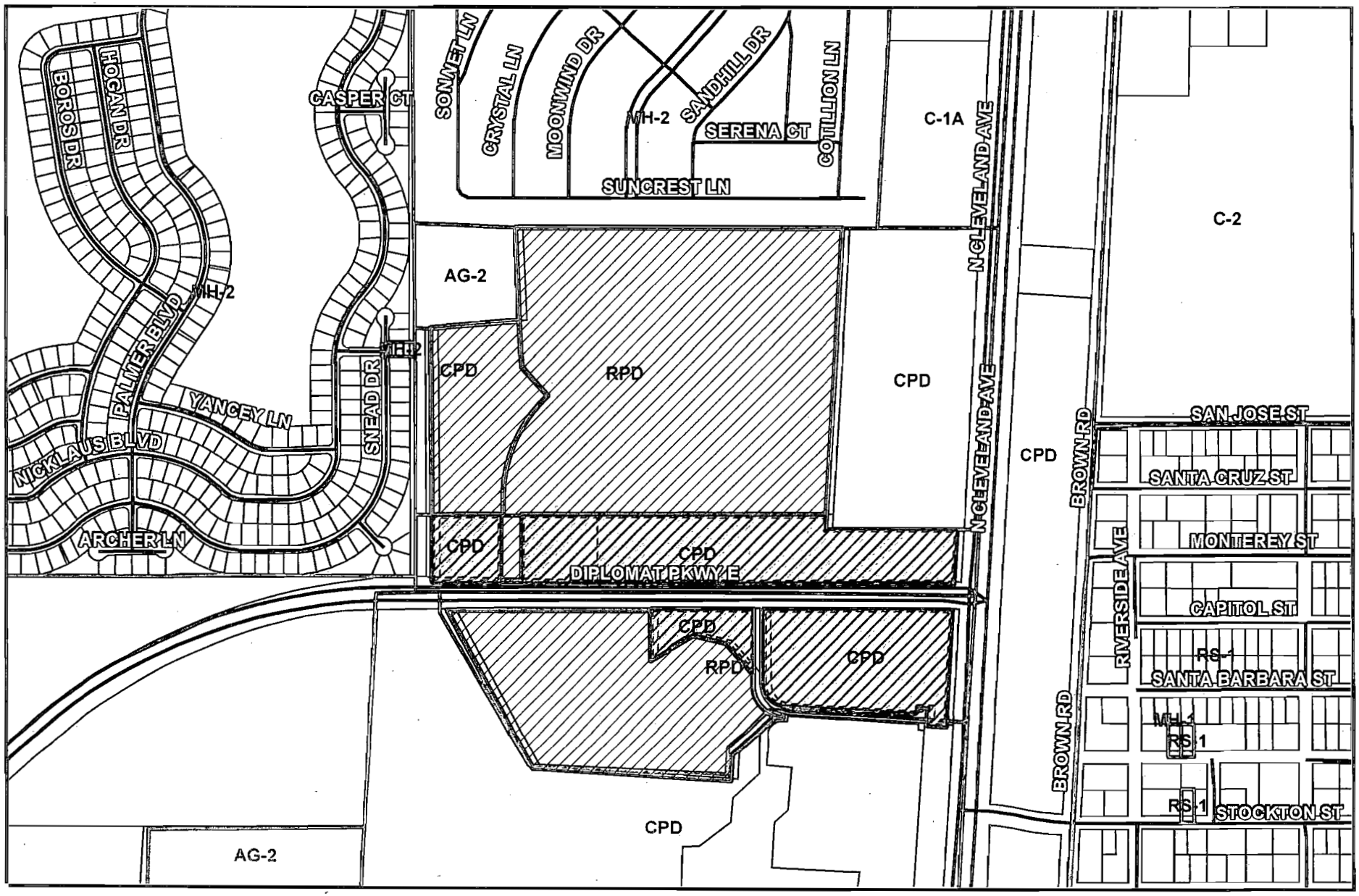
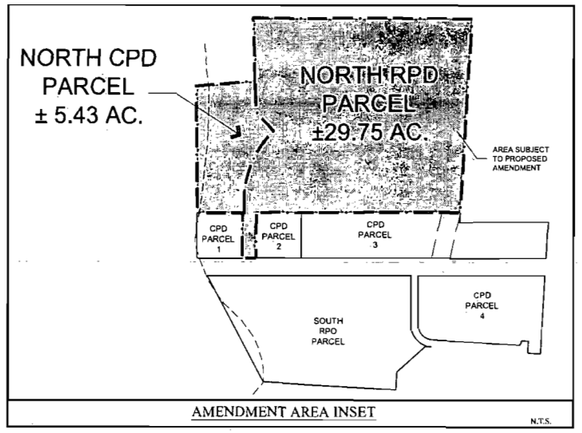


EXHIBIT "B"

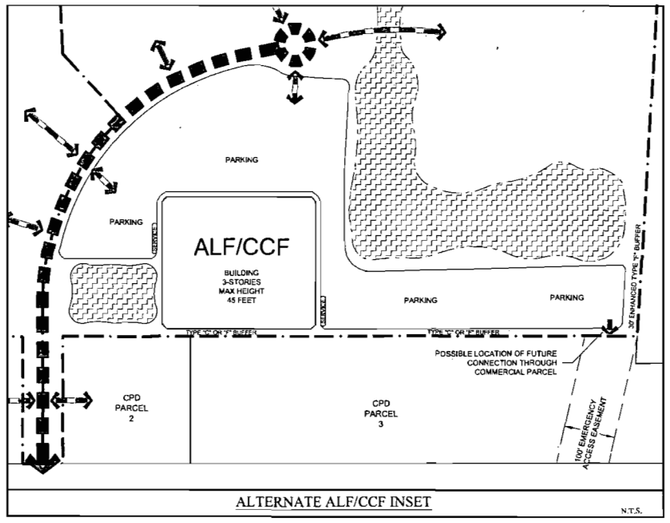
ADD2019-00085 Lee County ePlan



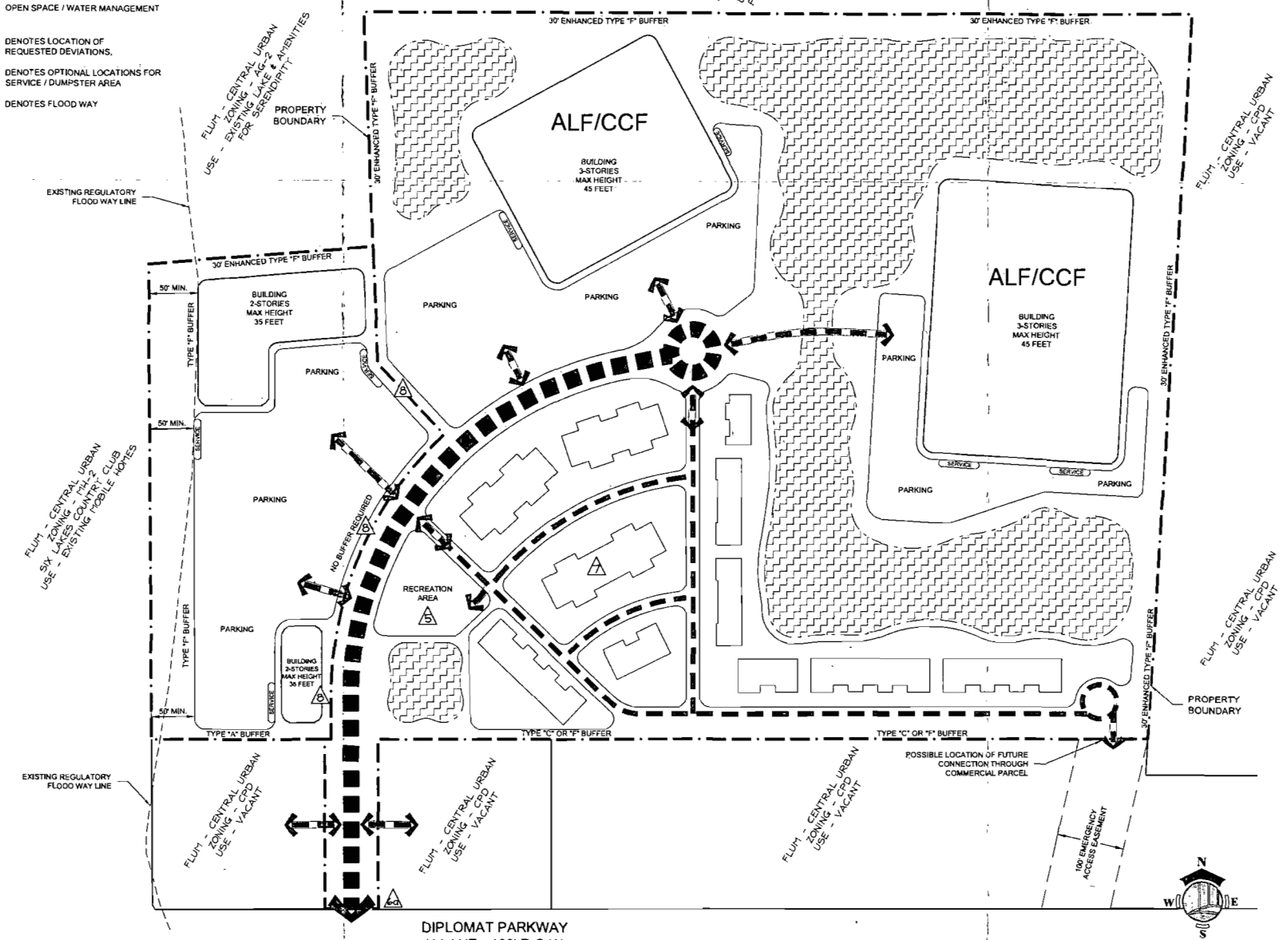
AMENDMENT AREA INSET N.T.S.

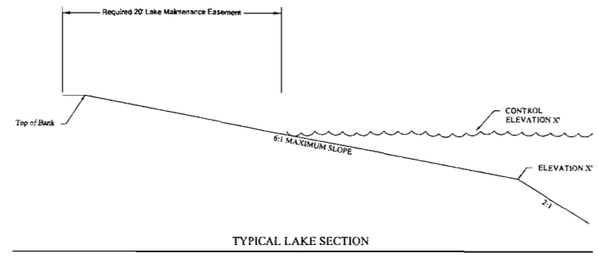
LEGEND:

- RESIDENTIAL AREA
- OPEN SPACE / WATER MANAGEMENT
- DENOTES LOCATION OF REQUESTED DEVIATIONS.
- SERVICE — DENOTES OPTIONAL LOCATIONS FOR SERVICE / DUMPSTER AREA
- DENOTES FLOOD WAY



ALTERNATE ALF/CCF INSET N.T.S.





TYPICAL LAKE SECTION N.T.S.

TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
	TOTAL 35.18 AC.	TOTAL	13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	50,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

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APR 27 2011
COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite
2481 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239)-226-0024 - FX: (239)-226-0094
EB-26544 CA-LC26000374

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD
(NORTH PARCEL)
Project Line 3

REVISIONS

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 09-06-10	9-23-10
R2	Revised per lee county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per lee county comments	12-17-10
R4	Revised per HEX conclusions and conditions	1-7-11
R5	Final Adopted Plan	4-22-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO.1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

P:\Projects\1155 Athyrio Development Associates\1155-01 USA1-Diplomat Zoning\CAD\Zoning\MCP\Final Adopted Plan\1155-01-MCP01.dwg (D-7-M.1 (24X36)) steveo Apr 22, 2011 - 4:22pm

EXHIBIT "C"
(Page 1 of 2)

ADD2019-00085 Lee County ePlan

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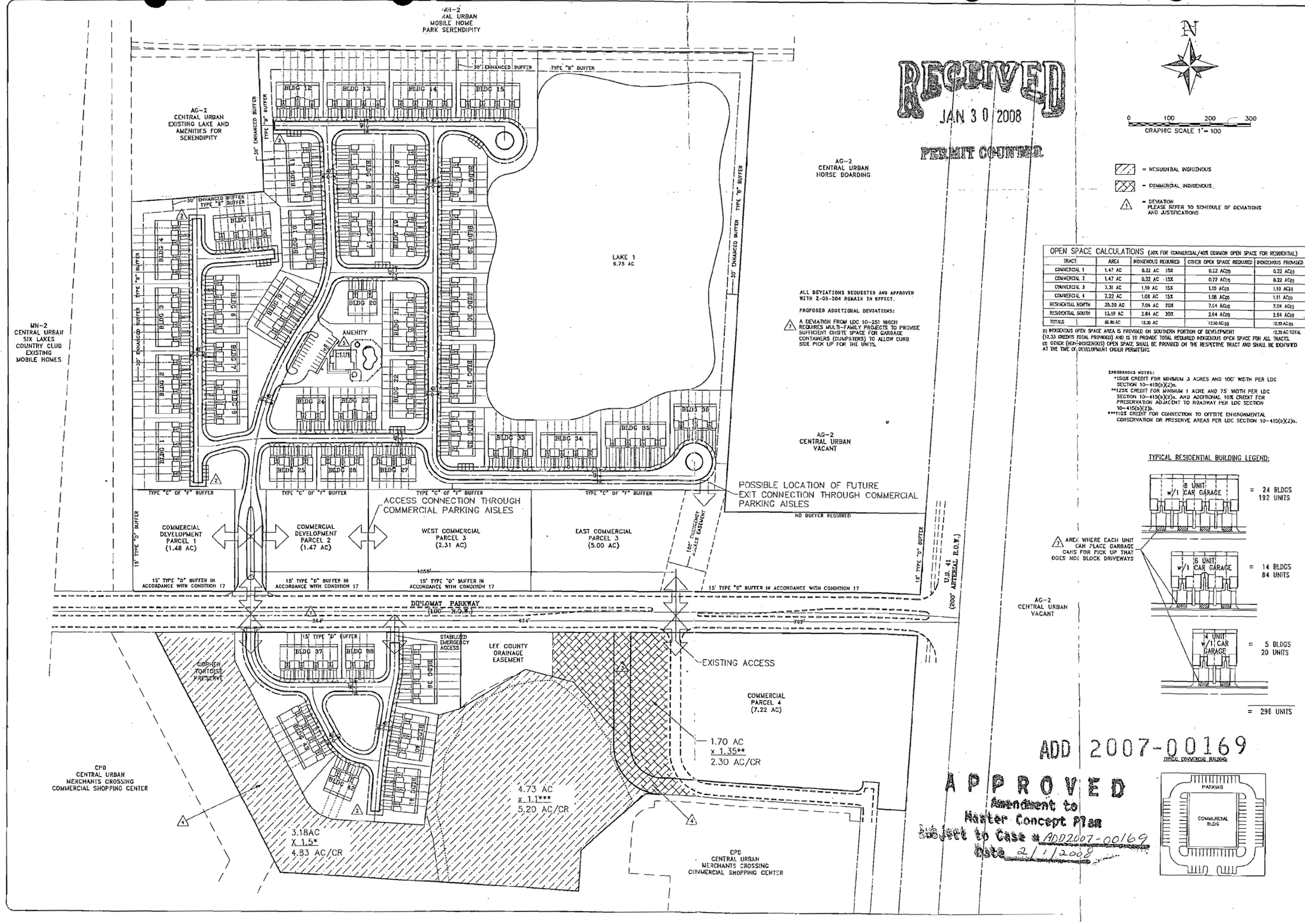
JAN 30 2008
PERMIT COUNTER



ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-05-004 REMAIN IN EFFECT.

PROPOSED ADDITIONAL DEVIATIONS:

1. A DEVIATION FROM LDC 10-261 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ONSITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(c)	0.22 AC(c)
COMMERCIAL 2	1.47 AC	0.22 AC 15%	0.22 AC(c)	0.22 AC(c)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(c)	1.10 AC(c)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(c)	1.11 AC(c)
RESIDENTIAL NORTH	35.20 AC	7.04 AC 20%	7.04 AC(c)	7.04 AC(c)
RESIDENTIAL SOUTH	13.19 AC	2.64 AC 20%	2.64 AC(c)	2.64 AC(c)
TOTALS	65.86 AC	12.30 AC	12.30 AC (c)	12.30 AC (c)

(c) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING. 12.30 AC TOTAL

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)a.

TYPICAL RESIDENTIAL BUILDING LEGEND:

1 AREA WHERE EACH UNIT CAN PLACE GARBAGE CANS FOR PICK UP THAT DOES NOT BLOCK DRIVEWAYS

ADD 2007-00169

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00169
Date 2/1/2008

TYPICAL COMMERCIAL BUILDING

PREPARED FOR:
N.B.D. DEVELOPMENT, INC.
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PHONE (561) 544-8773
FAX (561) 544-7138

2078 DIPLOMAT PARCEL

NO.	DATE	REVISIONS	BY
5	11-26-08	ADDED 5TH ACCESS, STREET NAMES, REVISED LAKE	LAK
4	10-31-07	ADDED 5TH ACCESS, REVISED LAKE	CHD
3	9-10-07	REVISE BUILDING LAYOUT PLAN PER NEW SITE PLAN	CHD
2	12-13-06	ADD ACCESS	CHD
1	12-30-05	ADD ACCESS AND DATA TABLE	CHD

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2619 NORTHBROOKE PLAZA DRIVE, SUITE 202
NAPLES, FLORIDA 34119
PHONE (239) 597-3001 FAX (239) 597-3062
DRAINAGE LOCATE # LB 1449
WATER & SEWER LOCATE # LB 1449

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DESIGN	DRAWN	CHKD	DRU
10-27-2007	2078	MCP	CHD	CHD	DRU

SCALE 1"=100' | SHEET 1 OF 1 | FILE NO. S-1-10 | 34-43-24