

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2019-00019

CASE NAME: AMAVIDA RPD

TYPE OF CASE: MINOR PLANNED DEVELOPMENT

HEARING EXAMINER DATE: FEBRUARY 5, 2020

SUFFICIENCY DATE: DECEMBER 5, 2019

REQUEST:

An application has been submitted by Stacey Hewitt, AICP of Banks Engineering, on behalf of Quadrum Lakes Park LLC to request a rezoning from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD), to remove 100,000 Square Feet of commercial uses and to allow a total of 325 residential dwelling units, or an equivalent number of Assisted Living Facility (ALF), Continuing Care Facility (CCF) or Independent Living Units (ILU) - (190 existing dwelling unit equivalents, plus an additional 135 dwelling unit increase requested).

The subject property is located at 7778 Gladiolus Drive, Iona/McGregor Planning Community, Lee County, FL. (District #2), STRAP Numbers 35-45-24-00-00014.0000 and 35-45-24-00-00015.0000.

SUMMARY:

Staff recommends APPROVAL of the applicant's request, with the Conditions found in Attachment C.

HISTORY OF PARCEL:

The subject property was originally zoned from Agricultural (AG-2) to Residential Planned Development (RPD) under resolution Z-04-043, which approved a maximum of 275 multi-family dwelling units, with a maximum height of 45 feet (Attachment H). This resolution was amended by ADD2006-00184 to allow the project to change the multiple family building types and add single story detached garages (Attachment I).

The subject property was then rezoned from Residential Planned Development (RPD) to Residential Planned Development (RPD)/ Commercial Planned Development (CPD) under Resolution Z-10-009 (Attachment J). This resolution allowed a total of 190 dwelling units (or equivalent number of units in ALF's, CCF's and ILU's) with a maximum commercial intensity of 100,000 square feet which included a maximum of 25,000 square feet of retail. The build out date for this project was extended by DCI2011-00036 and DCI2012-00049.

An Administrative Interpretation was sought under ADD2012-00077 to confirm the number of dwelling units that were described in Condition 1 of Resolution Z-10-009 (Attachment K). This condition allowed a

maximum of 190 multiple-family dwelling units or any combination of ALF, CCF, or ILU dwelling units, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land. As part of this administrative interpretation, the density was confirmed at 8.7 units per acre.

The Development was then amended a number of times through the following cases:

- ADD 2016-00011(a), which amended the Master Concept Plan, amended condition 19 to update and increase indigenous restoration/creation areas, and included 7 deviations for relief from planned development perimeter setbacks, building separation, water body setbacks, excavation setbacks, to allow 40% hardened shoreline, and to allow no lake maintenance easement where bulkheads and zero foot setbacks are provided (Attachment L).
- ADD2016-00139, which approved an deviation from LDC Sec. 10-384, to allow a 12 inch water main exceeding 2,000 feet loop (Attachment M).
- ADD2017-00094 which approved two deviations from the signage requirements including an increased quantity of signs and sign area along Gladiolus Drive, and relief from the right-of-way setbacks from the Gladiolus Drive right-of-way. (Attachment N)
- ADD2018-00094 which approved reduced planting size for trees and shrubs along a portion of the western buffer. (Attachment O)

The subject parcel is currently developed with a senior care facility, which includes 300 independent living units and 160 assisted living units, totaling 190 dwelling units, with amenities for the residents of the facility. The commercial portion of the development is currently undeveloped, with a development potential of 100,000 square feet which included a maximum of 25,000 retail square feet. The parcels designated Commercial Planned Development (CPD) are adjacent to Gladiolus Drive.

There are no active Code Enforcement violations on the property.

CHARACTER OF THE AREA:

The subject property is located on the on the north side of Gladiolus Drive, a County maintained arterial road, approximately 2,500 feet east of the intersection of Summerlin Road and Gladiolus Drive. The subject property has two private local roadways that access Gladiolus Drive, which provide access to the existing senior care facility on the north side of the property. The surrounding development includes a mix of commercial, residential, and environmentally protected properties. The following are the zoning districts and existing land uses that surround the subject property:

North:

Property to the north is zoned Community Facilities (CF) and is developed with Lakes Regional Park.

East:

Property to the east is zoned Agricultural (AG-2) and is owned by Lee County. Immediately to the east of this property, there is miniature golf course on property zoned Agricultural (AG-2) and a Commercial Planned Development (CPD) that is currently vacant.

South:

Property to the south is separated by Gladiolus Drive and is zoned Multiple Family Residential (RM-6), Commercial Planned Development (CPD). The property zoned Multiple Family Residential (RM-6) is developed with a single family home subdivision called Victoria Cove. There are two Commercial Planned Developments south of the subject property including one vacant, and one that is developed with a medical office.

West:

Property to the west is zoned Agricultural (AG-2), and is undeveloped.

The subject property is designated as Central Urban and Wetlands on the Lee County Future Land Use Map and in the South Fort Myers Planning Community.

ANALYSIS

This request is to rezone the subject property from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD) to increase the number of dwelling units currently approved for the subject property and eliminate the 100,000 square feet of approved commercial intensity. The request is intended to allow a total of 325 dwelling units or equivalent Assisted Living Facility Units, Continuing Care Facility Units, or Independent Living Facility Units. This rezoning primarily impacts the commercially designated outparcels along Gladiolus Drive, where development has not occurred. As part of this rezoning request, the deviations and conditions previously approved on the subject property will be addressed and incorporated into the proposed conditions for the new zoning designation.

Planned Development Rezoning:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned developments is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

The applicant has provided a request statement that explains the request to rezone the property from Residential Planned Development (RPD)/ Commercial Planned Development (CPD) to Residential Planned Development (RPD) and provides a Comprehensive Plan analysis for the request (Attachment D).

Master Concept Plan:

The applicant has provided a one page master concept plan titled "Master Concept Plan" received November 4, 2019. The master concept plan describes the location of existing and proposed development areas as well as access points, and open space (Attachment V). Deviations have been referenced on the master concept plan.

Density Analysis:

The majority of the subject property is in the Central Urban Future Land Use Category as described in Lee Plan Policy 1.1.3. The Density ranges considered for this Land Use Category are from four to ten dwelling units per acre. Bonus Density may be considered up to an additional five dwelling units per acre.

When this property was originally zoned from Agricultural (AG-2) to Residential Planned Development (RPD) under Resolution Z-04-043, the approved number of dwelling units (275 units) was less than what was requested by the applicant (299 units). The approved density was 8.45 units per acre, with a maximum height of 45 feet. In the Hearing Examiner's Discussion of the request (Attachment P), it was stated that the applicant originally requested 9.0 units per acres, but due to the properties location in the Coastal High Hazard Area, the Lee Plan Would require Staff to recommend a lower density what the applicant requested. The Lee Plan policy 75.1.4 stated the following at the time of this rezoning:

“Through the Lee Plan Amendment Process, land use designations of undeveloped areas within the coastal high hazard areas shall be considered for reduced density categories (or assignment of allowable density ranges are permitted) in order to limit the future population exposed to coastal flooding”.

Z-10-009 rezoned the subject property to Residential Planned Development (RPD)/ Commercial Planned Development (CPD). As part of the request, there was a reduction in the total number of units to 190 dwelling units with an overall density of 8.73 units per acre. The approval, therefore, did not substantially increase the density of the project that was previously limited in resolution Z-04-043.

The language of Lee Plan Policy 75.1.4 no longer exists in the way it is stated above, but there are, however, considerations for residential development in The Lee Plan that should be considered when analyzing density in the Coastal High Hazard Area:

- Policy 5.1.2 prohibits residential development where physical restraints exist or hazards exist or require density and design to be adjusted accordingly. Hazards described by this policy include hurricane hazards.
- Policy 101.1.4 require that comprehensive plan amendments which increase density within the Coastal High Hazard Area or on islands meet criteria to ensure no increased evacuation times, and the mitigation is provided to the satisfaction of Lee County Public Safety.
- Policy 101.3.2 restricts development in Coastal High Hazard areas to uplands except as needed for the provision of public facilities.
- Policy 101.3.6 prohibits the use of Transferrable Development Units (TDUs) and bonus density utilizing cash contributions for affordable housing on property located within the Coastal High Hazard Areas.
- Policy 101.3.7 considers bonus density for site-built affordable housing development within the Coastal High Hazard Areas.

Because the Lee Plan has considerations for adjusted density within the Coastal High Hazard Areas, but also considers bonus density within these areas, the maximum standard density requested by the applicant should not be limited based simply on its location in the Coastal High Hazard Area. The Land Development Code includes provisions to increase compatibility for residential development and assisted living facilities including on-site wetland and upland preservation, on-site hurricane sheltering, and access to evacuation routes.

LDC Sec. 34-1411(e) states that no Assisted Living Facility may be constructed within the Coastal High Hazard area of the County unless the facility is constructed to meet the hurricane preparedness impact mitigation provisions set forth in Section 2-485(b)(5)a to serve as on-site shelters for its residents. Because of the standards that exist for senior care facilities in Coastal High Hazard Areas, and due to the fact that many of these standards have been executed for the existing facilities on-site, staff finds that the maximum standard density of 10 units per acre can be considered. Due to the additional density proposed for this site, the applicant will be required to provide additional hazard mitigation consistent with the requirements of the Land Development Code, and to the satisfaction of the Lee County Division of Emergency Management.

The proposed number of dwelling units for the proposed development is 325 dwelling units. The two future land use categories that exist on the subject property is Central Urban and Wetlands. The number of dwelling units that can be derived from units based on the total area of 32.44 acres of area located in the Central Urban land use category. The 0.1 acre of wetlands on site does not generate a dwelling unit in its own right.

Staff recommends that the total number of dwelling units to be considered for this rezoning to be 324 units based on the standard maximum density range of the Central Urban Category. This reduces the overall total number of dwelling units by one for the planned development.

Development Pattern Considerations:

The subject property is in the Central Urban and Wetlands future land use categories, as described in Policy 1.1.3 and 1.5.1 of the Lee Plan. Properties located in the Central Urban future land use category are described as the urban core of the county that is already settled and will have high levels of urban service. This land use category allows residential, commercial, public and quasi-public, and limited industrial uses. The portion of the property that is designated as Wetlands is approximately .1 acre of the site. Land within the Wetlands category is limited to one dwelling unit per 20 acres, and must be consistent with Goal 124 of the Lee Plan. Development is not considered for the portion of the property designated Wetlands. The subject property is in a corridor with a mix of commercial and residential uses, as well as protected wetland areas, consistent with the future land use categories, and consistent with Policies 1.1.3 and 1.5.1 of the Lee Plan.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property is located on an arterial corridor, urban services exist. The result of the rezoning will allow for residential development of outparcels adjacent to Gladiolus Drive, and will promote compact and contiguous growth patterns. The

applicant has provided a letter of utility availability to support the future development of this parcel as described in this request (Attachment S). Staff finds the proposed planned development rezoning consistent with Objective 2.1, Objective 2.2., and Policy 2.2.1.

Standard 4.1.4 states that in environmentally sensitive areas, the developer/applicant must address existing or anticipated environmental problems, and propose means and mechanisms to protect conserve or preserve the environmental or natural resources. On the property there is approximately a 0.1 acre portion of preserved marsh wetland and 1.19 acres of pine-mesic oak upland preserve which has received certificated of compliance through DOS2016-00049. These areas will not be altered by the proposed development plan. Staff finds the proposed planned development rezoning consistent with Standard 4.1.4

Policy 5.1.3 directs high-density residential developments to locations that are near employment, and shopping centers, are close to parks and schools, and are accessible to mass transit facilities and bicycle facilities. The subject property is located approximately 1.5 miles from a Publix Shopping Center, 1.4 miles to a Wal-Mart, within several other commercial locations within a mile of the subject development. The subject property is also located within 2.7 miles of Health Park, with several other medical offices within a 1 mile radius. Additionally, the subject property has pedestrian interconnection with Lakes Regional Park to the north, and other bicycle and pedestrian ways along Gladiolus Drive. Staff finds the proposed planned development rezoning consistent with Policy 5.1.3.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development. The nearest residential uses are approximately 370 feet to the west, separated by protected wetland, and approximately 250 feet to the south separated by Gladiolus Drive. Additionally, commercial uses were previously approved for this site. In comparison of the uses, previously approved there will not be an encroachment of potentially destructive character to nearby residential uses. Staff finds this planned development rezoning consistent with Policy 5.1.5.

As previously stated, the subject property is located in the South Fort Myers Planning Community. While there are no direct objectives and policies associated with this planning community, staff finds the request consistent with the vision of the South Fort Myers Planning Community.

Transportation Considerations:

The applicant has provided a traffic impact statement relative to the proposed development, and provided analysis on the surrounding transportation system (Attachment Q). Infrastructure Planning staff has provided analysis of the applicants traffic impact statement (Attachment R).

Staff states in their analysis that no arterial or collector roadway sections, which are operating at a service level C, are expected to be significantly impacted by the proposed zoning. The changes in development intensity/density are expected to decrease the number of daily trips generated by the development by 55%.

Bicycle and Pedestrian Facilities:

The subject property fronts Gladiolus Drive which is designated as a future bike/pedestrian way in the Lee Plan Map 3D. Currently there are pedestrian facilities on Gladiolus Drive. At the time the development order approval, all new development must comply with Chapter 10 of the Land Development Code.

Environmental Considerations:

The subject property was cleared and has been developed consistent with the previous approvals and conditions in resolution Z-10-009. As previously stated, there is approximately a 0.1 acre portion of preserved marsh wetland and 1.19 acres of pine-mesic oak upland preserve which has received certificate of compliance through DOS2016-00049. The proposed uses are expected to comply with the landscaping and open space requirements of the Land Development Code and as previously conditioned in the resolution Z-10-009.

Transit Facilities:

Lee Tran staff has provided an analysis of the proposed development with respect to the transit system (Attachment T). The subject property is not located within a ¼ mile radius of a Lee Tran Route.

Urban Services:

The subject property is serviced by the South Trail Fire Station that is approximately 4 miles from the property, and Sheriff and EMS station 1.6 miles from the property. The proposed development will have sufficient capacity from Lee County Utilities for both water and wastewater. The applicant is consistent with Lee Plan Standards 4.1.1 and 4.1.2.

Deviation Requests:

The applicant has requested the following deviations from previous approvals to this development to continue as approved and be included as conditions of approval for this planned development rezoning with two withdrawn as they were previously approved for the commercial portions of the property (Attachment G). There are no new deviation requests as part of this rezoning.

1. Deviation (1) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive.

This deviation was previously APPROVED.

2. Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

This deviation is no longer necessary and recommended for WITHDRAWAL

3. Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

This deviation is no longer necessary and recommended for WITHDRAWAL

4. Deviation (4) seeks relief from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet whichever is greater; to allow a minimum separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

This deviation was previously APPROVED.

5. Deviation (5) seeks relief from LDC Section 34-2194(b), which requires a minimum 25 foot setback to an artificial body of water to allow a minimum water body setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

This deviation was previously APPROVED.

6. Deviation (6) seeks relief from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road, to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the lake.

This deviation was previously APPROVED.

7. Deviation (7) seeks relief from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline, to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

This deviation was previously APPROVED.

8. Deviation (8) seeks relief from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided, to allow a 20-foot wide easement Lake Maintenance Easement in areas as shown on the Master Concept Plan and no Lake Maintenance Easement where bulkhead and 0-foot setback are provided.

This deviation was previously APPROVED.

9. Deviation (9) seeks relief from LDC Section 30-153(2)a.1.ii which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both signs does not exceed 300 square feet, to permit a total of five (5) identification signs with a total combined area of 438 square feet along Gladiolus Drive.

This deviation was previously APPROVED, subject to the following conditions:

- a. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - b. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
10. Deviation (10) seeks relief from LDC Section 30-153(2)a.4 which requires identifications signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

This deviation was previously APPROVED, subject to the following conditions:

- a. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - b. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
11. Deviation (11) seeks relief from LDC Section 10-420 which requires trees to be installed at ten feet in height and shrubs to be installed at 48 inches in height to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along the portions of the western buffer.

This deviation was previously APPROVED, subject to the following conditions:

- a. Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches and 2,116 one gallon groundcovers. All plant material must be salt tolerant and native species.
 - b. The development must be in substantial compliance with Exhibit B, dated May 23, 2018.
12. Deviation (12) from LDC Section 10-384(c)(2) for proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external looping exceeding 2,000 feet.

This deviation was previously APPROVED.

CONCLUSION:

The proposed rezoning from Residential Planned Development (RPD)/ Commercial Planned Development (RPD) to Residential Planned Development (RPD), as conditioned, is consistent with the Lee Plan. The rezoning includes a number of previously approved deviations to address the development constraints for the existing and proposed uses. Staff has found the requested deviations, as conditioned, to be consistent with the Lee Plan and compatible with the surrounding land uses and withdrawal of those no longer necessary. As conditioned, the requested rezoning is compatible with the uses surrounding the subject property. As conditioned, this application meets all the criteria for rezoning including compliance with the Land Development Code. The request will not adversely affect environmentally critical areas or natural resources as conditioned. Approval of the request, as conditioned, will not place an undue burden upon existing transportation or planned infrastructure facilities. Urban services, as defined in the Lee Plan, as conditioned, will be available and adequate to serve the proposed development. Staff recommends approval, as conditioned, retention of 9 of 11 previously approved deviation requests.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Recommended Conditions and Deviations
- D. Request Statement
- E. Legal Description
- F. Applicant Proposed Conditions
- G. Proposed Schedule of Deviations
- H. Resolution Z-04-043
- I. ADD2006-00184
- J. Resolution Z-10-009
- K. ADD2012-00077
- L. ADD2016-00011(a)
- M. ADD2016-00139
- N. ADD2017-00094
- O. ADD2018-00094
- P. Hearing Examiners Report DCI2009-00005
- Q. Traffic Impact Statement
- R. Infrastructure Planning Comments
- S. Letter of Utility Availability
- T. Lee Tran Memorandum
- U. Waiver of Submittal Requirements
- V. Master Concept Plan

ATTACHMENT A

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

Dirk Danley, AICP, Planner, Senior, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Beth Workman, Senior Environmental Planner, Zoning, 1500 Monroe Street, Fort Myers, FL 33901

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

Marcus Evans, Senior Engineer, Development Services, 1500 Monroe Street, Fort Myers, FL 33901

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

Brandon Dunn, Principal Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

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

DCI2019-00019
Aerial

ATTACHMENT B

Legend

 Subject Parcel



0 200
Feet



DCI2019-00019 Zoning

Legend

 Subject Parcel



0 200
Feet



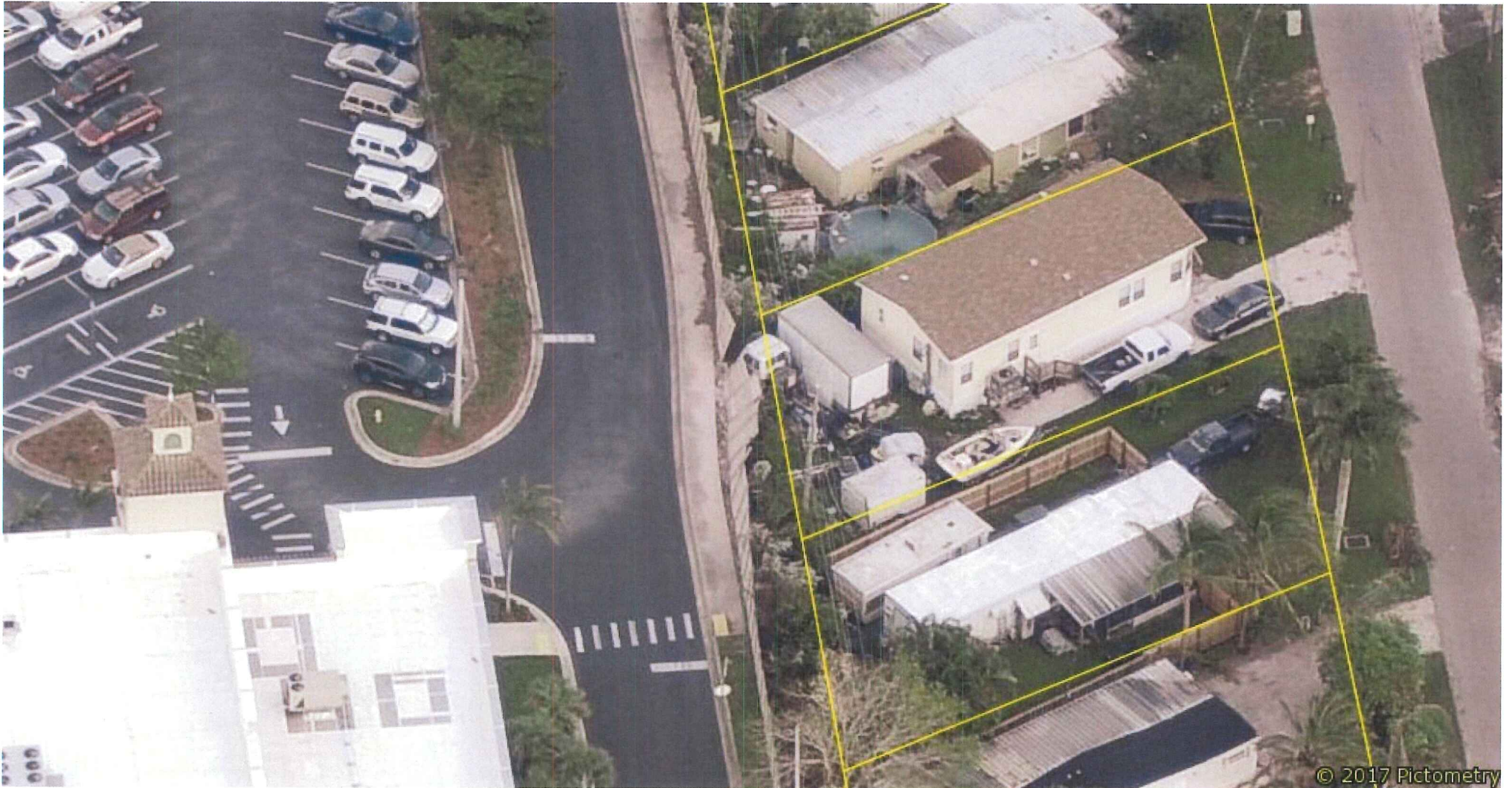
DCI2019-00019 Future Land Use

Legend

-  Subject Parcel
-  Central Urban
-  Suburban
-  Public Facilities
-  Conservation Lands
- Upland
-  Wetlands



Post Irma Photography



© 2017 Pictometry

ATTACHMENT C

A. Conditions

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "AMAVIDA F/K/A Avida," date stamped "Received November 4, 2019," attached hereto as Exhibit C, except as modified by the conditions below. This development must comply with all requirements of the Lee County Land Development Code at time of local Development Order Approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan are subsequently pursued, appropriate approvals will be necessary.

Project intensity is limited to a maximum of 324 multi-family dwelling units, or any combination of equivalent ALF, CCF, or ILU, so long as the project density does not exceed 324 standard dwelling units on 32.54± acres of land.

Zoning Resolution Z-04-034, Z-10-009 and Administrative amendments ADD2006-184, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 are superseded and/or codified by this zoning resolution and will have no further force or effect.

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

- a. Schedule of Uses

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM*
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I*
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy*

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

Assisted Living Facility (ALF)/Continuing Care Facility (CCF)/Independent Living Unit (ILU) and accessory uses

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet except as deviated from in Section B.

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et seq.* and LDC§ 34-2194.

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Multi-Family, Clubhouse, Recreational Facility

Lot Size

Minimum Lot Area: 10,000 square feet

Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 20 feet
Water body 20 feet except as deviated from in Section B.

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34-2174(a) and § 34-935(e.)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

Townhouse Uses

Lot Size.

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 20 feet

Setbacks

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

Side	5/0 feet
Rear	15 feet
Water body Section B.	20 feet except as deviated from in

Lakes Park Setback (north boundary line)

Building:	75 feet (for maximum 45 feet in building height)
	50 feet (for maximum 35 feet in building height)
	40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPO.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC§ 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC§ 34 2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

3. 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.

4. Lee Plan Consistency

Approval of this zoning request does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocation Table, Map 16 and Table 1 (b), 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.

5. 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.

6. Development Permits

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

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.
- c. Real estate sales are limited to administrative offices within model units.
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only.
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
- f. No dry models are permitted.

8. Casino-style Games are prohibited.

9. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.
- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

10. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

11. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

12. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

13. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

14. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 10.45 acres of open space.

15. Indigenous Preservation

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum 0.09 acre existing marsh wetland; and
 - (3) a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.
- c. An Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC§10- 41S(b)(4) must be submitted for of Environmental Sciences (ES) staff review.
- d. Development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

16. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC§10-474 must be submitted for review and approval by staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

17. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center/ groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the northern RPD property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional

trees may be required; and,

- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

18. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park, if located between buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.
- d. Prior to local development order approval, development plans for buildings within the RPD must be reviewed by staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park and on the eastern building facades facing the offsite County owned preserve within Lots 6 and 7.

B. Deviations

- 1. Deviation (1) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive.

This deviation was previously APPROVED.

- 2. Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

This deviation is no longer necessary and recommended for WITHDRAWAL

- 3. Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

This deviation is no longer necessary and recommended for WITHDRAWAL

- 4. Deviation (4) seeks relief from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet whichever is greater; to allow a minimum

separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

This deviation was previously APPROVED.

5. Deviation (5) seeks relief from LDC Section 34-2194(b), which requires a minimum 25 foot setback to an artificial body of water to allow a minimum water body setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

This deviation was previously APPROVED.

6. Deviation (6) seeks relief from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road, to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the lake.

This deviation was previously APPROVED.

7. Deviation (7) seeks relief from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline, to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

This deviation was previously APPROVED.

8. Deviation (8) seeks relief from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided, to allow a 20-foot wide easement LME in areas as shown on the Master Concept Plan and no LME where bulkhead and 0-foot setback are provided.

This deviation was previously APPROVED.

9. Deviation (9) seeks relief from LDC Section 30-153(2)a.1.ii which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both signs does not exceed 300 square feet, to permit a total of five (5) identification signs with a total combined area of 438 square feet along Gladiolus Drive.

This deviation was previously APPROVED, subject to the following conditions:

- i. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"
 - ii. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".
10. Deviation (10) seeks relief from LDC Section 30-153(2)a.4 which requires identifications signs to be set back a minimum of 15 feet from any right-of-way or easement, to permit the (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

This deviation was previously APPROVED, subject to the following conditions:

- i. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage monument Separation Plan - Deviation 9, dated May 26-2017, attached as Exhibit "F"

- ii. The right-of-way setback for the requested signage may not be less than five (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, Attached as Exhibit "G".

- 11. Deviation (11) seeks relief from LDC Section 10-420 which requires trees to be installed at ten feet in height and shrubs to be installed at 48 inches in height to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along the portions of the western buffer.

This deviation was previously APPROVED, subject to the following conditions:

- i. Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches and 2,116 one gallon groundcovers. All plant material must be salt tolerant and native species.
- ii. The development must be substantial compliance with Exhibit B, dated May 23, 2018.

- 12. Deviation (12) from LDC Section 10-384(c)(2) for proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external looping exceeding 2,000 feet.

This deviation was previously APPROVED.



Professional Engineers, Planners & Land Surveyors



Amavida RPD (f/k/a Avida f/k/a Oasis Cove RPD/CPD) Narrative of Request

Request Summary

The applicant is requesting rezoning approval of ±32.54 acres from RPD/CPD to RPD to remove 100,000 SF of commercial, including 25,000 SF of retail approved in the CPD to allow a total density of 325 dwelling units or equivalent ALF, CCF or ILU (190 dwelling units existing + 135 dwelling units requested increase).

The request is for infill development that will allow expansion of the existing development on site while significantly reducing traffic impacts from that which is currently permitted by existing approvals.

Background

The applicant is requesting a rezoning to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD) a/k/a Avida, a 32.54± acre project located on the north side of Gladiolus Drive approximately ½ mile east of its intersection with Summerlin Road. The subject property is located in the Central Urban and Wetland future land use categories within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

ADD2016-00011(a) revised the Master Concept Plan, property development regulations for the RPD, added 7 deviations, amended the CPD schedule of uses and amended condition 19 indigenous preservation.

ADD2017-00094 added 2 signage deviations for area, quantity and setback.

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ADD2018-00094 added a deviation from tree size requirements to allow enhanced western buffer.

A table is provide on the following page demonstrating the existing future land use, zoning and use of the subject property as well as the surrounding properties which is also demonstrated on the proposed Master Concept Plan.

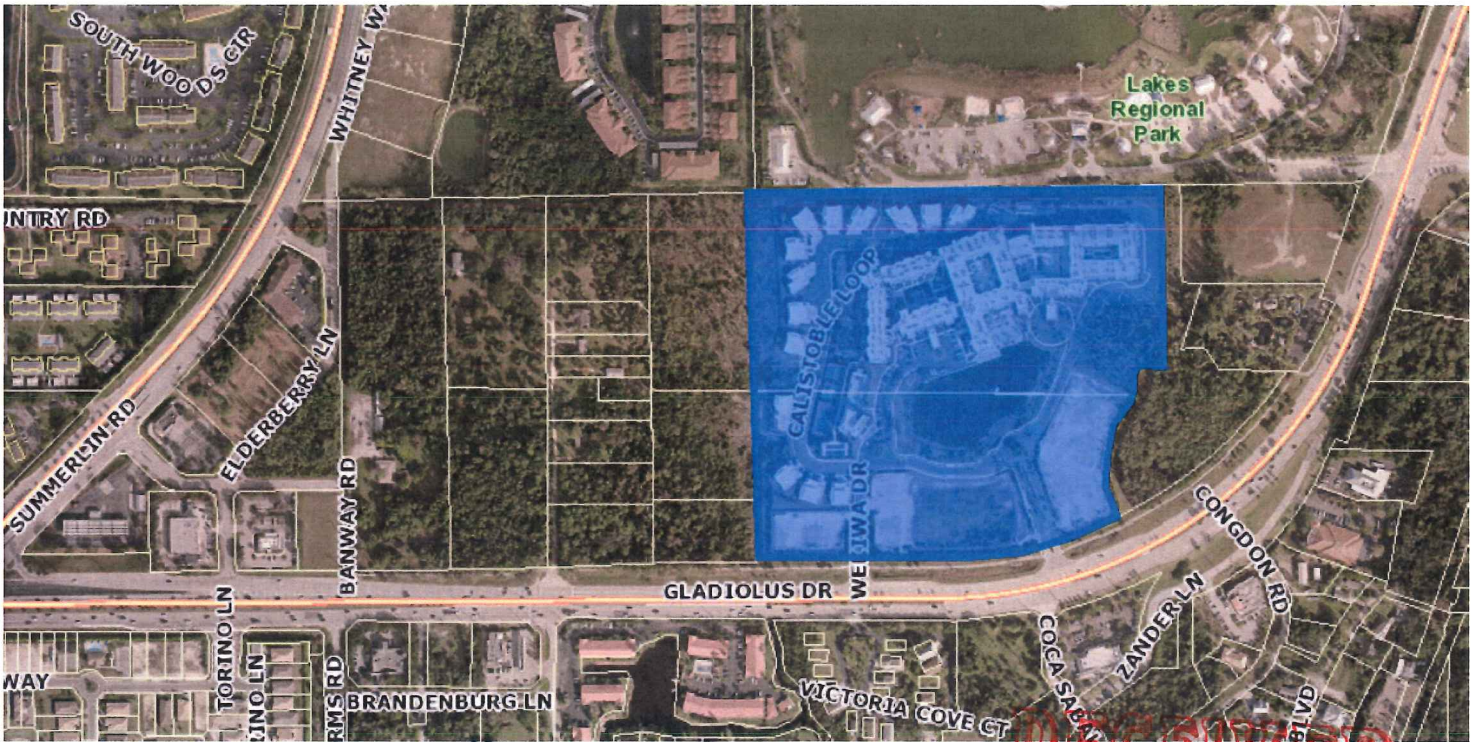
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	<i>Future Land Use</i>	<i>Zoning</i>	<i>Existing Use</i>
Subject Property Existing	Central Urban & Wetlands	RPD/CPD	300 Independent Living Units, 160 Assisted Living Units and amenities and vacant commercial lots
	<i>Surrounding Future Land Use</i>	<i>Surrounding Zoning</i>	<i>Existing Use</i>
East	Conservation Lands Upland & Central Urban	AG-2	Vacant Lee County lands then Mini golf
South	Suburban & Central Urban	CPD & RM-6	Medical Offices, Vacant commercial and residential condominiums
West	Central Urban & Wetlands	AG-2	Vacant Lee County lands
North	Public Facilities	CF	Lakes Park

Below is an aerial image with the subject property highlighted in blue.



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Comprehensive Plan Consistency Analysis

The subject property is located within the South Fort Myers planning community which is described in the Comprehensive Plan Vision Statement as follows:

South Fort Myers - This community is located in the center of Lee County. South of the City of Fort Myers, east of the Caloosahatchee River, west of the Six Mile Cypress Slough, and north of Gladiolus Drive. This community primarily has the higher intensity land use categories such as Intensive Development, Central Urban, Urban Community, Industrial Development, and Suburban. This community contains one of the county's major hospitals, a baseball spring training facility, and the local community college. This community will be nearly built out by the year 2020. The South Fort Myers Community will continue to be a core area of the county providing office area for professional services in areas such as financial and medical. There will also be an increased amount of commercial activity along the US 41 corridor and light industrial uses will continue to expand along the Metro Avenue corridor north of Daniels Parkway. The amounts of commercial and industrial uses in this community are expected to double and most of the suitable land for these uses will be developed by 2030.

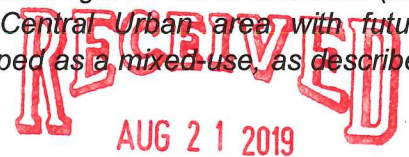
The residential areas of this community will also continue to develop through the year 2030 however the popularity of the residential opportunities to the south in the San Carlos/Estero and Bonita communities will continue to dominate this segment of the market.

The proposed minor RPD allows for infill development within the higher intensity Central Urban future land use category within ± 2.7 miles of Health Park hospital and ± 3.7 miles of Gulf Coast Medical Center and ± 2.9 miles of Florida Southwestern State College. The existing Amavida development on site contributes to providing alternate residential opportunities in the South Fort Myers planning community. The existing CPD has been zoned commercial since June 7, 2010 and has not been developed with commercial uses. The proposed rezoning to RPD is consistent with the South Fort Myers Vision Statement and will promote infill development.

Approximately 32.44 acres or 99.7% of the subject property is located in the Central Urban future land use category and 0.1 acre of preserved freshwater wetlands or 0.3% of the subject property is located within the Wetland future land use category.

The Comprehensive Plan describes the Central Urban and Wetland future land use designations as follows:

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



in Objective 11.1, where appropriate. This category has a standard density range from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre) and a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 124 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan.

Note 8 of Table 1(a) states in part, "Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site...: (b) Dwelling units may be relocated to developable contiguous uplands designated...Central Urban...from preserved freshwater wetlands at the same underlying density as permitted for those uplands..." The 32.44 acres of uplands and the 0.1 acre of preserved freshwater wetlands total 32.54 acres with a maximum standard density up to 10 units per acre or 325 dwelling units. The rezoning request is to remove the CPD's 100,000 SF of commercial which includes 25,000 SF of retail, to allow an additional 135 dwelling units or equivalent ALF, CCF or ILU units to the existing 190 dwelling unit equivalents for a total of 325 dwelling units or 10 units per acre which is consistent with the standard density range. The application does not include a request for bonus density. The subject rezoning requests is located in the urban core of the county with the greatest range and highest level of urban services existing and in place. The site has been deemed appropriate for residential and commercial development as evidenced by prior zoning approvals. There are existing commercial properties in the vicinity of the site and the requested rezoning to minor RPD will allow infill development along a major arterial roadway. The requested minor RPD is consistent with Policy 1.1.3 and Policy 1.5.1.

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

1. For each Planning Community the county will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.

2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that

Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 33.1.4 regarding industrial acreages in Table 1(b).

3. At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, the county must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

The residential acreage in the South Fort Myers Planning Community for the Central Urban future land use category is allocated at 3,140 acres with 2,781 existing and 359 acres remaining. The requested rezoning is consistent with Policy 1.7.6.

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

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated Future Urban Areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development. There are existing commercial uses in the vicinity that serve the traveling public and the existing commercial zoning has not developed in the 9 years since it received zoning approval. The request will promote development in a contiguous and compact growth pattern, providing infill development compatible with the existing development on-site and surrounding the property. There are pedestrian and bicycle facilities along Gladiolus Drive which provide connection from the subject property's existing internal sidewalks to the adjacent uses. The site has previously been found consistent with Objective 2.1 and Policy 2.1.1. The requested rezoning to minor RPD remains consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, F.S. and the concurrency requirements in the Land Development Code.

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

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The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development. There are existing commercial uses in the vicinity that serve the traveling public and the existing commercial zoning has not developed in the 9 years since it received zoning approval. The request will promote development in a compact and contiguous development pattern, providing infill development compatible with the existing development on-site and surrounding the property. The attached letter of availability demonstrates that Lee County Utilities has sufficient capacity to provide water and sewer services to the site. Solid waste currently services the site. The property has access to fire, EMS and schools and there is adequate service available to serve the property. The site is in close proximity to transit but is not located within the existing service area. The site has previously been found consistent with Objective 2.2 and Policy 2.2.1. The requested rezoning to minor RPD remains consistent with Objective 2.2 and Policy 2.2.1. The following table demonstrates the close proximity of available community facilities and services.

Facility Type	Name	Distance from site
Fire	South Trail Fire & Rescue Station 61	±4 miles
EMS	Lee County EMS Medic 8	±1.6 miles
Sheriff	Lee County Sheriff's Office	±1.6 miles
School	Heights Elementary School	±2.9 miles
School	Harlem Heights Community Charter School	±3 miles
School	Lexington Middle School	±3.1 miles
School	Cypress Lake High School & Middle School	±2.9 miles
College	Florida Southwestern State College	±2.9 miles
Library	Lakes Park Regional Library	±2 miles
Park	Lakes Park – pedestrian interconnect	0'
Hospital	HealthPark Medical Center	±2.7 miles
Park	Wa-Ke Hatchee Recreation Center	±2.8 miles
Walkways/Bikeways	Existing Shared Use Bikeway/Walkway along Gladiolus frontage, Wide outside lanes and planned shared use path on south side of Gladiolus and internal sidewalks	0
Transit	Routes 130 & 50 to west at Winkler Rd. & Gladiolus Dr.	±1 mile ±0.75 mile

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	Routes 140 & 240 to east at Old Gladiolus Dr. & US 41	
Shopping//Dining/Empl oyment	Publix Shopping Center	±1.5 miles
Shopping/Dining/Empl oyment	Walmart	±1.4 miles
Shopping/Dining/Empl oyment	Gas stations	±0.2-0.6 mile
Shopping/Dining/Empl oyment	Denny's	±0.4 mile
Medical Offices	Digestive Health, Children's Dentistry	±0.2-0.3 mile

OBJECTIVE 4.1: WATER, SEWER, AND ENVIRONMENTAL STANDARDS. Consider water, sewer, and environmental standards during the rezoning process. Ensure the standards are met prior to issuing a local development order.

STANDARD 4.1.1: WATER. 1 Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

STANDARD 4.1.2: SEWER. 1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

The development will be served by Lee County Utilities providing potable water and sanitary sewer. A letter of availability has been provided with the application demonstrating that Lee County Utilities has sufficient capacity to service the development. The requested rezoning is consistent with Objective 4.1, Standard 4.1.1, and Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS. 1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District, or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

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The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas. The subject property has previously been found consistent with the Lee Plan environmental policies and the requested rezoning remains consistent with Standard 4.1.4.

GOAL 5: RESIDENTIAL LAND USES. To provide sufficient land in appropriate locations on the Future Land Use Map to accommodate the projected population of Lee County in the year 2030 in attractive and safe neighborhoods with a variety of price ranges and housing types.

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned residential developments.

The proposed rezoning provides additional land to allow additional development within the existing attractive and safe Amavida neighborhood which provides a variety of housing types for senior living. The proposed rezoning will allow additional housing types in the form of multi-family, ALF, CCF and/or ILU. The proposed minor RPD is consistent with Goal 4 as demonstrated above and is proposed as a minor residential planned development. The rezoning request is consistent with Goal 5, Objective 5.1, Policy 5.1.1.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community.

Although the site is located within the Coastal High Hazard Area, it has two direct access points onto Gladiolus Drive which is an evacuation route and is situated towards the eastern edge of the CHHA. ALF, CCF and ILU developments require an on-site hurricane shelter, consistent with what is provided for the existing Amavida development. The design of the site has been adjusted accordingly by providing on-site shelter meeting LDC requirements for its location in the CHHA and by preserving the on-site wetland and upland areas to protect environmental features. The site has been deemed appropriate for residential development as demonstrated by prior zoning approvals. The proposed minor RPD is within the standard density range for the Central Urban future land use designation and provides infill development compatible with existing and surrounding developments. The requested minor RPD is consistent with Policy 5.1.2.

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POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

The site has multiple employment and shopping centers within close proximity to the site. There are gas stations, restaurants and medical offices within ½ mile of the site and Publix and Walmart shopping centers within ±1 ½ miles of the site. Lakes Park is adjacent to the north property line and accessible by an existing pedestrian interconnect. Wa-Ke Hatchee Recreation Center is ±2.8 miles from the site as well. Heights Elementary, Harlem Heights Community Charter School, Lexington Middle School, Cypress Lake Middle & High Schools and Florida Southwestern State College are all within ±3 miles of the site. There are existing pedestrian and bicycle facilities along the project frontage on Gladiolus Drive. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east. The requested rezoning is consistent with Policy 5.1.3.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The existing Amavida development on site meets or exceeds the open space, buffering and landscaping requirements and provides ample recreation and amenity areas that are centrally located and meander throughout the site as demonstrated on the image on the following page. The recreation areas are functionally related to the existing development as well as the future development parcels and are interconnected throughout with sidewalks and internal accessways. The on-site pathways interconnect with Lakes Park to the north and to the existing public pathways along Gladiolus Drive. The future development will meet or exceed open space, buffering and landscaping requirements. The proposed rezoning to minor RPD is consistent with Policies 5.1.6 and 5.1.7.

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POLICY 5.1.10: In those instances where land under single ownership is divided into two or more land use categories by the adoption or revision of the Future Land Use Map, the allowable density under this Plan will be the sum of the allowable densities for each land use category for each portion of the land. This density can be allocated across the property provided that:

- a. The planned development zoning is utilized; and*
- b. No density is allocated to lands designated as non-urban or Environmentally Critical that would cause the density to exceed that allowed on such areas; and*
- c. The land was under single ownership at the time this policy was adopted and is contiguous; in situations where land under single ownership is divided by roadways, railroads, streams (including secondary riparian systems and streams but excluding primary riparian systems and major flow ways such as the Caloosahatchee River and Six Mile Cypress Slough), or other similar barriers, the land will be deemed contiguous for purposes of this policy; and*
- d. The resultant planned development affords further protection to environmentally sensitive lands if they exist on the property.*

Approximately 32.44 acres or 99.7% of the subject property is located in the Central Urban future land use category and 0.1 acre of preserved freshwater wetlands or 0.3% of the subject property is located within the Wetland future land use category. The 32.44 acres of uplands and the 0.1 acre of preserved freshwater wetlands total 32.54 acres. Note 8 of Table 1(a) states in part,

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"Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site...: (b) Dwelling units may be relocated to developable contiguous uplands designated...Central Urban...from preserved freshwater wetlands at the same underlying density as permitted for those uplands..." The request is for RPD, the on-site wetlands are preserved, affording further protection to environmentally sensitive lands that exist on the property. The requested rezoning is consistent with Policy 5.1.10.

Land Development Code Analysis

The proposed rezoning complies with the general standards provided in the Land Development Code Section 34-411 as follows:

(a) All planned developments must be consistent with the provisions of the Lee Plan.

The proposed rezoning to minor RPD is consistent with the Comprehensive Plan as demonstrated above.

(b) All planned developments must be designed and constructed in accordance with the provisions of all applicable County development regulations in force at that time. Deviations from the general provisions of this chapter may be permitted if requested as part of the application for a planned development in accordance with section 34-373(a)(9) and approved by the Board of County Commissioners based on the findings established in section 34-377(b)(4). Pursuant to section 34-373(a)(10) the establishment of property development regulations for planned developments does not require deviations from articles VI and VII of this chapter. Amendments to approved master concept plans may be reviewed pursuant to section 34-380.

The minor RPD has been designed, constructed received certificates of compliance through DOS2016-00049 which complies with the existing zoning and which complies with applicable Lee County regulations, together with existing approved deviations which are proposed to remain.

(c) The tract or parcel proposed for development under this article must be located so as to minimize the negative effects of the resulting land uses on surrounding properties and the public interest generally, and must be of such size, configuration and dimension as to adequately accommodate the proposed structures, all required open space, including private recreational facilities and parkland, bikeways, pedestrian ways, buffers, parking, access, on-site utilities, including wet or dry runoff retention, and reservations of environmentally sensitive land or water.

The proposed rezoning to RPD and the existing development is compatible with surrounding properties and is a down-zoning from the existing approved commercial uses. The site is of adequate size, configuration and dimension to accommodate the proposed uses, all required open space, recreational facilities, buffers, pedestrian ways, parking access, utilities, storm water management and the existing approved preservation areas.

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(d) All planned developments must have access to existing or proposed roads. Access must comply with the requirements of chapter 10 and be located so that site-related industrial traffic does not travel through predominantly residential areas.

Please see Traffic Impact Statement provided with the application. The proposed minor RPD has access to Gladiolus Drive, a major arterial via the existing internal accessways. There will be no site-related industrial traffic.

(e) If within the Lee Tran public transit service area, the development shall be designed to facilitate the use of the transit system.

The site is not located within the Lee Tran public transit service area. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing the probability or degree of flood, erosion or other danger, nor shall it impose a nuisance on surrounding land uses or the public's interest generally through emissions of noise, glare, dust, odor, air or water pollutants.

The site has been developed and received certificates of compliance under DOS2016-00049. The proposed rezoning to RPD will not create any hazards to persons or property and will comply with applicable regulations.

(g) Every effort shall be made in the planning, design and execution of a planned development to protect, preserve or to not unnecessarily destroy or alter natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation. Alteration of the vegetation or topography that unnecessarily disrupts the surface water or groundwater hydrology, increases erosion of the land, or destroys significant wildlife habitat is prohibited. That habitat is significant that is critical for the survival of rare, threatened or endangered species of flora or fauna.

The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas.

(h) A fundamental principle of planned development design is the creative use of the open space requirement to produce an architecturally integrated human environment. This shall be coordinated with the achievement of other goals, e.g., the preservation or conservation of environmentally sensitive land and waters or archaeological sites.

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The infrastructure has been installed and received certificates of compliance through DOS2016-00049 consistent with the existing zoning which incorporates preservation areas and recreational areas reflecting creative use of the open space requirements and providing an architecturally integrated human environment. The proposed minor RPD does not propose any changes.

(i) Site planning and design shall minimize any negative impacts of the planned development on surrounding land and land uses.

The site has been designed, constructed and received certificates of compliance through DOS2016-00049 which complies with the existing zoning and was designed to minimize any potential negative effects on the surrounding properties and the public interest generally. The requested rezoning to minor RPD provides for compatible infill development on the future development parcels within the existing development.

(j) Where a proposed planned development is surrounded by existing development or land use with which it is compatible and of an equivalent intensity of use, the design emphasis shall be on the integration of this development with the existing development, in a manner consistent with current regulation.

The existing development and the proposed minor RPD is surrounded by compatible development and the existing site design incorporates interconnects to Lakes Park to the north and the existing pedestrian network along Gladiolus Drive integrating the development with the existing development.

(k) Where the proposed planned development is surrounded by existing development or land use with which it is not compatible or which is of a significant higher or lower intensity of use (plus or minus ten percent of the gross floor area per acre if a commercial or industrial land use, or plus or minus 20 percent of the residential density), or is surrounded by undeveloped land or water, the design emphasis will be to separate and mutually protect the planned development and its environs.

Not applicable. The proposed minor RPD is surrounded by existing development with which it is compatible and of equivalent intensity.

(l) In large residential or commercial planned developments, the site planner is encouraged to create subunits, neighborhoods or internal communities which promote pedestrian activity and community interaction.

The existing development and proposed minor RPD provides for an integrated community of internal neighborhoods connected by amenity areas and pedestrian ways which interconnect to Lakes Park and the existing pedestrian ways on Gladiolus Drive promoting pedestrian activity and community interaction.

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(m) In order to enhance the viability and value of the resulting development, the designer shall ensure the internal buffering and separation of potentially conflicting uses within the planned development.

There will be no conflicting uses within the planned development.

(n) Density or type of use, height and bulk of buildings and other parameters of intensity should vary systematically throughout the planned development. This is intended to permit the location of intense or obnoxious uses away from incompatible land uses at the planned development's perimeter, or, conversely, to permit the concentration of intensity where it is desirable, e.g., on a major road frontage or at an intersection.

The height and bulk of buildings on the existing developed portions of the property vary systematically throughout the planned development. The future development parcels where the proposed additional 135 dwelling units are proposed in place of the 100,000 SF of commercial are located along the major road frontage of Gladiolus Drive.

(o) Minimum parking and loading requirements are set forth in article VII, divisions 25 and 26, of this chapter. Where land uses are generators of occasional peak demand for parking space, a portion of the required parking may be pervious or semi-pervious surfaces, subject to the condition that the parking area is constructed and maintained so as to prevent erosion of soil. In all cases, sufficient parking must be provided to prevent the spilling over of parking demand onto adjacent properties or rights-of-way at times of peak demand.

The existing development and the proposed minor RPD will meet the minimum parking and loading requirements set forth in the LDC.

(p) Internal consistency through sign control, architectural controls, uniform planting schedules and other similar controls is encouraged.

The existing development and proposed minor RPD have been developed with internally consistent signage, architecture and planting schedules and will continue to remain internally consistent.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.1 as follows:

a. Complies with the Lee Plan;

The request is consistent with the densities, intensities and general uses set forth for the Central Urban and Wetland future land use designations and is consistent with the Comprehensive Plan as demonstrated above.

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b. Meets this Code and other applicable County regulations or qualifies for deviations;

The site has been developed in compliance with the Comprehensive Plan, the Land Development Code with approved deviations, the existing zoning, and the existing development order.

c. Is compatible with existing and planned uses in the surrounding area;

The existing development and proposed minor RPD is compatible with surrounding existing development and is of equivalent intensity of use. The proposed development is consistent and compatible with the existing development and land use in the area.

d. Will provide access sufficient to support the proposed development intensity;

Please see Traffic Impact Statement submitted with the application. The proposed rezoning request will be a “down zoning” as it will remove the approved commercial component on the site and allow for development of an additional 135 dwelling units or equivalent ALF, CCF or ILU for a total of 325 dwelling units or equivalent on the site. The existing access is sufficient to support the requested density.

e. The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Please see Traffic Impact Statement provided with the application. The expected impacts will be addressed by existing County regulations. The Level of Service analysis in the TIS indicates Gladiolus Drive to operate above the minimum adopted Level of Service in 2024 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed development. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan and Goal 32 and in that there is sufficient roadway capacity projected to accommodate the anticipated development. Turn lane improvements at the site access drive intersections were previously evaluated and built based on the full build-out of the site with a more intense development scenario. No further turn lane improvements will be warranted as a result of the proposed “down zoning”.

f. Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed rezoning will not adversely affect environmentally critical or sensitive areas. The existing indigenous vegetation preserves consist of 0.1-acre of preserved freshwater marsh wetlands and 1.19 acres of pine-mesic oak upland preserve and that has received certificates of compliance through DOS2016-00049 along with upland restoration areas that meet or exceed the existing zoning conditions. These areas provided open space credits as demonstrated on the MCP. No changes are proposed to these areas.

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g. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The subject property is located on the north side of Gladiolus Drive between Summerlin Road and US 41 within a Future Urban Area that has been previously deemed appropriate for infill residential and commercial development with existing urban services available to serve the site. The attached letter of availability demonstrates that Lee County Utilities has sufficient capacity to provide water and sewer services to the site. Solid waste currently services the site. The property has access to fire, EMS and schools and there is adequate service available to serve the property. A table demonstrates the close proximity of available community facilities and services is provided on pages 6 and 7. The site has multiple employment and shopping centers within close proximity to the site. There are gas stations, restaurants and medical offices within ½ mile of the site and Publix and Walmart shopping centers within ±1 ½ miles of the site. Lakes Park is adjacent to the north property line and accessible by an existing pedestrian interconnect. Wa-Ke Hatchee Recreation Center is ±2.8 miles from the site as well. Heights Elementary, Harlem Heights Community Charter School, Lexington Middle School, Cypress Lake Middle & High Schools and Florida Southwestern State College are all within ±3 miles of the site. There are existing pedestrian and bicycle facilities along the project frontage on Gladiolus Drive. The site is within close proximity to transit services with routes 130 and 50 approximately 1 mile to the west and routes 140 and 240 approximately ¾ mile to the east.

2. Planned Development Rezonings. The Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

b) 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.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1) Enhances the achievement of the objectives of the planned development; and

2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

The proposed rezoning to minor RPD is appropriate at this location. The appropriateness is demonstrated by the existing development on site and the lack of interest in commercially developing the future development parcels on site. The existing conditions as proposed to be amended with this application provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. The applicant intends to retain the existing approved deviations that are still applicable which enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare.

In conclusion, the applicant is requesting rezoning approval from RPD/CPD to RPD to remove 100,000 SF of commercial, including 25,000 SF of retail approved in the CPD to allow a total

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density of 325 dwelling units or equivalent ALF, CCF or ILU (190 dwelling units existing + 135 dwelling units requested increase). The request is for infill development that will allow expansion of the existing development on site while significantly reducing traffic impacts from that which is currently permitted by existing approvals. The request is in compliance with the Lee County Comprehensive Plan, the Land Development Code together with approved deviations, and other applicable codes and regulations; is compatible with existing and planned uses in the surrounding area; will provide access sufficient to support the proposed development intensity; the expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category. The proposed use or mix of uses is appropriate at the proposed location; 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. The existing deviations enhance the achievement of the objectives of the planned development and preserve and promote the general intent to protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the rezoning request from RPD/CPD to minor RPD should be approved.

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ATTACHMENT E

Banks Engineering

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.


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

Applicant's Legal Checked
by DM 10/25/19

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O.R. 3396
PG. 4662

O.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1322.88'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

O.R. 2697
PG. 564

S.01°04'20"E. 1151.81'
WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

O.R. 760
PG. 59

FORMER I.O.D. CANAL "A"
(NOT PART OF RECORD 18 271)
RELEASED BY LEE COUNTY 10/15/2019

O.R. 760
PG. 58

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

Applicant's Legal Checked
by DM 10/25/2019

POINT OF BEGINNING
NORTHEAST-CORNER
NORTHWEST QUARTER
SECTION 35

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AUG 21 2019
COMMUNITY DEVELOPMENT
N.01°10'59"W. 554.86'
EAST LINE NORTHWEST QUARTER SECTION 35

SKETCH OF DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

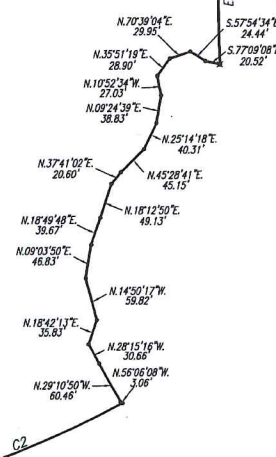
DESCRIPTION

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N.56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.



CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°33'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

SHEET 2 OF 2

LEGEND
O.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

****THIS IS NOT A SURVEY****

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 JANUARY 14, 2009 REVISED JUNE 29, 2016
PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(239) 639-5490
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

619 299 5102 MO
001 2019-06-019

Banks Engineering

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


DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

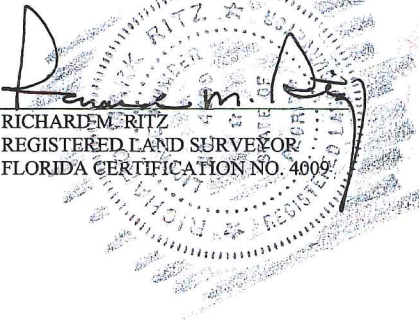
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4609



Applicant's Legal Checked
by DM 10/25/19

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O.R. 3396
PG. 4662

O.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1322.88'

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH OF DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

DESCRIPTION

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N.56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.86 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°31'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS

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O.R. 2518
PG. 3765

SUBJECT PARCEL

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NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

O.R. 2687
PG. 564

S.01°04'20"E. 1151.81'
WEST LINE OF NORTHWEST QUARTER SECTION 35

O.R. 760
PG. 59

FORMER I.D. CANAL "A"
(NO. 100) OF UNIMPROVED S. 21,
RELEASED BY LEE COUNTY D.S. 21,
PG. 22

O.R. 760
PG. 58

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

LEGEND
O.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

SHEET 2 OF 2



THIS IS NOT A SURVEY

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 JANUARY 14, 2009, REVISED JUNE 29, 2016.
PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(239) 839-5490
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

619 09 51 02 100



Professional Engineers, Planners & Land Surveyors

**Amavida RPD
DCI2019-00019**

Review of Conditions

The following is a review of the existing conditions of approval compiled from Z-10-009, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 with strike-through/underline for proposed revisions to remove the reference to the CPD or commercial. Please refer to Schedule of Deviations for conditions related to Deviations.

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "~~Oasis Cove A.K.A. Gladiolus RPD Amavida F/K/A Avida,~~" date stamped "~~Received Jun 08, 2010~~ Oct 18, 2019," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the 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.

The RPD is limited to a maximum of ~~490~~ 325 multi-family dwelling units, ~~or a maximum of 460 units of ALF/CCF units, plus a maximum of 300 ILUs,~~ or any combination of equivalent ALF, CCF, or ILU units, so long as the project density does not exceed ~~490~~ 325 standard dwelling units on ~~21.75±~~ 32.54± acres of land.

~~The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.~~

Zoning Resolution Z-75-145, Z-04-034, Z-10-009 and Administrative Amendments #ADD2006-00184, ADD2016-00011(a), ADD2016-00139, ADD2017-00094 and ADD2018-00094 are superceded and/or codified by this zoning resolution and will have no further force or effect.

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

- a. Schedule of Uses

Commercial Planned Development

~~Accessory Uses and Structures~~

~~Administrative Offices~~

~~Animals—Clinic or Kennel—no outdoor runs, completely enclosed facilities.~~

~~ATM—Automatic Teller Machine~~

~~Auto Parts Store—no installation service~~

~~Bait and Tackle Shop—no outdoor storage or display.~~

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S:\Jobs\16xx\1620QG\Documents\Zoning\Rezoning\1620QG_Condition Review.doc

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~~Banks and Financial Establishments, Groups I and II.~~
~~Boats—limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.~~
~~Broadcast Studio, Commercial Radio and Television—does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, et seq.~~
~~Business Services Groups I and II—Excluding bail-bonding.~~
~~Cleaning and Maintenance Services.~~
~~Clothing Stores, General~~
~~Clubs: Commercial, Fraternal, Membership Organization, Private—Does not include consumption on premises indoors or outdoors.~~
~~Consumption on Premises—See Condition #13.~~
~~Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).~~
~~Cultural Facilities.~~
~~Day Care, Child, Adult.~~
~~Department Store~~
~~Drive-Through Facility for Any Permitted Use.~~
~~Drugstore, Pharmacy.~~
~~Entrance Gates and Gatehouse.~~
~~EMS, Fire or Sheriff's Station.~~
~~Essential Services.~~
~~Essential Services Facilities, Group I.~~
~~Excavation—Water Retention and Detention—not to include the removal of excavated material from site, no blasting.~~
~~Fences and Walls.~~
~~Food and Beverage Service, Limited.~~
~~Food Stores, Group I (including open-air farmer's market)—Not including Group II (freezer and locker meat provisioner).~~
~~Funeral Home and Mortuary—Without Crematory.~~
~~Gift and Souvenir Shop.~~
~~Heath Care Facilities, Group III. And Group II. Limited to lots 1, 4 and 5. Limited to 50 beds~~
~~Hobby, Toy and Game Shops—No outdoor storage or display.~~
~~Hospice, Limited to lots 1, 4 and 5. Limited to 50 beds.~~
~~Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.~~
~~Insurance Companies~~
~~Lawn and Garden Supply Stores—No outdoor display or storage.~~
~~Library~~
~~Maintenance Facility, Government~~
~~Medical Office~~
~~Motion Picture Production Studio~~
~~Nonstore Retailers, All Groups.~~
~~Casino-style games are prohibited.~~
~~Paint, Glass and Wallpaper—No outdoor display or storage.~~
~~Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.~~
~~Personal Services, Groups I, II, III, IV—excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.~~
~~Pet Services—no outdoor runs, completely enclosed facilities.~~
~~Pet Shop—no outdoor runs, completely enclosed facilities.~~

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~~Place of Worship~~
~~Plant Nursery~~
~~Post Office~~
~~Printing and Publishing~~
~~Real Estate Sales Office~~
~~Recreation, Facilities, Commercial, Group I, Group III (including Amphitheater), Group IV—Casino style games are prohibited.~~
~~Recreation Facilities, Personal, Private On Site, Private Off Site.~~
~~Religious Facilities~~
~~Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.~~
~~Repair Shops, Groups I and II.~~
~~Research and Development Laboratories, Groups II and IV.~~
~~Restaurant, Fast Food—No stand alone fast food. No drive through for this use. Fast food permitted within a multi-occupancy building only.~~
~~Restaurants, Groups I, II, III, IV~~
~~Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.~~
~~Schools: Commercial, Noncommercial~~
~~Signs per Chapter 30 Lee County Land Development Code~~
~~Social Services, Groups I and II~~
~~Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.~~
~~Studios~~
~~Temporary uses—limited to construction trailers, real estate sales offices and Seasonal farmer's market.~~
~~Transportation Services, Group II (Automobile). No Group III (Bus).~~
~~Used Merchandise Stores, Groups I and II only. —excluding pawnshops.~~
~~No Group III (Automotive) and No Group IV (Building Materials)~~
~~Warehouse, Miniwarehouse, Private, Public—limited to 10,000 square feet of floor area for the entire CPD.~~
~~Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.~~

Residential Planned Development

Accessory Uses and Structures.
 Administrative Office
 Assisted Living Facility (see Condition 1 for density)
 ATM *
 Banks and Financial Establishments, Group I *
 Consumption on Premises - See Condition 13. *
 Continuing Care Facility (see Condition 1 for density)
 Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
 Entrance Gates and Gatehouses
 Essential Services.
 Essential Services Facilities, Group I.
 Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
 Fences and Walls
 Food and Beverage Service, limited *

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Food Stores, Group I *
 Health Care Facilities, Groups I and II only. *
 Home Occupation
 Independent Living Units (see Condition 1 for density)
 Laundry or Dry Cleaning, Group I *
 Medical Office *
 Models: Model Unit (see condition 7)
 Nonstore Retailers, Group II *
 Parking Lot, Accessory, Temporary
 Personal Services, Group I *
 Pharmacy *
 Recreation Facilities, Private, On Site. *
 Residential Accessory Uses
 Restaurants, Groups I and II *
 Signs
 Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

Residential Planned Development:

Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU) and accessory commercial

RPD Area — 21.75 Acres —————

Lot Size

Minimum Lot Area: 10,000 square feet
 Minimum Lot Depth: 100 feet
 Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
 Street (private) 20 feet
 Side 10 feet
 Rear 20 feet
 Water body 20 feet or 0 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
 50 feet (for maximum 35 feet in building height)
 40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

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Accessory uses and setbacks must comply with the LDC § 34-1174 et seq. and LCD § 34-2194.

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

~~Residential Planned Development:~~
Multi-Family, Clubhouse, Recreational Facility

Lot Size

Minimum Lot Area: 10,000 square feet

Minimum Lot Depth: 100 feet

Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet

Street (private) 20 feet

Side 10 feet

Rear 20 feet

Water body 20 feet or 0 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
 50 feet (for maximum 35 feet in building height)
 40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 et. seq. and § 34-2194.

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

~~Residential Planned Development:~~
Townhouse

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Lot Size

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 5/0 feet
Rear 15 feet
Water body 20 feet or 0 feet

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 et. seq. and § 34-2194.

Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

~~Commercial Planned Development:
Commercial Uses~~

~~CPD Area 10.79 Acres~~

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 15 feet

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~~Water body~~ ————— ~~20 feet~~

~~Accessory uses and setbacks must comply with the LDC § 34-1174 et. seq. and § 34-2194.~~

~~Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)~~

~~Maximum Lot Coverage~~ ————— ~~60 percent~~

~~Maximum Height~~ ————— ~~45 feet~~

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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. 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.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (Lee Plan) Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), ~~be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.~~

6. 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.

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.
- c. Real estate sales are limited to administrative offices within model units ~~and within the CPD~~

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- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. ~~Real estate sales in the CPD area are not limited.~~
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. ~~Real estate sales in the CPD area are not limited.~~
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. 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.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10 261 and 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.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II ~~er-III~~ Restaurant with a 4-COP-SRX or 2-COP beverage license.
- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.

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- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the CPD and RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

14. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

16. FEMA Floodway Area

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Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum ~~12.99~~ 10.45 acres of open space.

19. INDIGENOUS PRESERVATION

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum 0.10 acre existing marsh wetland; and
 - (3) a minimum 0.74 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on site wetland preserves and off site conservation lands.
- b. Landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached as Exhibit D-7-Y.
- c. An Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC §10 415(b)(4) must be submitted for Development Services Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.
- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

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20. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10 474 must be submitted for review and approval by the ES staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

21. ~~DELETED AT THE PUBLIC HEARING~~

22. ~~DELETED AT THE PUBLIC HEARING~~

23.21. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the RPD north property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional trees may be required; and,
- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24.22. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and

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- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots 4 and 5, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.
- d. Architectural sheets showing the building plans within the RPD/CPD must be reviewed by Development Services ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 4 and 5.

~~25-23.~~ Prior to the Issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

~~26-24.~~ Building height will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

25. Prior to the issuance of Development Order, the applicant will work with the Lee County Division of Natural Resources (County) to develop a surface water quality monitoring plan. The monitoring plan will be developed in accordance with the Land Development Code 14-478 and will establish overall goals and objectives, monitoring and reporting frequencies, monitoring station locations, parameters to be monitored, sampling protocols and analysis procedure, contingency plans and acceptable thresholds. The plan will include pre-development sampling and evaluation and quarterly monitoring once development commences. General parameters to be monitored will include pollutants, oil and grease, chemical oxygen demand, pH, biochemical oxygen demand, total suspended solids, total phosphorous, TKN, asbestos and nitrate. The applicant will work with the County to determine the appropriate parameters relevant to the project prior to finalizing the plan.

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Professional Engineers, Planners & Land Surveyors

Amavida RPD
DCI2019-00019

Schedule of Deviations

Existing Deviation 1 approved by Z-10-009 is proposed to remain and be transferred to the new RPD:

Deviation (1) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive.

Existing Deviations 2 and 3 approved by ADD2016-00011(a) are no longer necessary and proposed to be withdrawn.

Existing Deviations 4-8 approved by ADD2016-00011(a) are proposed to remain and be transferred to the new RPD:

Deviation (4) is requested from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet, whichever is greater; to allow a minimum building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

Deviation (5) is requested from LDC Section 34-2194(b) which requires a minimum 25-foot setback to an artificial body of water; to allow a minimum waterbody setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

Deviation (6) is requested from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road; to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the proposed lake.

Deviation (7) is requested from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline; to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

Deviation (8) is requested from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided; to allow a 20-foot wide LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

S:\Jobs\16xx\1620QG\Documents\Zoning\Rezoning\1620QG_Deviation-justification.doc

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DCI 2019-00019

Existing Administrative Deviation to Chapter 10 approved by ADD2016-00139 is proposed to remain and be transferred to the new RPD:

Administrative Deviation from LDC Section 10-384(c)(2) for proposed 12 inch watermain distribution system connecting to an existing 16 inch watermain with an external looping exceeding 2,000 feet.

Existing Deviations 9 & 10 approved by ADD2017-00094 are proposed to remain and be transferred to the new RPD:

Deviation (9) is requested from LDC Sec. 30-153(2)a.1.ii. which permits a maximum of two (2) identification signs if frontage along any one street exceeds 330 linear feet provided that the total combined sign area of both signs does not exceed 300 square feet; to permit a total of five (5) identification signs with a total combined sign area of 438 square feet along Gladiolus Drive.

Deviation (10) is requested from LDC Section 30-153(2)a.4 which requires identification signs to be set back a minimum of 15 feet from any right-of-way or easement; to permit the five (5) proposed identification signs to be constructed within five (5) feet of the Gladiolus Drive right-of-way.

Conditions:

1. The size, general location, and spacing of the requested signage must be in compliance with the exhibit entitled Signage Monument Separation Plan – Deviation 9, dated May 26, 2017, attached Exhibit “F.”
2. The right-of-way setback for the requested signage may not be less than (5) feet as depicted on the exhibit entitled Signage Monument Location Exhibit, dated April 26, 2017, attached Exhibit “G.”

Existing Administrative Deviation to Chapter 10 approved by ADD2018-00094 is proposed to remain and be transferred to the new RPD:

Administrative Deviation from LDC Section 10-420 that requires trees to be installed at ten feet in height and shrubs installed at 48 inches in height; to allow trees to be installed six feet in height and shrubs installed at 24 inches in height along a portion of the western buffer.

Conditions:

- a. Prior to development order approval, the western buffer must illustrate 131 trees installed at a height of six feet, 761 shrubs installed at a height of 24 inches, and 2,116 one gallon groundcover. All plant material must be salt tolerant and native species.
- b. The Development must be in substantial compliance with Exhibit B, dated May 23, 2018.

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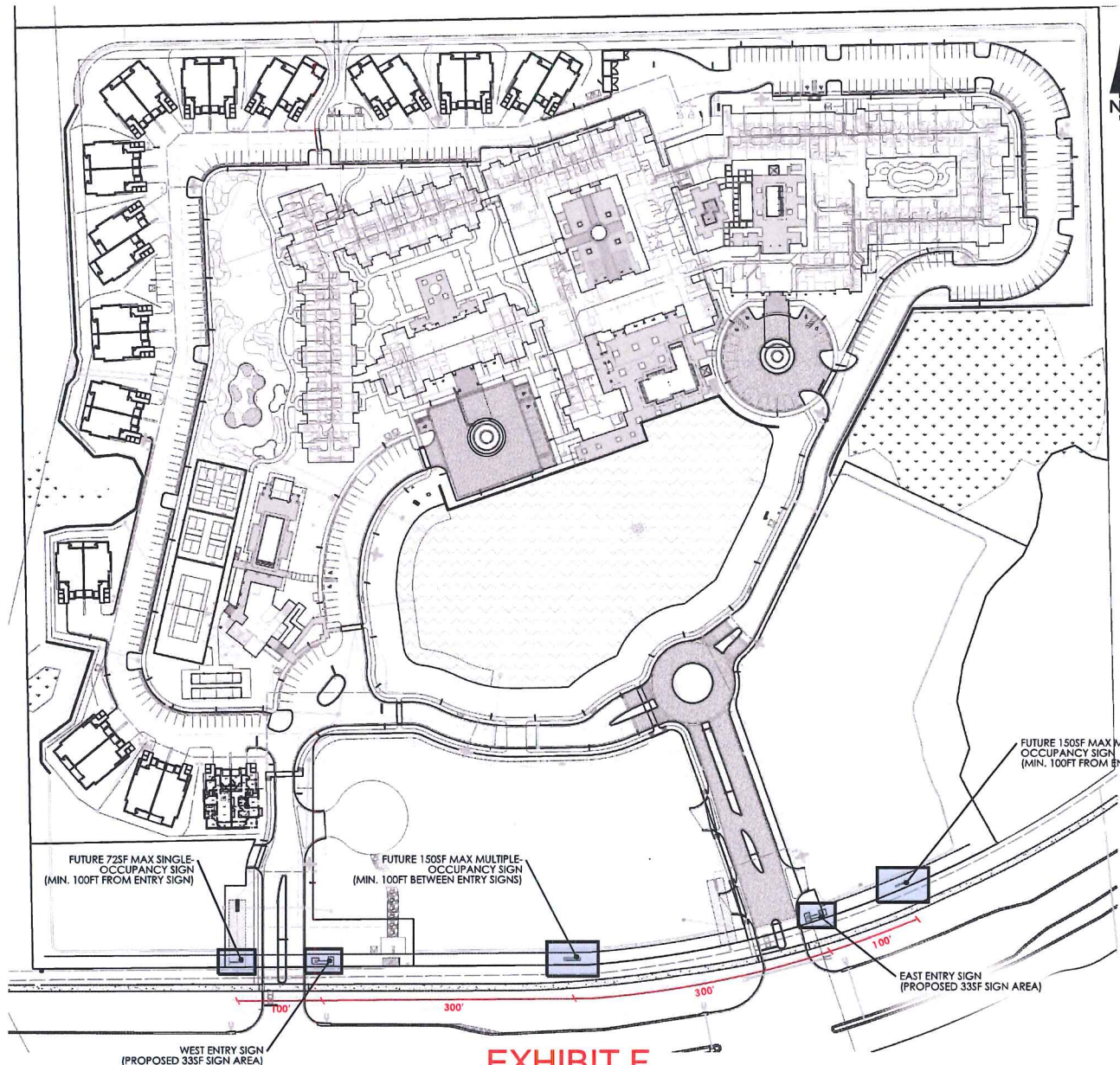


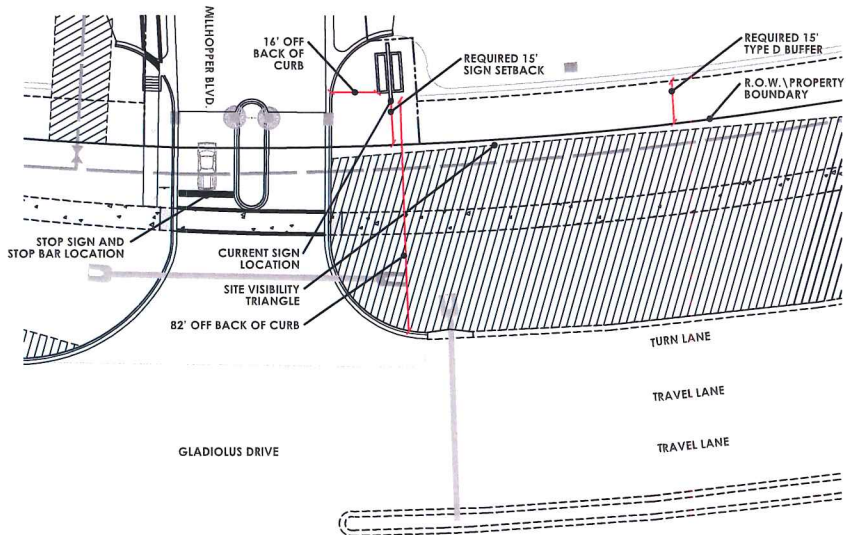
EXHIBIT F

NOTE:
 THIS EXHIBIT IS FOR SUBSTANTIATION OF COMPLIANCY WITH THE MINIMUM DIMENSIONS OUTLINED IN THIS DEVIATION 9 AND DOES NOT NECESSARILY REPRESENT THE EXACT LOCATION OR PLACEMENT OF THE THREE FUTURE SIGNS.

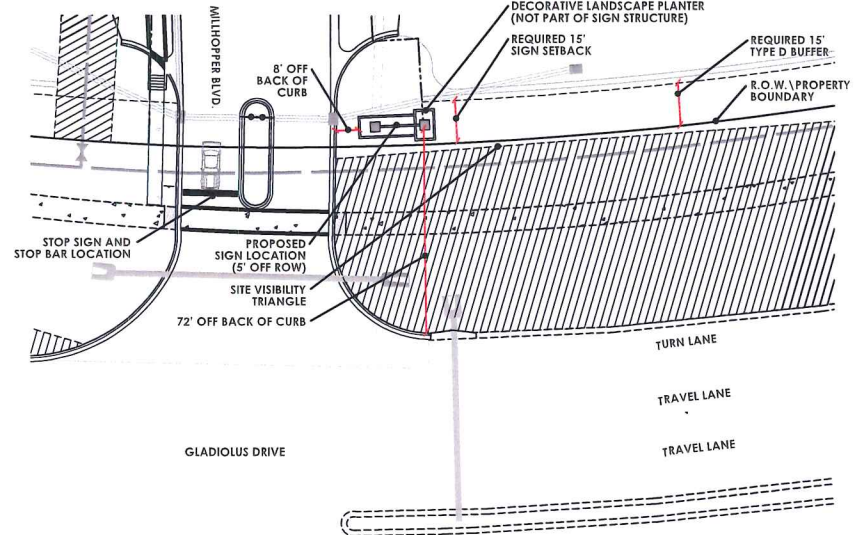
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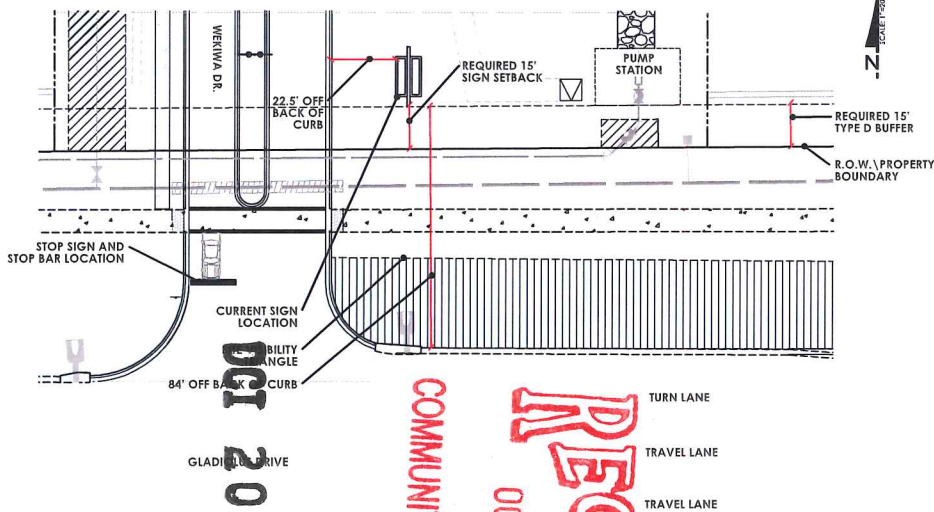
May 26, 2017



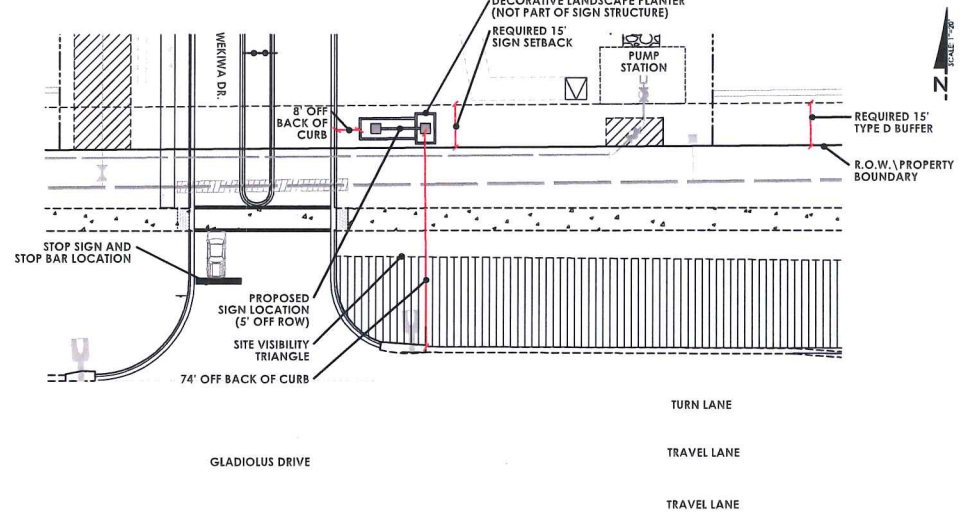
Development Order East Entry Sign Location: Millhopper Blvd.



Proposed Sign East Entry Location: Millhopper Blvd.



Development Order West Entry Sign Location: West Entry: Wekiwa Dr.



Proposed Sign West Entry Location: Wekiwa Dr.

prepared for:

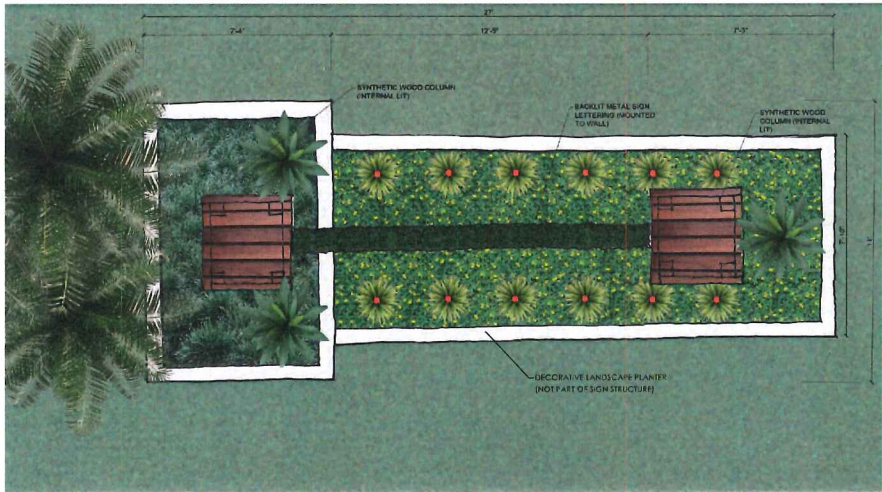


April 26, 2017

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1. PLAN



2. ELEVATION

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 COMMUNITY DEVELOPMENT

COMMUNITY DEVELOPMENT

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2019-00019

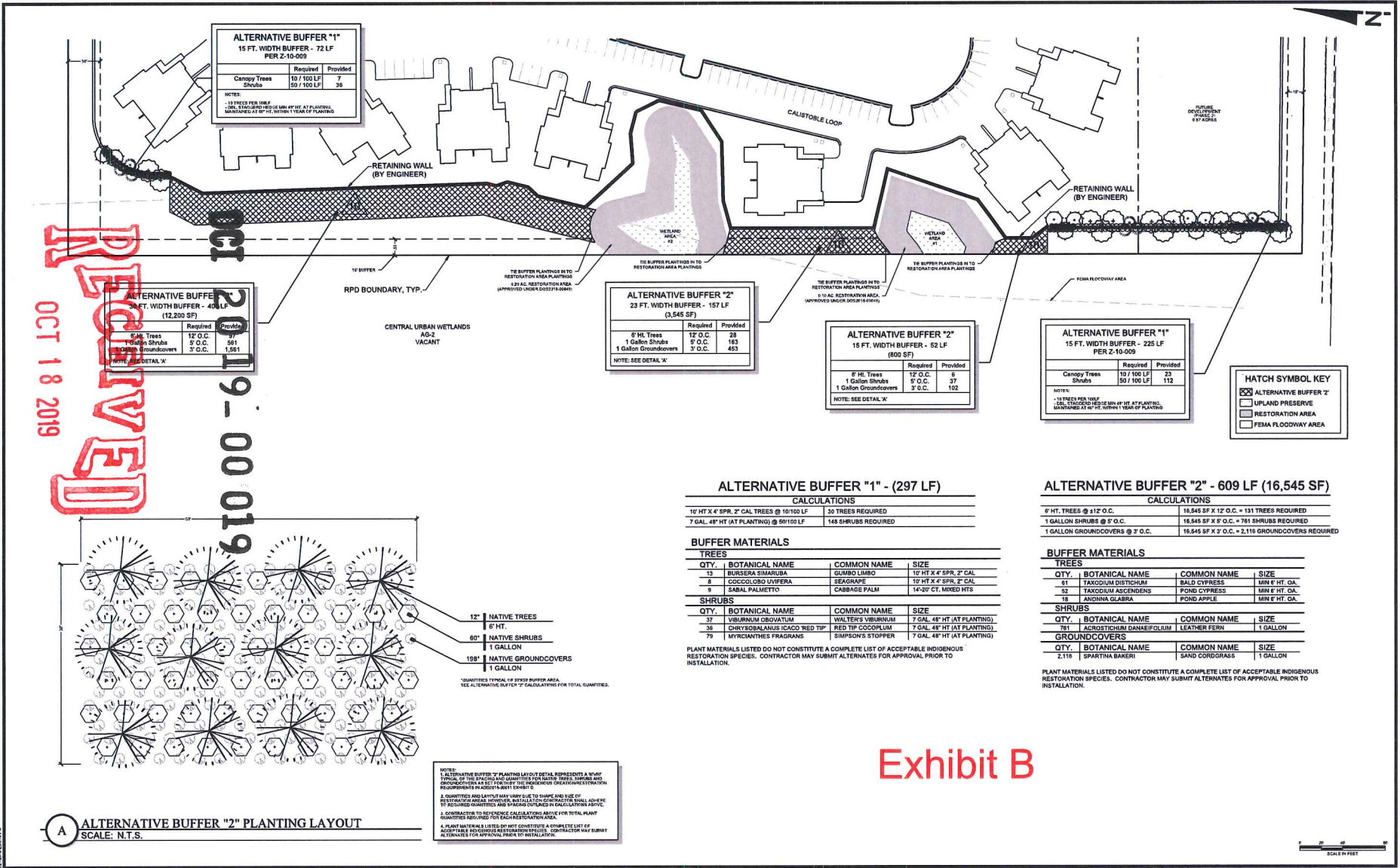


Exhibit B

ATTACHMENT H

RESOLUTION NUMBER Z-04-043

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

WHEREAS, an application was filed by the property owners, Jack and Barbara Amar, to rezone a 32.54-acre parcel from Agricultural (AG-2) to Residential Planned Development (RPD) in reference to Gladiolus RPD; and

WHEREAS, a public hearing was advertised and held on June 23, 2004, before the Lee County Zoning Hearing Examiner. Written submissions were requested by the Hearing Examiner at the close of the hearing with a due date of June 28, 2004. The Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2003-00059; and

WHEREAS, a second public hearing was advertised and held on August 30, 2004, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record, and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54-acre parcel from AG-2 to RPD, to allow a maximum of 296 multi-family dwelling units with a maximum building height of 45 feet. Blasting was not proposed for the site. The property is located in the Central Urban and Wetlands Land Use Categories and is legally described in attached Exhibit A. The request is approved for 275 multi-family dwelling units with a maximum height of 45 feet subject to the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development of this project must be consistent with the one-page Master Concept Plan entitled "Master Concept Plan, Gladiolus RPD, Lee County, Florida," stamped received September 9, 2004, dated February 26, 2004, except as modified by the conditions below. Development must comply with all requirements of the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
2. The following limits apply to the project and uses:
 - a. Schedule of Uses

COPY

Accessory Uses and Structures

Clubs, Private (maximum of 6,000 square feet) (No Consumption on Premises)
 Accessory Uses to include Administrative Offices for the Home Owner's Association and other directly related Club functions

Dwelling Unit:

Multi-Family

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation: Water Retention

Fences, Walls

Home Occupation, with no outside help

Models: Model Units (Consistent with Condition 5)

Parking Lot: Accessory

Recreational Facilities: Private, On-Site

Signs in Accordance with LDC Chapter 30

Temporary Real Estate Sales Office (Consistent with Condition 5)

b. Site Development Regulations

	Public Street Setback	Private Street Setback	Side Set-back	Rear Set-back	Water Set-back	Bldg. Sep.	Max. Bldg. Ht.	Lot Width	Lot Depth	Lot Area
Multi-family/ Club-house/ Rec. Facility	25' min.	20' min.	10' min.*	15' min.*	20' min.	per LDC**	45' (3 stories) ***	100' min.	100' min.	10,000 sq. ft. min., 2,500 sq. ft. per unit min.

* Minimum 30-foot building perimeter setback on the boundaries of the subject property.

** Land Development Code Chapter 34-935(e)(4).

*** Maximum building height of 35 feet for the two (2) buildings in the northeast corner of the project

No structures may be placed within any required buffers.

Accessory uses and structures will be set back in accordance with Land Development Code § 34-1174. Also, no accessory structures may be placed within any required buffers.

c. A maximum total of 275 dwelling units.

3. Approval of this rezoning 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.

4. 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.
5. Model Units and a Real Estate Sales Office are permitted uses, but must be consistent with the following conditions:
 - a. A maximum of eight (8) Model Units are permitted.
 - b. All Model Units and the Temporary Real Estate Sales Office must be located within the areas depicted on the MCP as areas for Model Units.
 - c. A maximum of one (1) Temporary Real Estate Sales Office is permitted.
 - d. Hours of operation for the Model Units and Temporary Real Estate Sales Office are restricted to Sunday through Saturday, 8:00 a.m. through 6:00 p.m.
 - e. Each Model Unit must be a unique example. Multiple examples of the same unit are not permitted.
 - f. Temporary Real Estate Sales Office is limited to sales of lots, homes, or units within the development, and is valid for a period of time not to exceed three (3) years from the date the Certificate of Occupancy is issued for the sales office. The director may grant one two-year extension. Additional time will require a Special Exception approval.
6. Blasting is prohibited.
7. A 30-foot-wide Type "F" buffer, utilizing canopy trees, must be provided along the entire northern property boundary of the subject site. Fifteen (15) feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement.
8. A 20-foot-wide lake maintenance easement must be placed around the entire perimeter of the proposed lake.
9. Prior to local development order approval, the landscape plans must delineate 40 percent common open space.
10. The MCP must be modified prior to the execution of this resolution to reflect the approval of no more than 275 dwelling units.
11. A 15-foot-wide buffer must be provided along the eastern and western property boundaries. This buffer must consist of a minimum of 10 trees per 100 linear feet, a double staggered continuous visual screen row of hedges which must be a minimum of 48 inches tall at installation and must be maintained at a minimum of 60 inches tall within one year of planting. Seven and one-half feet of this buffer may be utilized for the required 20-foot-wide lake maintenance easement on the western side of the proposed site.

12. Prior to any resolution of approval being signed, the MCP must be revised to remove notes 1, 3, and 4, and to relocate the access road along the southwest portion of the subject property outside of the required 15-foot-wide Type "D" buffer along the right-of-way on Gladiolus Drive, and to properly label the full extent of this required buffer.
13. The pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access.
14. Proposed conditions regarding hurricane mitigation:
 - a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the Staff of the Lee County Emergency Management Department, which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
 - b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by the Lee County Department of Emergency Management.
 - c. The developer will coordinate with the Division of Public Safety of the Lee County Emergency Management Department in determining and participating in a means to lessen its adverse impacts on the County's hurricane preparedness process and public safety and it will comply with the Hurricane Shelter Ordinance.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC § 10-239(d)(1)a.3. requirement to provide a setback for excavation from a private property line of 50 feet; to allow for a setback of 27.5 feet along the western property boundary and a setback 35 feet along the northern property boundary. Seven and one-half (7.5) feet of the buffer may be utilized for the required 20-foot-wide lake maintenance easement along the western property boundary. Fifteen (15) feet of the buffer may be utilized for the required 20-foot lake maintenance easement along the northern property boundary so long as adequate protection for wayward vehicles is provided. This DEVIATION IS APPROVED.
2. Deviation (2) - WITHDRAWN
3. Deviation (3) seek relief from the LDC § 10-285(a), Table 1, requirement to provide a 660-foot access spacing on an arterial roadway; to allow a 628-foot spacing on Gladiolus Drive to utilize the two existing access points that were previously constructed by Lee County on Gladiolus Drive along the project frontage. This DEVIATION IS APPROVED.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description of the property

Exhibit B: Zoning Map (subject parcel identified with shading)

Exhibit C: Master Concept Plan stamped received September 9, 2004 and dated February 26, 2004

The applicant has indicated that the STRAP numbers for the property are: 35-45-24-00-00015.0000 and 35-45-24-00-00014.0000.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the RPD rezoning limited to 275 dwelling units by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes and regulations.
2. The RPD rezoning, as conditioned:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities, and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and the site 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 approval of this rezoning request satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan 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.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Andrew W. Coy	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 30th day of August 2004.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Michelle B Cooper
Deputy Clerk

BY: John E. Albion
Chairman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

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2004 SEP 22 PM 2:59

EXHIBIT "A"

LEGAL DESCRIPTION

Property located in Lee County, Florida

Banks Engineering, Inc.

Professional Engineers, Planners & Land Surveyors
FORT MYERS ♦ NAPLES ♦ SARASOTA ♦ ANNA MARIA ISLAND
DESCRIPTION OF A PARCEL OF LAND

LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

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

Applicant's Legal Checked
by [Signature]

DCI 2003-00059

THOMAS C. SHAW
PROFESSIONAL SURVEYOR & MAPPER
FLORIDA CERTIFICATION NO. 4672

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ZONING COUNTER

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6640 Willow Park Drive, Suite B, Naples, Florida 34109 • (239) 597-2061 • Fax (239) 597-3082

ZONING MAP

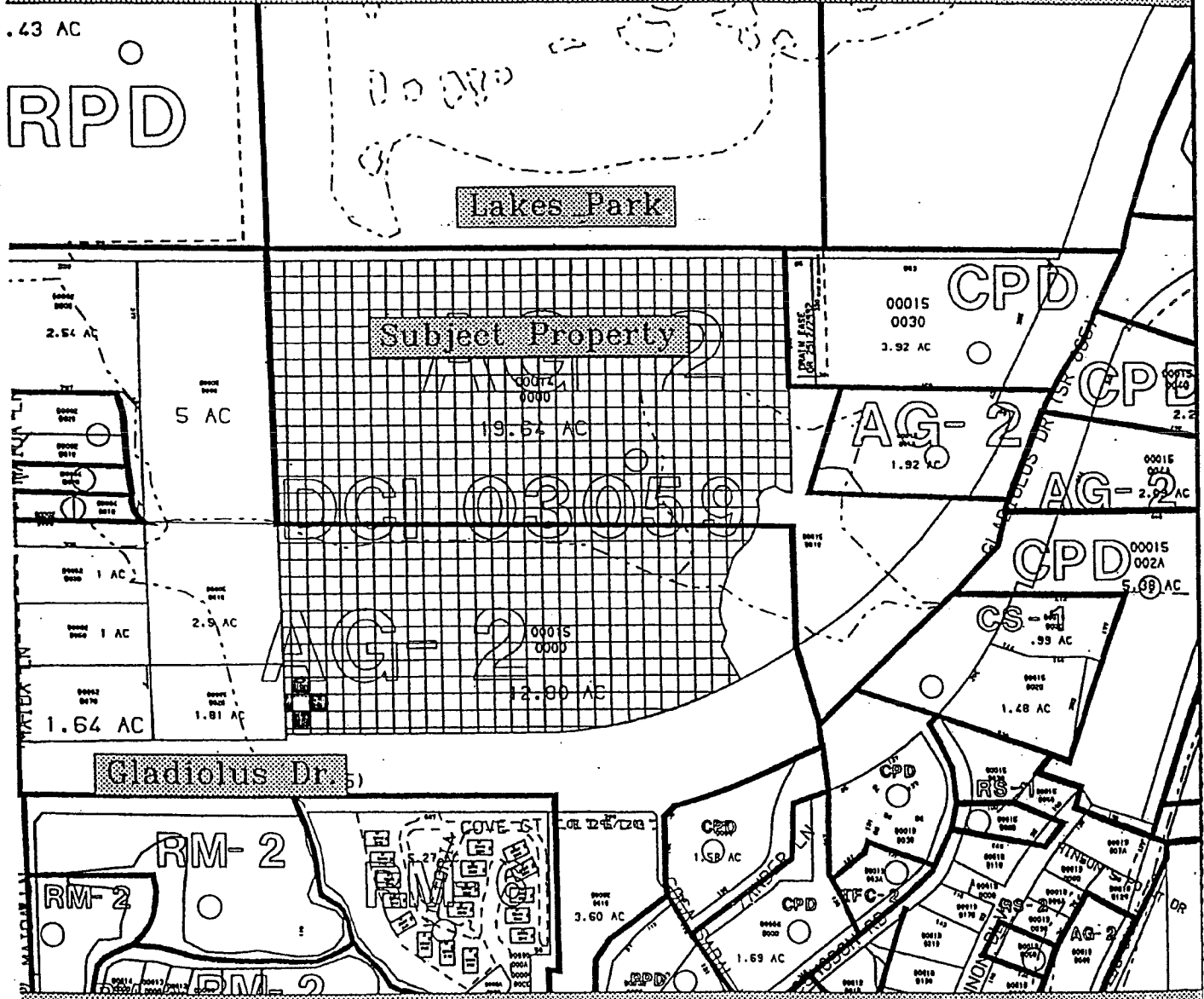


EXHIBIT B

PROJECT SUMMARY DATA:

NET SITE AREA: 32.54 ACRES
 ROAD R/W: 3.16 ACRES
 R. ROAD R/W (GLADIOLUS):
 SITE AREA: 30.70 ACRES (+ OR -)
 TOTAL UNITS PROPOSED: 275 UNITS
 LAND USE CLASSIFICATION: CENTRAL URBAN
 EXISTING ZONING: AG-2
 PROPOSED ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD)
 OPEN SPACE: 40% MIN. COMMON OPEN SPACE
 WATER: LEE COUNTY UTILITIES
 SEWER: LEE COUNTY UTILITIES
 FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT
 FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY
 FLOOD ZONE MAP 125124 1825 C

SCHEDULE OF DEVIATIONS:
 PLEASE SEE RESOLUTION.

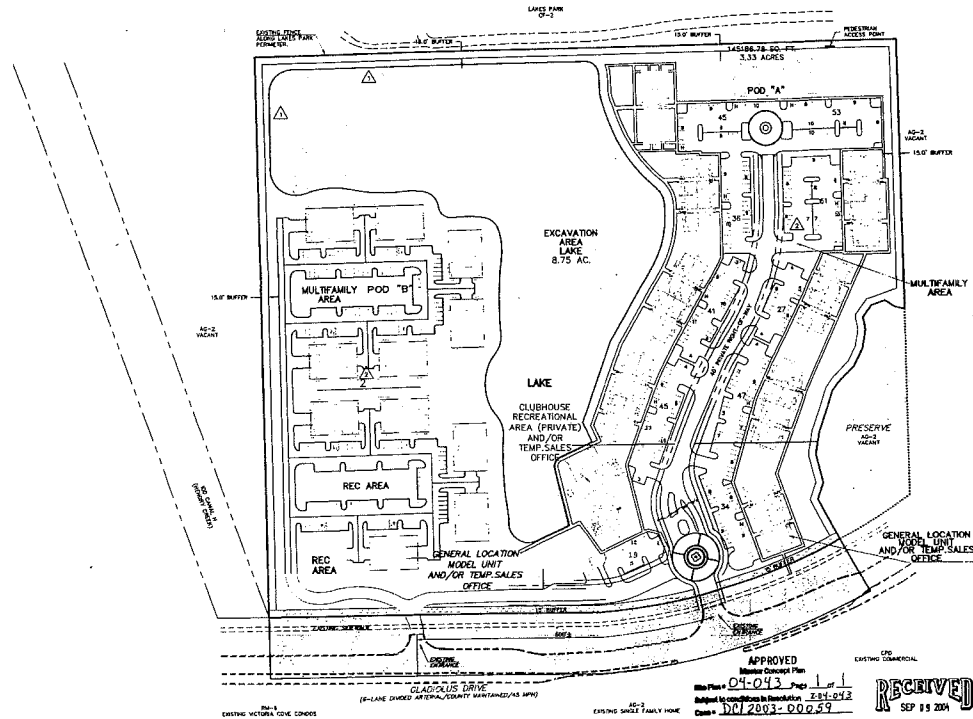
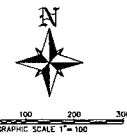
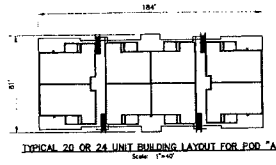
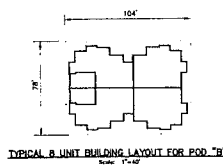


Exhibit C

APPROVED
 Master Concept Plan
 File # 04-043 - Proj 1 of 1
 Subject to conditions in Resolution 2003-022
 Case # DCI2003-00059
 SEP 15 2004
 PRAMIT COUNTER

PREPARED FOR: FOCUS DEVELOPMENT GROUP 1300 Corporate Boulevard NW, Suite 238 Boca Raton, FL 33431	BANKS ENGINEERING, INC. Professional Engineers, Planners & Land Surveyors FORT MYERS • NAPLES • SARASOTA 10011 SW JULE CROSS ROAD - SUITE 101 FORT MYERS, FL 33907 PHONE: (239) 834-3490 FAX: (239) 834-2523 ENGINEERING LICENSE # 33 0449 SURVEY LICENSE # 33 0480	MASTER CONCEPT PLAN GLADIOLUS RPD LEE COUNTY, FLORIDA DCI2003-00059	
		DATE: 02/26/04 PROJECT: 1620 DRAWING: MCP DESIGN: DGP DRAWN: DGP CHECKED: TRL SCALE: 1" = 100' SHEET: 1 OF: 1 FILE NO.: 15-1-13 35-45-24	(E-LANE DIVIDED INTERSECTION MAINTAINED/AS SHOWN) EXISTING VICTORIA DRIVE CONDS EXISTING SINGLE FAMILY HOME EXISTING COMMERCIAL EXISTING TRAIL

ATTACHMENT I

ADMINISTRATIVE AMENDMENT (PD) ADD2006-00184

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Touse Homes, Inc. filed an application for administrative approval to a Residential Planned Development on a project known as Oasis Cove (formerly Gladiolus RPD) to allow the current developer to change the multi-family building types and add single story detached garages along with an administrative deviation to allow a street setback of 10 feet on property located at 7650 Gladiolus Dr., described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

See Exhibit A

WHEREAS, the property was originally rezoned in case number DCI2003-00059 by Resolution Z-04-043; and

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

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the approved Master Concept Plan by Resolution Z-04-043 was for a multi-family development with two (2) development areas identified as Pod A and B, with a maximum total of 275 dwelling units; and

WHEREAS, the Master Concept Plan shows Pod A to have buildings that are clustered in groups of three (3) buildings with 20 or 24 dwelling units per building and Pod "B" shows ten (10) buildings that each contain 8 dwelling units. The maximum building height is 45 feet (3 stories) high with the exception of the buildings located in the northeast corner of the project that are approved with a maximum building height of 35 feet; and

WHEREAS, the applicant has requested the amendment to allow the multi-family building types to be changed to one (1) building with 18 units in each building with a maximum building height of 45 feet with the exception of buildings 7, 8, and 9 located in the northeast corner; and add single story detached garages; and

WHEREAS, the addition of the detached garages requires an administrative deviation from the street setback of 20 feet to allow a 10 foot setback from the internal private access easement; and

WHEREAS, Development Services reviewed the addition of the detached garages and support the amendment with condition #4; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Residential Planned Development to allow a change to the multi-family building types and add single story detached garages is **APPROVED**.

Approval is subject to the following conditions:

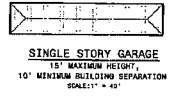
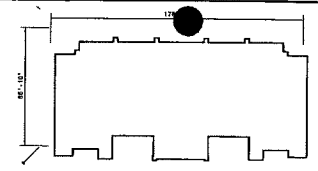
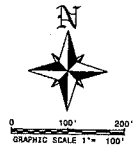
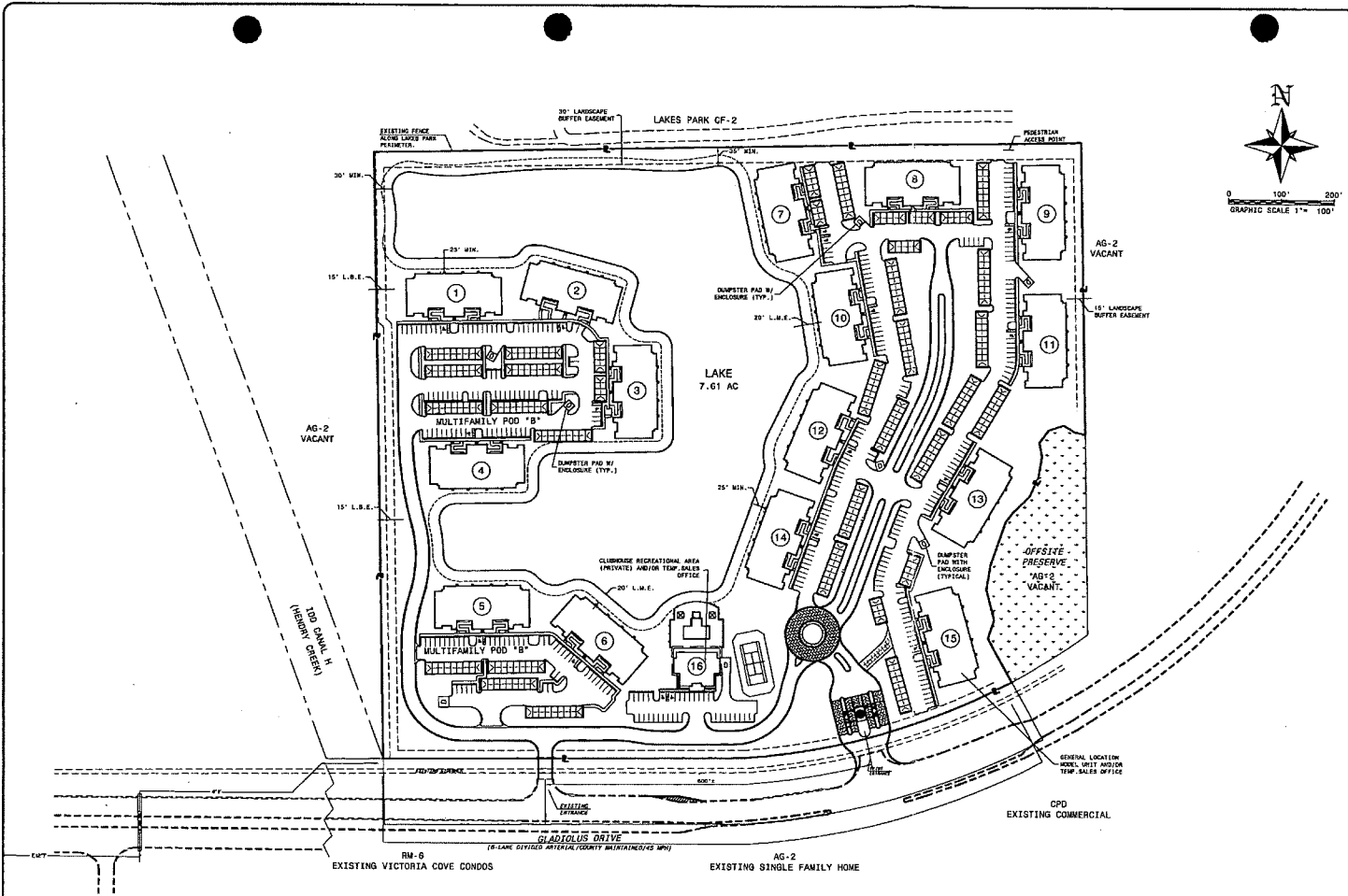
1. **The Development must be in compliance with the amended Master Concept Plan, dated stamped received January 5, 2007 and last revised on January 2, 2007. Master Concept Plan for ADD2006-00184 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
3. **Buildings # 7, 8, and 9 are limited to a maximum height of 35 feet, all other buildings are limited to a maximum height of 45 feet per Resolution Z-04-043.**
4. **All garages must be constructed no less than ten (10) feet from any proposed building within the development. All proposed enclosed garages shall provide an eight (8) foot wide back-out apron in addition to the required twenty-four (24) foot wide parking lot aisle. Open carports without solid walls must not be required to provide any additional back-out area beyond the required twenty-four(24) foot wide parking lot aisle.**

DULY SIGNED this 4th day of April, A.D., 2007.

BY:

Pam Houck
Pam Houck, Director
Division of Zoning
Department of Community Development

S:\Jobs\16\01\1620\ENGINEERING\ZONING\1620_MCP.dwg, 9/20/2006 9:31:19 AM, Ethan Lesford



PROJECT SUMMARY DATA:

NET SITE AREA: 92.54 ACRES
 ROAD R/W: 2.18 ACRES
 1/2 ROAD R/W (GLADIOLUS)
 SITE AREA: 35.70 ACRES (+ OR -)

TOTAL UNITS PROPOSED: 270 UNITS (7.58 DU/ACRE)

LAND USE CLASSIFICATION: CENTRAL URBAN

EXISTING ZONING: RESIDENTIAL PLANNED DEVELOPMENT (RPD) #2-04-043

OPEN SPACE: 40% MIN, COMMON OPEN SPACE.

WATER: LEE COUNTY UTILITIES

SEWER: LEE COUNTY UTILITIES

FIRE DISTRICT: SOUTH TRAIL FIRE DISTRICT

FLOOD ZONE: A-14 (ELEV. 11) PER LEE COUNTY FLOOD ZONE MAP 125124 0325 C

SCHEDULE OF DEVIATIONS:

PLEASE SEE RESOLUTION.

NOTES:

- A FIFTEEN (15) FOOT WIDE BUFFER MUST BE PROVIDED ALONG THE EAST, AND WEST PERIMETER OF THE PROJECT PROPERTY LINES AND MUST BE PLANTED WITH A HEDGE AND A MINIMUM OF TEN (10) PALM TREES PER 100 LINEAR FEET. HEDGES MUST BE PLANTED IN DOUBLE STAGGERED ROWS AND BE MAINTAINED 30 AS TO FORM A 60-INCH HIGH CONTINUOUS VISUAL SCREEN WITHIN ONE YEAR AFTER TIME OF PLANTING.
- A THIRTY (30) FOOT TYPE 'F' BUFFER MUST BE PROVIDED ALONG THE NORTH PROPERTY LINE AND UTILIZE CANOPY TREES.
- A TYPE 'D' BUFFER WILL BE PLANTED ALONG THE RIGHT-OF-WAY.
- BUILDING SETBACKS FROM THE NORTH, EAST, AND WEST PERIMETER PROPERTY LINES ARE 30 FEET.
- LAKE SETBACKS FROM THE WEST PERIMETER PROPERTY LINE IS 27.5 FEET, AND 35 FEET FROM THE NORTH PROPERTY LINE.
- BUILDING LOCATIONS ARE APPROXIMATE.
- * MAXIMUM BUILDING HEIGHT IS 35' FOR BUILDINGS 8 AND 9.

PARKING:

REQUIRED:
 2 PER UNIT WITH 10% GUEST
 15 BLDGS x 18 UNITS = 270
 270 x 2 = 540 + (270 x 0.1) = 567

PROVIDED:
 OPEN PARKING 352
 COVERED PARKING 271
 TOTAL PARKING PROVIDED 623

RECEIVED

SEP 25 2006

ADD 2006-00184

PREPARED FOR:
TOUSA HOMES, DBA
ENGLER HOMES SOUTHWEST FLORIDA
 12550 NEW BRITANNY BOULEVARD
 SUITE 101
 FORT MYERS, FLORIDA 33907
 (239) 890-8152 FAX: (239) 590-0832

NO.	DATE	REVISION DESCRIPTION	BY

Banks Engineering, Inc.
 Professional Engineers, Planners & Land Surveyors
 FORT MYERS • NAPLES • SARASOTA
 1981 810 WILE CIRCLE ROADWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 PHONE: (239) 838-5886 FAX: (239) 838-2323
 ENGINEERING LICENSE # 09 6488
 SURVEY LICENSE # 18 6950

DATE	PROJECT	DRAWING	DESIGN	DRW	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-N)
02/28/04	1620	MCP	DGP	DGP	TFL	1" = 100'	1	1	35-45-24

EXHIBIT H-3.C



LEE COUNTY
SOUTHWEST FLORIDA

239-533-8585

BOARD OF COUNTY COMMISSIONERS

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing Examiner

December 03, 2012

**CHARLES J. BASINAIT
HENDERSON, FRANKLIN, STARNES A
1715 MONROE ST
FORT MYERS FL 33901**

Re: OASIS COVE
Senate Bill 2156 Extension (F)
DCI2012-00049

Dear CHARLES J. BASINAIT:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-009, DCI2009-00005, OASIS COVE, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM JUNE 7, 2019 TO NOVEMBER 5, 2020 FOR OASIS COVE BASED ON FLORIDA STATUTE 252.363 AND EXECUTIVE ORDER NUMBER 12-140 (TROPICAL STORM DEBBY, AS EXTENDED BY EXECUTIVE ORDER NUMBERS 12-192 and 12-217) AND EXECUTIVE ORDER NUMBER 12-199 (TROPICAL STORM ISAAC).

No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

ATTACHMENT J

ATTACHMENT J

RESOLUTION NO. Z-10-009

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the 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.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034, and Administrative Amendment #ADD2006-00184 are superceded by this zoning resolution and will have no further force or effect.

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

- a. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls.
Food and Beverage Service, Limited.
Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Health Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use.
Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted
principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters
Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor
area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open
storage, display or Group IV wholesale establishments.

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of
excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs per Chapter 30 Lee County Land Development Code
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

**Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)**

RPD Area - 21.75 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

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

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et seq.* and LCD § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility**

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

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

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development :
Townhouse**

Lot Size

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet

Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 5/0 feet
Rear 15 feet
Water body 20 feet
Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4).

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Commercial Planned Development :
Commercial Uses**

CPD Area - 10.79 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 15 feet

Water body 20 feet

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. 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.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (Lee Plan) Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. 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.

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.

- c. Real estate sales are limited to administrative offices within model units and within the CPD
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the CPD area are not limited.
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. 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.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and 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.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.

- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the CPD and RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

14. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on

the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

16. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. INDIGENOUS PRESERVATION

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum 0.09 acre existing marsh wetland; and
 - (3) a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.
- c. an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC §10-415(b)(4) must be submitted for of Environmental Sciences (ES) staff review.

- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10-474 must be submitted for review and approval by the ES staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the RPD north property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional trees may be required; and,
- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. DEVIATIONS:

1. Deviation (1*) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive. This deviation is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Restoration Plan
- Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD/CPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The RPD/CPD rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, 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 Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's

RECEIVED
MINUTES OFFICE
mw
2010 JUN 17 PM 3:09

EXHIBIT A
Legal Description
Property located in Lee County, FL
Page 1 of 6

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED

DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
By BJ 12-22-09

Richard M. Ritz
RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 3

S:\148_1688_1620 SURVEY\Description\1620_CPD_DESC.dwg

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

EXHIBIT A

DCI 2009-00005

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

D.P. 2018
P.S. 3063

LINE TABLE			LINE TABLE		
LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.02'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.80'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 58°06'08" E	3.06'
L8	S 25°14'18" W	27.34'			
L9	S 45°28'41" W	45.15'			
L10	S 37°14'02" W	20.60'			
L11	S 18°12'50" W	38.67'			

Applicant's Less / Checked
By: B.S.G. 12-22-09

THIS IS NOT A SURVEY

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 DECEMBER 16, 2009.

PREPARED BY:

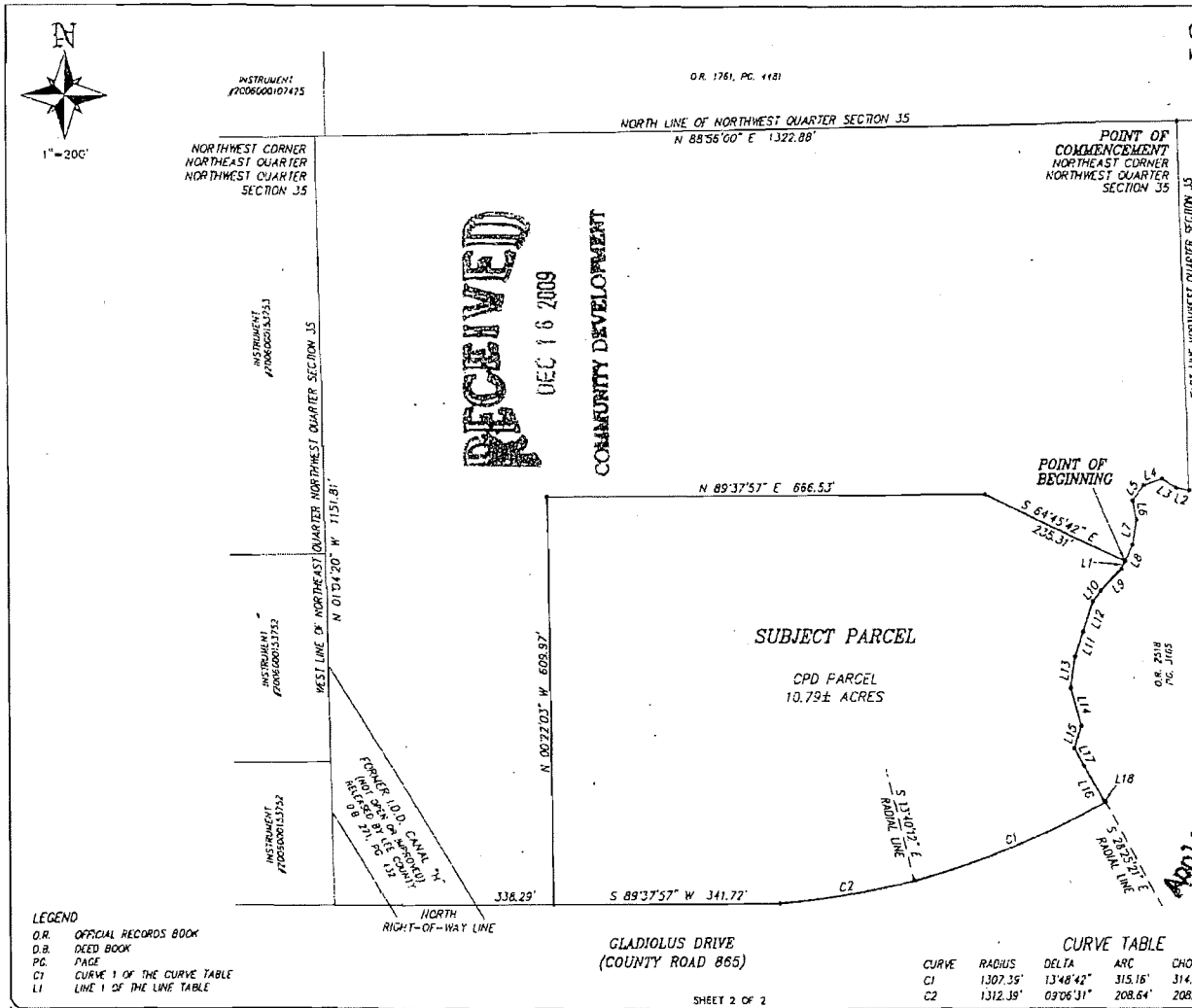
Hanks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10311 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33606

(813) 830-6480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690



LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.G. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

GLADIOLUS DRIVE
(COUNTY ROAD 865)

CURVE TABLE					
CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.35'	13°48'42"	315.16'	314.40'	S 86°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

SHEET 2 OF 2

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED

DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

COMMUNITY DEVELOPMENT

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

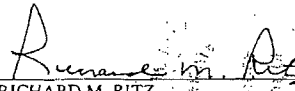
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

EXHIBIT A
Page 3 of 6

Applicant's Logs Checked
BY EG 12-22-09


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4089

SHEET 1 OF 2

S:\066716\06671620\SURVEY\Description\1620_RPD_DE\ENC.dwg

Sarasota Office
1144 Tallevast Road Suite #115
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(941) 360-1618
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Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005



INSTRUMENT
#2006000107425

G.R. 1761, PG. 4481

NORTH LINE OF NORTHWEST QUARTER SECTION 35
N 88°56'00" E 1322.88'

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1" = 200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER
SECTION 35

POINT OF
BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

INSTRUMENT
#7026000151713

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35

N 01°04'20" W 1151.81'

INSTRUMENT
#2006000151728

FORMING I.D.D. CANAL "H"
(AND PART OF IMPROVED)
MILE 20.21, PC, LC
S 89°37'57" W

INSTRUMENT
#2006000151720

RECEIVED
DEC 18 2009

COMMUNITY DEVELOPMENT

SUBJECT PARCEL
RPD PARCEL
21.75± ACRES

S 01°11'00" E 554.80'
EAST LINE NORTHWEST QUARTER SECTION 35

O.R. 2518
PG. 3165

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N 01°10'59" W.
PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

12/22/09
W. R. RITZ

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

001 2009-00005 130

THIS IS NOT A SURVEY

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 HAPPER

- PREPARED DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10011 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33908
(339) 938-3480

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6660

GLADIOLUS DRIVE
(COUNTY ROAD 865)

LEGEND
O.R. OFFICIAL RECORDS BOOK
O.B. DEED BOOK
P.C. PAGE
L1 LINE 1 OF THE LINE TABLE

SHEET 2 OF 2

Banks Engineering

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005


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

EXHIBIT A
Page 5 of 6

Applicant's Legal Checked
by CEJ 2-12-09



O.R. 3306
P.C. 4882

O.R. 1761, P.C. 1253

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1" = 200'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S.88°56'00"W. 1,322.68'

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

O.R. 2667
P.C. 584

WEST LINE OF NORTHWEST QUARTER NORTHWEST QUARTER SECTION 35

SUBJECT PARCEL

DCI 2009-00005

RECORDED
2009 JAN 14 PM 3:09

COMMUNITY DEVELOPMENT

EAST LINE NORTHWEST QUARTER SECTION 35
N.01°10'59"W. 554.86'

O.R. 2618
P.C. 316

LEGEND

O.R. OFFICIAL RECORDS BOOK
P.C. PAGE
C1 CURVE DATA NUMBER

Applicant's Legal Checkoff
By C.S. 2-12-09

O.R. 750
P.C. 59

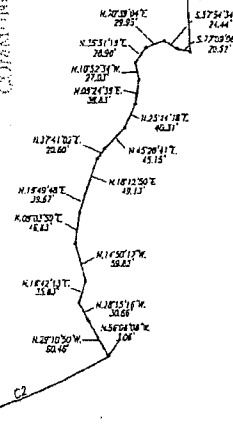
S.01°04'20"E. 1151.81'

GRAND L.D. CANAL BY
PROVIDED BY THE
S.W. CORNER OF SECTION 35
O.R. 750, P.C. 59

O.R. 750
P.C. 59

NORTH RIGHT-OF-WAY LINE
N.89°37'57"E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)



CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W
C2	1307.39'	13°48'42"	315.15'	314.40'	S 68°29'00" W
C3	1307.39'	07°21'30"	167.90'	167.79'	S 57°53'54" W

THIS IS NOT A SURVEY

Richard M. RTZ
RICHARD M. RTZ
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 JANUARY 14, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

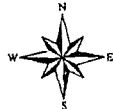
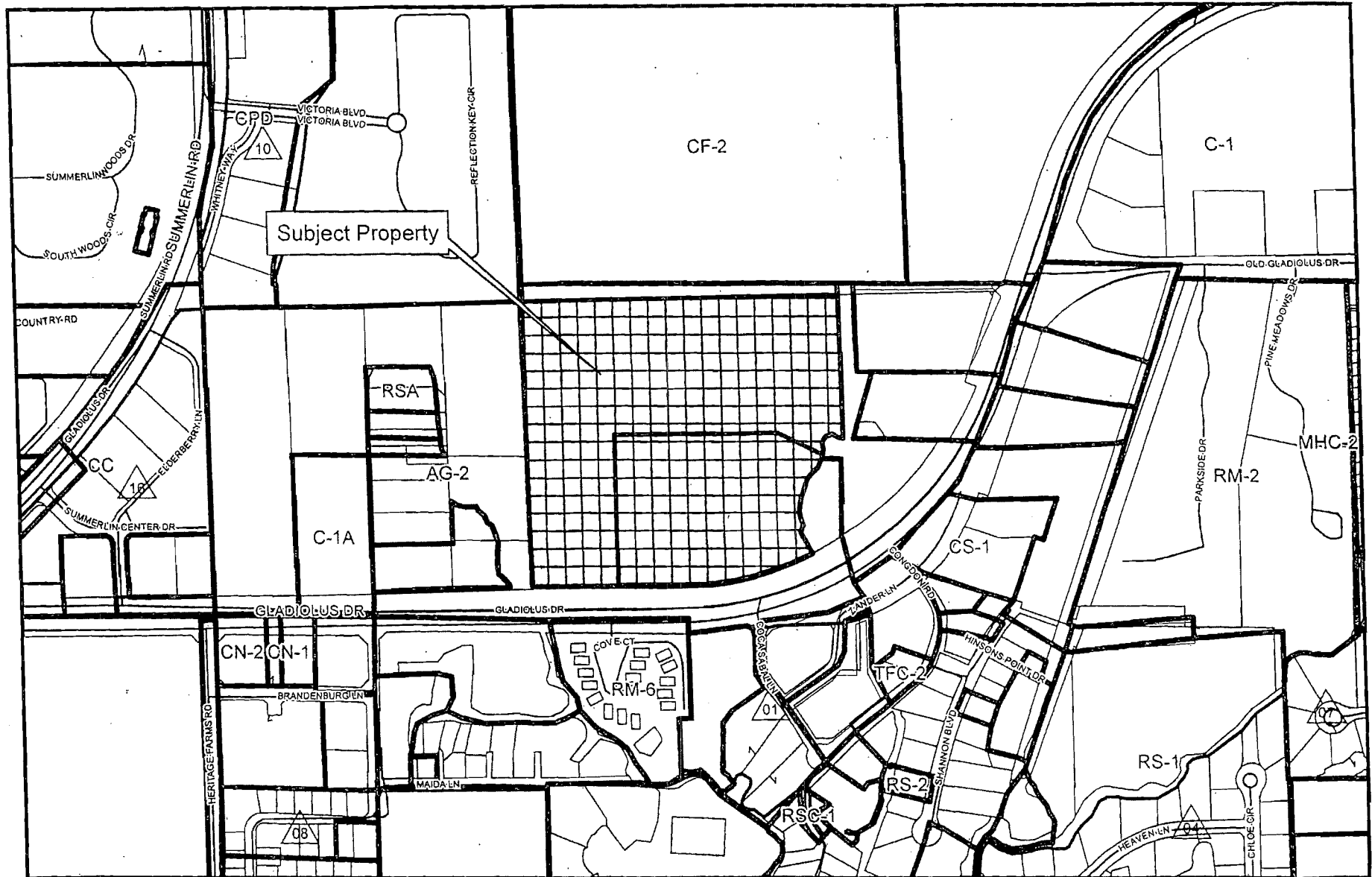
2215 NORTHBROOK PLAZA DRIVE - SUITE 200
MAPLES, FLORIDA 31119

(208) 897-8641

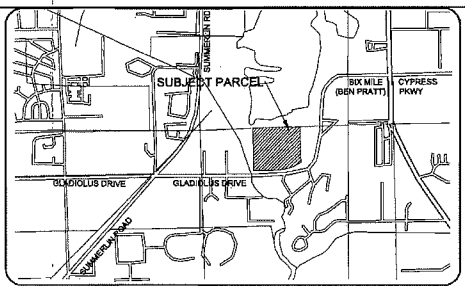
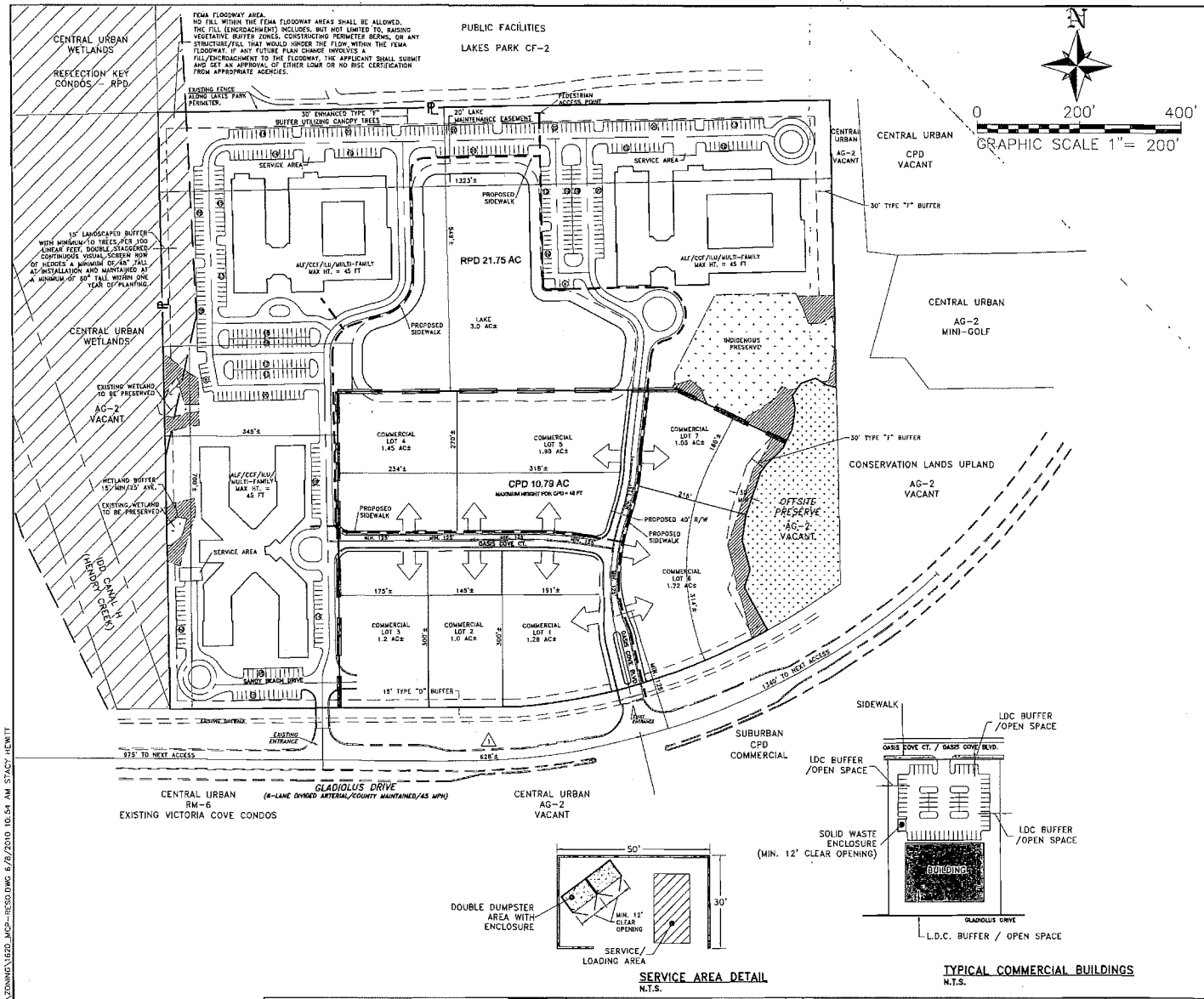
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8800

SHEET 2 OF 2

EXHIBIT B Zoning Map



S:\WEBPAGES\1620\ZONING\1620_LMC2-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT



SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

OPEN SPACE TABLE:
 REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70
 CPD: 30% 10.79 @ 30% = 3.24
 TOTAL REQUIRED: 11.94 AC
 REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
 RPD:
 INDIGENOUS VEGETATION
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [LDC 10.415(b)(3)c] + 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
 (1.19 x 1.25) = 1.60 AC
 WETLAND = 0.09 AC
 TOTAL INDIGENOUS = 1.69 AC
 25% PROVIDED BY LAKE = 2.99 AC
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC ±
 RESTORATION AREAS = 0.46 AC
 ADDITIONAL OPEN SPACE = 2 AC
 TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR

CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC
 TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

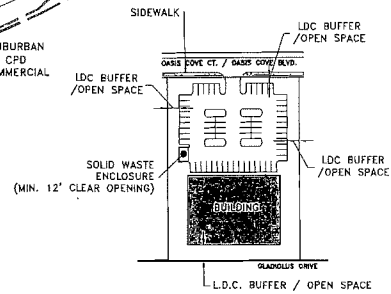
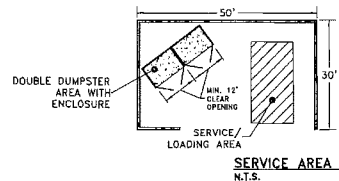
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 JUN 08 2010

COMMUNITY DEVELOPMENT

LEGEND:
 - - - = PROPOSED SIDEWALK
 [Stippled Area] = INDIGENOUS PRESERVE
 [Hatched Area] = RESTORATION AREAS
 Δ = SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-10-009

DCI 2009-00005
 EXHIBIT H-3.C



PREPARED FOR:
BECK GROUP
OF FT MYERS LLC
 438 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 648-8700
 FAX: (239) 454-6225

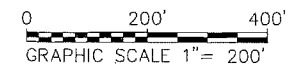
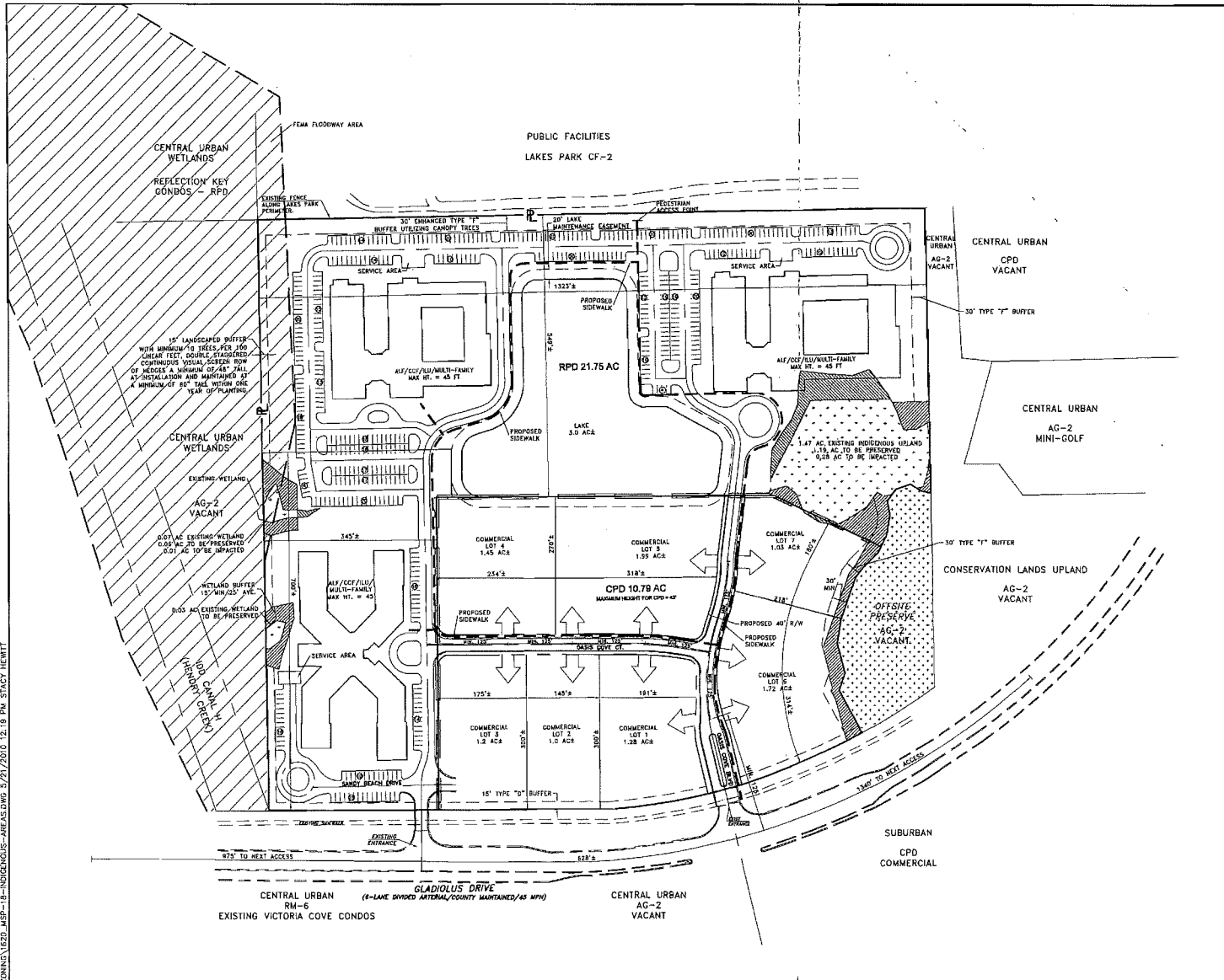
NO.	DATE	REVISION DESCRIPTION	BY
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99	11/16/09	REVISE PER COMMENTS	RES
100	11/17/09	REVISE PER COMMENTS	RES

Banks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • PORT CHARLOTTE • SARASOTA
 1601 SW 8th STREET, SUITE 101
 FORT MYERS, FLORIDA 33902
 PHONE: (239) 938-8888 FAX: (239) 939-8822
 CHARLOTTE OFFICE: 708 6848
 SURVEY LICENSE # 6 4189
 www.bankseng.com

MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:\A06A\06A\06A\ZONING\VE20\148-18-INDIGENOUS-AREAS.DWG, 5/21/2010, 12:18 PM, STACY HEWITT



LEGEND:

- 1.28 AC INDIGENOUS VEGETATION PROVIDED
- 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC (EQ: 16.418(0.55) = 100 CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE (EQ: 40+41.5 (0.0538-2) (1.19 x 1.25) = 1.60 AC WETLAND = 0.09 AC TOTAL INDIGENOUS = 1.69 AC
- 0.28 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
- 0.67 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION
 * THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE RESULTING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UP AND LOCATION ACCORDANCE WITH ALL APPLICABLE LOCAL REGULATIONS. CARE WILL BE TAKEN TO MINIMIZE IMPACTS TO NATIVE VEGETATION WITHIN THE AREAS TO THE GREATEST PRACTICABLE. ONCE THE EXOTICS ARE REMOVED, NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CARIBBEAN PALM, SLASH PINE, AND LAUREL DAW) 128 FEET ON CENTER, TREES (CARIBBEAN PALM, SLASH PINE, AND LAUREL DAW) 128 FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRTLE, WAX MYRTLE, WHITE STOPPER, COCO PLUM, AND WHITE INDIGO BERRY) FIVE FEET CENTER, AND ONE GALLON DRAGON CORNER (SUCH AS BRUSHY BURESTON, LOWBRASS SAW PALMETTO, AND SAND CORDONROSS) THREE FEET CENTER. CARIBBEAN PALMS INSTALLED IN THESE AREAS MAY INCLUDE CARIBBEAN PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. VISIBLE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL CONTINUE TOWARDS THE PLANTING REQUIREMENT. PLANTINGS WITHIN THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE USED TO MEET THE THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE "F" BUFFER.

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 JUN 08 2010

COMMUNITY DEVELOPMENT

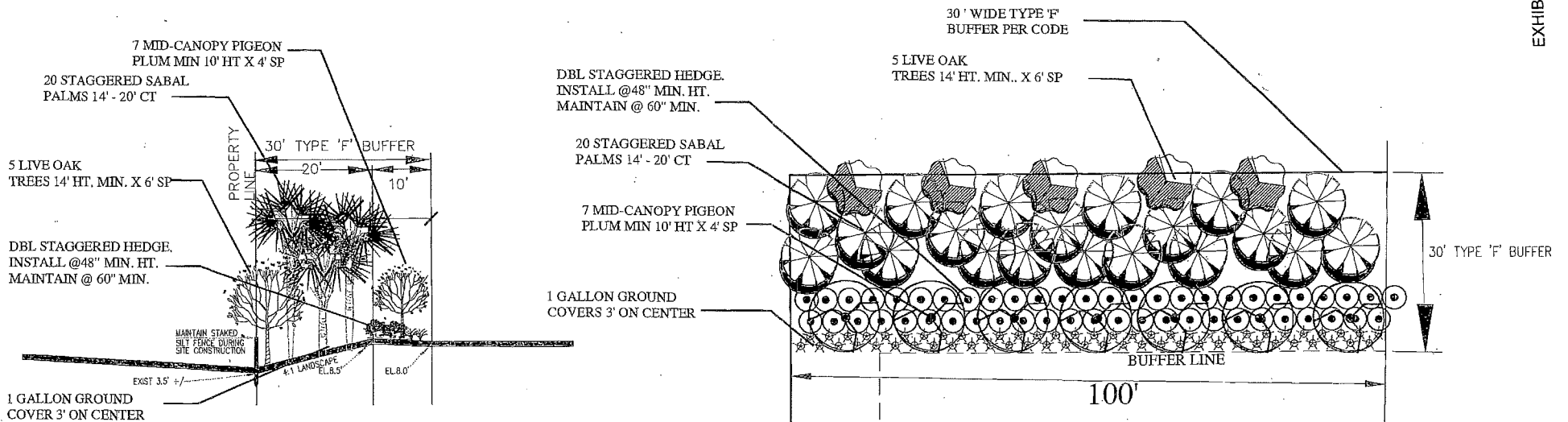
Approved as Exhibit D
 MCP Page 2 of 2
 Resolution # 2-10-009
 DCI 2009-00005

PREPARED FOR:
BECK GROUP
 OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 648-8700
 FAX: (239) 434-6225

NO.	DATE	REVISION	DESCRIPTION
1	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN
2	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN
3	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN
4	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN
5	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN
6	05/18/10	ISSUE FOR PERMITS	FOR CONCEPTUAL SITE PLAN

Banka Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA
 1001 N. GULF COAST PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33907
 PHONE: (239) 486-8848 FAX: (239) 638-2023
 INDICATING DISTRICT # 6888
 SURVEY LICENSE # 16 3098
 www.bankacorp.com

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y)									
OASIS COVE A.K.A. GLADIOLUS RPD									
LEE COUNTY, FLORIDA									
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	
10/16/09	1620	MCP	DRU	SDJ	ORU	1" = 200'	1	1	



SECTION 1 - ENHANCED 'F' BUFFER

ENHANCED 'F' BUFFER

N.T.S.

- TYPICAL 100'
- 5 CANOPY TREES PER 100 L.F. - 14' MIN. HT X 6' SP.
- 7 MID-CANOPY TREES PER 100 L.F. - 10' MIN HT X 4' SP
- 20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,
- 50-10 GAL SHRUBS PER 100 L.F. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.
- 67 1 GALLON GROUND COVERS 3' ON CENTER

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PAUL J. KLENS, R.L.A.
REG. # LA-0001619
MARCH 9, 2010



727 GLENDALE AVE NAPLES, FLORIDA 34110
239 / 514-7209 239 / 594-8646 FAX

title:

BANKS ENGINEERING
10511 Six Mile Cypress Pkwy
Fort Myers, FL 33966
(239) 939-5490

title:

project location: LEE COUNTY, FLORIDA

designer:

project manager: PAUL J. KLENS, RLA

checked - date / by:

approved for:

PJK

DATE

DATE

DISCUSSION

acad #:

project #

scale:

view:

date:

revisions:

AS NOTED

LIMITS

sheet no:

1/1

ATTACHMENT K

LEE COUNTY, FLORIDA ZONING DIVISION

Administrative Interpretation

TYPE OF CASE: Administrative Interpretation for Oasis Cove RPD/CPD
Zoning Resolution Z-10-009

CASE NUMBER: ADD2012-00077

APPLICATION SUMMARY:

Applicant: Charles J. Basinait

Location: The subject property is located at 7210 Congdon Road and 7650 Gladiolus Drive, in S35-T45-R24, Lee County, FL. (District #2)

Request: Interpretation of Condition #1 of Resolution Z-10-009 regarding the types of units that could be developed and density ratio confirmation for Assisted Living units (ALF), Continuing Care Facility (CCF) and Independent Living Units (ILU).

Discussion:

This request for an interpretation is a two part request. The first part relates to Condition #1 of Resolution Z-10-009 and is in regards to the types of units that could be developed. The second part is confirmation of density ratios for various types of units.

Part #1

In reviewing the written record, the wording of Condition 1 was not an issue of controversy or much substantive discussion. It was generally agreed by all parties that a residential use, including all forms of assisted living products, was consistent with the Lee Plan, compatible with all surrounding uses, including Lakes Park, and raised no issues with concurrency such as traffic impacts or availability of utilities. Issues such as public safety and the Coastal High Hazard Zone were addressed through conditions, upon which there was agreement and consensus between the applicant and staff.

The condition in question reads, "The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILU units, or any combination of ALF, CCF, or ILUs, so long as the project density does not exceed 190 standard dwelling units on 21.75 +/- acres of land." This is consistent with the recommendation of the staff report and the Hearing Examiner recommendation.

During the sufficiency process and drafting of the staff report the applicant and staff discussed the mix of assisted living products. The residential density the applicant proposed was +/- 8.7 units per acre, slightly under the maximum allowed 10 units per acre (with no bonus density) in the Central Urban Future Land Use category. This equates to 190 standard dwelling units. A maximum of 160 ALF/CCF units plus 300 ILU units equates to 190 standard dwelling units for example. Staff agreed that the mix of dwelling units was not a substantive issue and drafted a condition to allow a maximum of flexibility. The 160 ALF/CCF and 300 ILU units was meant to serve as an example of a mix of units which would be permitted under this zoning resolution. The mix of units could include all ILU units, all ALF/CCF units, or any combination. Thus the language "any combination of ALF, CCF or ILU, so long as the project density does not exceed 190 standard dwelling units" was included specifically to provide maximum flexibility in

the mix of assisted living products. Any mix of these products would be permitted, given compliance with the LDC as determined during the Development Order process and adherence to the conditions per Z-010-009.

Part #2

This part is for confirmation of density for the various types of units approved by Resolution Z-10-009. The types of units approved were for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU).

Density equivalents for these uses are provided in the following sections from the LDC:

Sec. 34-1494 (b). Density equivalents.

1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.

(2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

Sec. 34-1414. Continuing care facilities.

(c) Density. Density equivalents for a continuing care facility will be calculated for any assisted living facility units and nursing beds pursuant to division 12, subdivision II, of this article, and for independent living units on the basis of two independent living units equal to one residential dwelling unit.

This section provides criteria that must be met to be a CCF and if these criteria are met density may be calculated on the basis of two independent living units equal one residential dwelling unit.

(1) A continuing care facility must provide housing for older persons pursuant to title VII USC.

(2) A continuing care facility must provide full common dining facilities on the site. Individual units may be equipped with kitchens, but an average of at least one meal a day must be provided by the continuing care facility for all residents.

(3) A continuing care facility must incorporate one or more resident services on the site, such as banking facilities, barbershops or beauty shops, pharmacies, and laundry or dry cleaning.

(4) A continuing care facility must provide a shuttle bus service or similar transportation service for residents.

The term Memory Care Assisted Living Units (MCALU) is not a defined use in the Land Development Code (LDC). The description in your letter dated July 10, 2012 states the MCALU will not have individual kitchens but may have a kitchenette with a microwave, a small refrigerator and a cook top – none with requires a 220 volt outlet. The MCALU will have a central kitchen and serve 3 meals a day. Based on this description, the most similar use to a MCALU in the LDC is ALF which is defined as:

"a residential land use, licensed under chapter 58A-5, Florida Administrative Code, which may be a building, a section of a building, a section of a development, a private home, a special boarding home, a home for the aged or similar place, whether operated for profit or not, which undertakes

through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage. A facility offering services for fewer than four adults may be within the context of this definition if it advertises to or solicits the public for residents or referrals and holds itself out to the public as an establishment providing such services. These facilities are not synonymous with the term "nursing home." For purposes of this definition only, the term "personal services" means assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources."

Based on these descriptions, the density would be calculated at 4 ALF units equals one dwelling unit. There is no unit size requirement.

The term Congregate Care Facilities also is not defined in the LDC. Your letter described this use as units that will have individual kitchens but will have a central kitchen associated with the facility serving 3 meals a day. This is a similar use to a CCF. The LDC defines CCF as:

"a facility, licensed under F.S. ch. 651, which must be developed as a planned development (PD), which undertakes through its ownership or management to provide housing and food service to adult residents. The facility must meet the criteria for exemption from the Fair Housing Act Amendments of 1988, title VII USC."

Your letter further states a Congregate Care Facilities is not required to have a state license however it has many attributes of a CCF. The facility will provide housing for older residents pursuant to Title VII USC and will include services for the residents such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A CCF is required to be licensed under F.S. ch. 651 and must be in a planned development zoning.

Sec. 34-620 of the LDC provides a mechanism for addressing such instances where a proposed use is not specifically listed in the use activities groups or in any of the use regulation tables based upon the placement of a similar listed uses. Section 34-933 goes on further to state, "Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use". The Director is authorized to determine that uses that are not specifically listed in the use activity groups or in any of the use regulation tables are permitted by right or by special exception in a particular zoning district based upon the placement of similar listed uses in the various districts.

Based on the description of the Congregate Care Facilities in your letter, the uses are similar to a CCF. The density for a CCF is two independent living units equal to one residential dwelling unit.

Your letter also defines a villa product that will have all the attributes of an independent living facility. The homes would be duplex format with individual kitchens. The residents would have access to the Congregate Care Facility with regard to the central kitchen, banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. The LDC defines ILU as

"a unit which is authorized only as a part of a licensed continuing care facility (CCF), which may be equipped with a kitchen."

Based on this description, the density would be calculated at two independent living units equal to one residential dwelling unit. There is no unit size requirement.

Findings and conclusions:

Part #1

Upon reviewing the written record, the language of Condition 1 was not an issue of controversy. The

developer could construct any combination of ALF, CCF or ILU units so long as the project density does not exceed 190 standard dwelling units. The applicant is correct in their interpretation of this condition.

Part #2

Based on the above findings, the density for each type of unit is as follows:

- Assisted Living Facility (Memory Care Assisted Living Unit, as described herein) - 4 ALF units equals one dwelling unit.
- Continuing Care Facility (Congregate Care Facility) - two independent living units equal to one residential dwelling unit.
- Independent Living Units (Villa product) - two independent living units equal to one residential dwelling unit.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

DULY SIGNED this 10th day of August, A.D., 2012.

BY: Nettie Richardson
Nettie Richardson, Principal Planner
Department of Community Development
Zoning Division

cc: zoning file
Billie Jacoby
Tony Palermo, AICP

ATTACHMENT L

AMENDED ADMINISTRATIVE AMENDMENT (PD) ADD2016-00011(a)

AMENDED ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

NOTE: This amendment is to add a new Condition #26 regarding the building height measurement pursuant to Florida Building Code Section 1612.4.

WHEREAS, Quadrum Lakes Park LLC filed an application for an administrative amendment approved by Resolution Z-10-009, to Avida (fka as Oasis Cove), a Residential Planned Development (RPD) and Commercial Planned Development (CPD) for the following:

- Update the Master Concept Plan to revise the site layout;
- Revise the RPD site development regulations to include waterbody setbacks and building separation requirements;
- Add 7 new deviations for the following:
 - Reduced perimeter setback;
 - Eliminate buffer requirement between RPD and CPD zoning districts;
 - Reduced building separation requirement;
 - Reduced waterbody setback around bulkheads or other hardened shoreline structures;
 - Reduced excavation setback;
 - Allow 40% of hardened lake shoreline; and
 - Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;
- Amend the CPD Schedule of Uses to add Amphitheater, Farmer's Market, Health Care Facilities-Group II; and amend limitations on Hospice use;
- Amend Condition 19 to remove previously approved impact to wetlands and minor adjustment and increase in the indigenous restoration/creation areas, and update open space table;

on property located 7650 Gladiolus Dr & 7210 Congdon Road, described more particularly as:

LEGAL DESCRIPTION: In Section 35, Township 45 South, Range 24 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned by Resolution Z-10-009, with an Administrative Interpretation in case number ADD2012-00077; and

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

WHEREAS, Resolution Z-10-009 approved a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land on the RPD portion and a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses on the CPD portion; see Exhibit B; and

WHEREAS, ADD2012-00077 clarified the types of units that could be developed on the property and confirmed the density ratios for the various types of units; see Exhibit C; and

WHEREAS, the applicant purchased the subject property in July of 2015 and is seeking the administrative amendment to revised the approved project; see Narrative as Exhibit D; and

WHEREAS, the revisions to the MCP will include relocation of the proposed lake, reconfiguration of the proposed buildings and accessways in the RPD portion, and the reconfiguration of the lots (from 7 lots to 5 lots) and accessways in the CPD portion; see Exhibit E; and

WHEREAS, the amendment includes amending the CPD Schedule of Uses to add Amphitheater, Farmer's Market and Health Care Facilities – Group II with limitations; and revising the limitations on the Hospice use; and

WHEREAS, the 3 new uses are similar in nature and intensity to those uses already approved; and the revised site layout in the CPD requires the revision to the Hospice use; and

WHEREAS, the following RPD site development regulations are being revised and new deviation 4 and 5 are being added to allow:

- a 0 foot waterbody setback for buildings and accessways where bulkheads or other hardened shoreline structures are provided and 20 feet for accessways for the remainder of the lake perimeter; and
- a 10 foot building separation for single-story and 20 feet for all other buildings; and

WHEREAS, included in the amendment of the project are 7 new deviations which include the following:

- Reduced perimeter setback between the RPD and CPD zoning lines;
- Eliminate buffer requirement between RPD and CPD zoning districts;
- Reduced building separation requirement on the RPD portion only;
- Reduced waterbody setback around bulkheads or other hardened shoreline structures;
- Reduced excavation setback;
- Allow 40% of hardened lake shoreline; and
- Allow lake maintenance easements as shown on the MCP and allow no lake maintenance easements where bulkheads and 0 foot setbacks are provided;

WHEREAS, Condition 18 from Z-10-009 required a total of 12.99 acres of open space which is not being changed; however, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration; and

WHEREAS, Condition 19 from Z-10-009 is being amended which includes revision to wetland impact; and adjustment and increase in the indigenous restoration/creation areas; and an updated open space table; and

WHEREAS, the amendments have been reviewed by Lee County Environmental staff who offer no objections and recommends updated language to Condition 19 – Indigenous Preservation; and recommends revised language to Condition 24 – Migratory and Wading Bird; see Exhibit F; and

WHEREAS, the amendments were reviewed by Development Services who offer no objections; and

WHEREAS, an amendment to the ADD was requested after the original June 3, 2016 approval, to clarify the measurement of height pursuant to LDC Section 34-2171(a)(1), which states that the height of a building is the vertical distance from the minimum required flood elevation; see email as Exhibit G; and

WHEREAS, the minimum flood elevation is determined by the Florida Building Code Section 1612.4 in accordance with Chapter 5 of American Society of Civil Engineers (ASCE) 7 and with ASCE 24; and

WHEREAS, the Lee County Land Development Code provides for certain administrative changes to planned development master concept plans and planned unit development final development plans; and

WHEREAS, the subject application and plans have been reviewed by the Lee County Department of Community Development in accordance with applicable regulations for compliance with all terms of the administrative approval procedures; and

WHEREAS, it is found that the proposed amendment does not increase density or intensity within the development; does not decrease buffers or open space required by the LDC; does not underutilize public resources or infrastructure; does not reduce total open space, buffering, landscaping or preservation areas; and does not otherwise adversely impact on surrounding land uses.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval to Avida (fka as Oasis Cove), approved by Resolution Z-10-009 for an amendment to RPD/CPD is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan. Master Concept Plan for ADD2016-00011 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit E.**
2. **The amendments to Resolution Z-10-009 are shown in underlined and strike-thru as follows:**

SECTION B. CONDITIONS

Schedule of Uses

Commercial Planned Development

Add Health Care Facilities – Group II. Limited to lots 1, 4 and 5. Limited to 50 beds
Add Temporary uses - limited to construction trailers, real estate sales offices and
Seasonal farmer's market.

And

Revise limitations for the following uses:

Food Stores, Group I (including open-air farmer's market) – Not including Group II (freezer and locker meat provisioner)
Hospice - Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds
Recreation Facilities-Commercial - Group I, Group III (including Amphitheater),
Group IV – Casino-style games are prohibited

Site Development Regulations

Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility (CCF)/Independent Living Unit (ILU)

Setbacks

Water body 20 feet or 0 feet

~~Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or one half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC §34-2174(a) and §34-935(e)(4)~~

Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility

Water body 20 feet or 0 feet

~~Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or one half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC §34-2174(a) and §34-935(e)(4)~~

Residential Planned Development:
Townhouse

Water body 20 feet or 0 feet

~~Minimum building separation: 10 feet for a single-story building and 20 feet for all other buildings, or one half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC §34-2174(a) and §34-935(e)(4)~~

Amend Condition 19 – Indigenous Preservation

Prior to local development order approval:

a. development order plans must depict preservation in substantial compliance with the following:

- (1) Remains unchanged.
- (2) A minimum of ~~0.09~~ 0.10 acre existing marsh wetland; and
- (3) A minimum ~~0.67~~ 0.74 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.

- b. Landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D -7-Y.
- c. An Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC 10-415 (b)(4) must be submitted for ~~of~~ Development Services Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.
- d. Remains unchanged.

Amend Condition 24 – Migratory and Wading Bird

- a. Remains unchanged.
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots ~~6 4~~ and ~~7 5~~, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Remains unchanged.
- d. ~~Prior to local development order approval~~ Architectural sheets showing the development order building plans within the RPD/CPD must be reviewed by Development Services ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots ~~6 4~~ and ~~7 5~~.

Add new Condition 25

25. Prior to the Issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

Add new Condition 26

26. Building height will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

SECTION C. DEVIATIONS

Deviation (1) remains unchanged.

New Deviation (2) is requested from LDC Section 34-935(b)(1) which requires minimum setbacks from development perimeter boundaries; to allow a 0 foot perimeter setback between the RPD and CPD zoning lines for any site improvements.

New Deviation (3) is requested from LDC Section 10-416(d)(1) which requires a buffering area along the entire perimeter of a proposed development whenever the proposed development abuts a different use; to allow no buffer between the RPD and CPD since the development will remain under unified control.

New Deviation (4) is requested from LDC Section 34-935(e)(4) which requires a minimum building separation of one-half the sum of their heights or 20 feet, whichever is greater; to allow a minimum building separation of 10 feet for single-story structures and a minimum building separation of 20 feet for other buildings.

New Deviation (5) is requested from LDC Section 34-2194(b) which requires a minimum 25-foot setback to an artificial body of water; to allow a minimum waterbody setback of 0 feet for buildings and accessways where bulkheads or other hardened shoreline structures are provided.

New Deviation (6) is requested from LDC Section 10-329(d)(1)a. which requires a minimum 25-foot setback for excavations to proposed right-of-way line or easement for a local road; to allow a minimum 0 foot setback for excavations to accessways along the northern portion of the proposed lake.

New Deviation (7) is requested from LDC Section 10-418(3) which states that hardened shoreline structures may comprise up to 20 percent of an individual lake shoreline; to allow up to 40 percent of the lake shoreline to comprise of hardened shoreline structures.

New Deviation (8) is requested from LDC Section 10-328(a) which states that a 20-foot wide easement for maintenance purposes must be provided; to allow a 20-foot wide LME in areas as shown on the MCP and no LME where bulkhead and 0-foot setbacks are provided.

3. The terms and conditions of the original zoning resolutions remain in full force and effect.
4. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

Duly passed, adopted, and electronically signed on 8/31/2016 by

Audra Ennis, Interim Zoning Manager
Lee County Community Development

Exhibits:

- A – Legal description
- B - Resolution Z-10-009
- C - ADD2012-00077
- D – Narrative
- E – MCP
- F – Environmental
- G – Email request to amend

Banks Engineering

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN

EXHIBIT A

SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

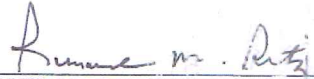
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

APPROVED
ADD2016-00011
Chick Jakacki, Planner
Lee Co Division of Zoning
1/27/2016


RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 1009

APPROVED ALL SIX PAGES



1" = 200'

O.R. 3396
PG. 1662

O.R. 1761, PG. 1263

NORTH LINE OF NORTHWEST QUARTER SECTION 35
S. 88° 56' 00" W. 1322.88'

NORTHWEST CORNER
NORTHEAST QUARTER
NORTHWEST QUARTER

POINT OF BEGINNING
NORTHEAST CORNER
NORTHWEST QUARTER
SECTION 35

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N. 01° 10' 59" W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

O.R. 2687
PG. 564

WEST LINE OF NORTHEAST QUARTER NORTHWEST QUARTER SECTION 35
S. 01° 04' 20" E. 1151.81'

EAST LINE NORTHWEST QUARTER SECTION 35
N. 01° 10' 59" W. 554.86'

O.R. 2508
PG. 3165

SUBJECT PARCEL

LEGEND

O.R. OFFICIAL RECORDS BOOK
PG. PAGE
C1 CURVE DATA NUMBER

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1312.39'	09° 06' 31"	208.64'	208.42'	S 80° 53' 03" W
C2	1307.39'	13° 48' 42"	315.16'	314.40'	S 68° 29' 00" W
C3	1307.39'	07° 21' 30"	167.90'	167.79'	S 57° 53' 54" W

O.R. 760
PG. 59

O.R. 760
PG. 58

FORMER L.O.O. CANAL "A"
FORMER DRAIN OR INTERCITY DRAIN
RELEASED BY THE COUNTY D.B.
2-11-52

NORTH RIGHT-OF-WAY LINE
N. 89° 37' 57" E. 680.01'

GLADIOLUS DRIVE
(COUNTY ROAD 865)

S. 04° 33' 41" E
RADIAL LINE

S. 14° 36' 39" E
RADIAL LINE

N. 70° 38' 04" E 29.95'
N. 33° 51' 19" E 28.90'
N. 10° 52' 24" W 27.03'
N. 09° 24' 39" E 38.63'
N. 25° 14' 18" E 40.31'
N. 45° 28' 41" E 45.15'
N. 18° 12' 30" E 49.13'
N. 18° 49' 48" E 38.67'
N. 09° 03' 50" E 46.83'
N. 14° 50' 17" W 59.82'
N. 18° 42' 13" E 35.63'
N. 28° 15' 16" W 30.66'
N. 56° 06' 09" W 3.06'
N. 28° 10' 30" W 60.46'

THIS IS NOT A SURVEY

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

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

— PREPARED JANUARY 14, 2025.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119

(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
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(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(CPD PARCEL)

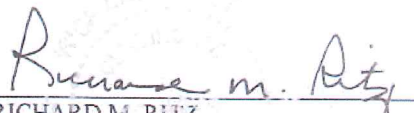
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.


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

SHEET 1 OF 2

S:\Jobs\16xx\1620\SURVEY\Descriptions\1620_CPD_DESC.doc

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



1" = 200'

INSTRUMENT #2006000107425
 NORTHWEST CORNER
 NORTHWEST QUARTER
 NORTHWEST QUARTER
 SECTION 35

O.R. 1761, PG. 4481
 NORTH LINE OF NORTHWEST QUARTER SECTION 35
 N 88°56'00" E 1322.88'

POINT OF COMMENCEMENT
 NORTHWEST CORNER
 NORTHWEST QUARTER
 SECTION 35

SKETCH TO ACCOMPANY DESCRIPTION

OF A
 PARCEL OF LAND
 LYING IN
 SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
 LEE COUNTY, FLORIDA

NOTES:
 BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS DESCRIPTION.

INSTRUMENT #2006000153753
 WEST LINE OF NORTHWEST QUARTER SECTION 35
 N 01°04'20" W 1151.81'

INSTRUMENT #2006000153752
 WEST LINE OF NORTHWEST QUARTER SECTION 35
 N 01°04'20" W 1151.81'

FORMER I.D.D. CANAL "H"
 (NO OPEN OR FLOWING WATER)
 REF. SEC. 2-1, PG. 42
 D.B.

NORTH
 RIGHT-OF-WAY LINE

GLADIOLUS DRIVE
 (COUNTY ROAD 865)

SUBJECT PARCEL
 CPD PARCEL
 10.79± ACRES

POINT OF BEGINNING

EAST LINE NORTHWEST QUARTER SECTION 35
 S 01°11'00" E 554.86'

O.R. 2518
 PG. 3165

O.R. 2518
 PG. 3165

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18" W	12.93'	L12	S 18°12'50" W	49.13'
L2	N 77°09'08" W	20.52'	L13	S 09°03'50" W	46.83'
L3	N 57°54'34" W	24.44'	L14	S 14°50'17" E	59.82'
L4	S 70°39'04" W	29.95'	L15	S 18°42'13" W	35.83'
L5	S 35°51'19" W	28.90'	L16	S 29°10'50" E	60.46'
L6	S 10°52'34" E	27.03'	L17	S 28°15'16" E	30.66'
L7	S 09°24'39" W	38.83'	L18	S 56°06'08" E	3.06'
L8	S 25°14'18" W	27.38'			
L9	S 45°28'41" W	45.15'			
L10	S 37°41'02" W	20.60'			
L11	S 18°49'48" W	39.67'			

THIS IS NOT A SURVEY

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 DECEMBER 16, 2009.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

10511 SIX MILE CYPRESS PARKWAY - SUITE 101

FORT MYERS, FLORIDA 33966

(239) 939-5490

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND

- O.R. OFFICIAL RECORDS BOOK
- D.B. DEED BOOK
- PG. PAGE
- C1 CURVE 1 OF THE CURVE TABLE
- L1 LINE 1 OF THE LINE TABLE

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.39'	13°48'42"	315.16'	314.40'	S 68°29'00" W
C2	1312.39'	09°06'31"	208.64'	208.42'	S 80°53'03" W

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

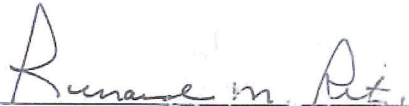
A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE **POINT OF BEGINNING**.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

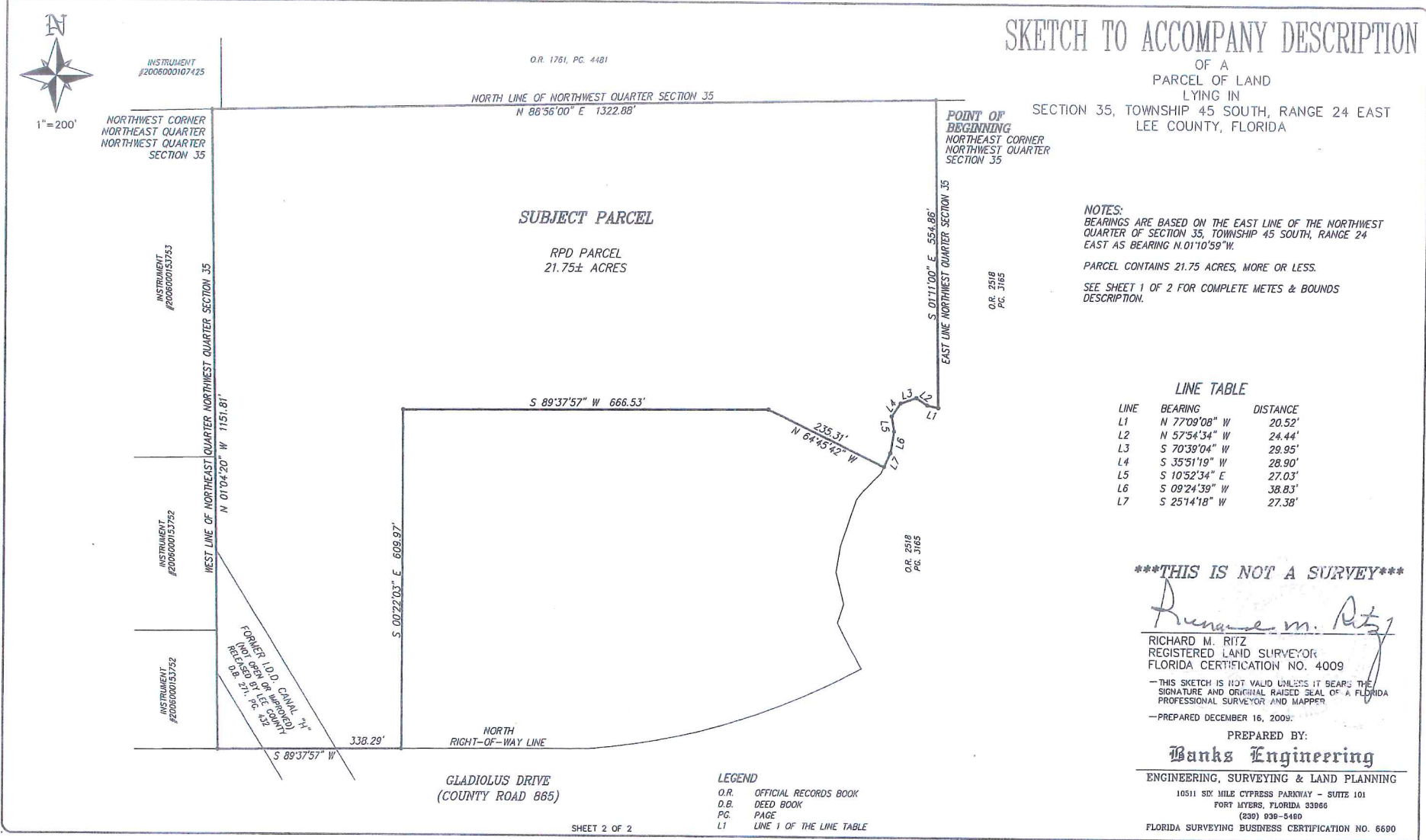

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

SHEET 1 OF 2

S:\Jobs\16xx\1620 SURVEY\Descriptions\1620_RPD_DESC.doc

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



SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59" W.
PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.
SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 77°09'08" W	20.52'
L2	N 57°54'34" W	24.44'
L3	S 70°39'04" W	29.95'
L4	S 35°51'19" W	28.90'
L5	S 10°52'34" E	27.03'
L6	S 09°24'39" W	38.83'
L7	S 25°14'18" W	27.38'

THIS IS NOT A SURVEY

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 DECEMBER 16, 2009:
PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33966
(239) 939-5460
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.G. PAGE
L1 LINE 1 OF THE LINE TABLE



LEE COUNTY

SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

239-533-8585

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Tammy Hall
District Four

Frank Mann
District Five

Doug Meurer
Interim County Manager

Michael D. Hunt
County Attorney

Diana M. Parker
County Hearing
Examiner

Exhibit B

December 03, 2012

CHARLES J. BASINAIT
HENDERSON, FRANKLIN, STARNES A
1715 MONROE ST
FORT MYERS FL 33901

Re: OASIS COVE
Senate Bill 2156 Extension (F)
DCI2012-00049

Dear CHARLES J. BASINAIT:

In accord with SB2156, development permits meeting certain criteria are entitled to an extension from the existing/initial permit expiration date. Accordingly, the effectiveness of the Master Concept Plan identified in Zoning Resolution, Z-10-009, DCI2009-00005, OASIS COVE, is hereby extended for the following:

APPROVAL OF AN MCP EXTENSION FROM JUNE 7, 2019 TO NOVEMBER 5, 2020 FOR OASIS COVE BASED ON FLORIDA STATUTE 252.363 AND EXECUTIVE ORDER NUMBER 12-140 (TROPICAL STORM DEBBY, AS EXTENDED BY EXECUTIVE ORDER NUMBERS 12-192 and 12-217) AND EXECUTIVE ORDER NUMBER 12-199 (TROPICAL STORM ISAAC).

No additional extensions under SB2156 may be granted for the above-referenced development permit. All underlying conditions of the zoning resolution remain in full force and effect. Failure to comply with zoning conditions may result in enforcement action as provided under Florida law and local regulations.

This extension applies only to the specific approvals identified above. If your project requires additional development permits or authorizations to continue construction, you are required to obtain the necessary approvals, including related permit extensions. If you hold other permits or authorizations that qualify for an extension under SB2156, you must file a specific request for each qualifying development permit.

If you have any questions, please do not hesitate to contact me.

Sincerely,

Department of Community Development
Division of Zoning

Pam Houck
Director

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

WHEREAS, an application was filed by Beck Group of Fort Myers, LLC, to rezone a 32.54±-acre parcel from Residential Planned Development (RPD), formerly known as Gladiolus RPD, to Residential Planned Development/Commercial Planned Development (RPD/CDP) in reference to a project known as Oasis Cove RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on March 18, 2010, before the Lee County Zoning Hearing Examiner Richard A. Gescheidt, who gave full consideration to the evidence in the record for Case #DCI2009-00005; and,

WHEREAS, a second public hearing was advertised and held on June 7, 2010, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on record and the testimony of all interested persons.

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

SECTION A. REQUEST

The applicant filed a request to rezone a 32.54±-acre parcel from RPD to RPD/CPD to allow Assisted Living Facilities (ALF), Continuing Care Facilities (CCF), Independent Living Units (ILU), multi-family development, and commercial uses. The maximum density proposed is 190 Multi-family dwelling units, or an equivalent number of units in ALFs, CCFs, and ILUs. The maximum intensity of non residential proposed is commercial, office, and retail development, maximum 100,000 square feet including a maximum 25,000 square feet retail. The maximum permissible height 45 feet for both Residential and Commercial. Development blasting was not requested as part of this application. Development will connect to public potable water and sanitary sewer service.

The property is located in the Central Urban and Wetlands Future Land Use Categories and is legally described in Exhibit A, attached hereto.

The request is APPROVED, SUBJECT TO the conditions and deviation specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Oasis Cove A.K.A. Gladiolus RPD," date stamped "Received Jun 08 2010," attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC at time of the 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.

The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILUs, or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land.

The CPD is limited to a maximum of 100,000 square feet of gross floor area, including a maximum of 25,000 square feet of Commercial Retail uses.

Zoning Resolution Z-75-145, Z-04-034, and Administrative Amendment #ADD2006-00184 are superceded by this zoning resolution and will have no further force or effect.

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

- a. Schedule of Uses

Commercial Planned Development

Accessory Uses and Structures

Administrative Offices

Animals - Clinic or Kennel - no outdoor runs, completely enclosed facilities.

ATM - Automatic Teller Machine

Auto Parts Store - no installation service

Bait and Tackle Shop - no outdoor storage or display.

Banks and Financial Establishments, Groups I and II.

Boats - limited to Boat Part Sales, no outdoor storage or display, no rental, storage, repair or service.

Broadcast Studio, Commercial Radio and Television - does not include freestanding wireless communication facilities, Wall-mounted and building-mounted antennae may be approved per LDC § 34-1441, *et seq.*

Business Services Groups I and II - Excluding bail bonding.

Cleaning and Maintenance Services.

Clothing Stores, General

Clubs: Commercial, Fraternal, Membership Organization, Private - Does not include consumption on premises indoors or outdoors.

Consumption on Premises - See Condition #13.

Contractors and Builders, Group I only (offices and indoor storage facilities, excludes any fabrication work or outdoor storage, other than parking of cars).

Cultural Facilities.

Day Care, Child, Adult.
Department Store
Drive Through Facility for Any Permitted Use.
Drugstore, Pharmacy.
Entrance Gates and Gatehouse.
EMS, Fire or Sheriff's Station.
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls.
Food and Beverage Service, Limited.
Food Stores, Group I - Not including Group II (freezer and locker meat provisioner).
Funeral Home and Mortuary - Without Crematory.
Gift and Souvenir Shop.
Health Care Facilities, Group III.
Hobby, Toy and Game Shops - No outdoor storage or display.
Hospice, Limited to lots 5 and 6. Limited to 50 beds.
Household and Office Furnishings, Groups I and II. Excluding Group III (hot tub and spas, swimming pools, prefabricated). No outdoor storage or display.
Insurance Companies
Lawn and Garden Supply Stores - No outdoor display or storage.
Library
Maintenance Facility, Government
Medical Office
Motion Picture Production Studio
Nonstore Retailers, All Groups.
 Casino-style games are prohibited.
Paint, Glass and Wallpaper - No outdoor display or storage.
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary.
Personal Services, Groups I, II, III, IV - excluding Massage Parlors, Steam or Turkish Baths, Escort Services, Palm Readers, Fortunetellers or Card Readers, Tattoo Parlors.
Pet Services - no outdoor runs, completely enclosed facilities.
Pet Shop - no outdoor runs, completely enclosed facilities.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Real Estate Sales Office
Recreation, Facilities, Commercial. Group I, Group III, Group IV - Casino-style games are prohibited.
Recreation Facilities, Personal, Private On Site, Private Off Site.
Religious Facilities
Rental or Leasing Establishments, Groups I, II and III. Excluding Recreation Vehicles and Utility Trailers.
Repair Shops, Groups I and II.
Research and Development Laboratories, Groups II and IV.

Restaurant, Fast Food - No stand alone fast food. No drive through for this use.
Fast food permitted within a multi-occupancy building only.
Restaurants, Groups I, II, III, IV
Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use only.
Schools: Commercial, Noncommercial
Signs per Chapter 30 Lee County Land Development Code
Social Services, Groups I and II
Specialty Retail Shops, All Groups. Excluding Ammunition, Firearms, Hunters Equipment.
Studios
Temporary uses - limited to construction trailers, real estate sales offices.
Transportation Services, Group II (Automobile). No Group III (Bus).
Used Merchandise Stores, Groups I and II only. - excluding pawnshops.
No Group III (Automotive) and No Group IV (Building Materials)
Warehouse, Miniwarehouse, Private, Public - limited to 10,000 square feet of floor area for the entire CPD.
Wholesale Establishments, Groups I and III. Indoor establishments only. No open storage, display or Group IV wholesale establishments.

Residential Planned Development

Accessory Uses and Structures.
Administrative Office
Assisted Living Facility (see Condition 1 for density)
ATM *
Banks and Financial Establishments, Group I *
Consumption on Premises - See Condition 13. *
Continuing Care Facility (see Condition 1 for density)
Dwelling Unit - Townhouse, Multifamily (see condition 1 for density)
Entrance Gates and Gatehouses
Essential Services.
Essential Services Facilities, Group I.
Excavation - Water Retention and Detention - not to include the removal of excavated material from site, no blasting.
Fences and Walls
Food and Beverage Service, limited *
Food Stores, Group I *
Health Care Facilities, Groups I and II only. *
Home Occupation
Independent Living Units (see Condition 1 for density)
Laundry or Dry Cleaning, Group I *
Medical Office *
Models: Model Unit (see condition 7)
Nonstore Retailers, Group II *
Parking Lot, Accessory, Temporary
Personal Services, Group I *
Pharmacy *

Recreation Facilities, Private, On Site. *
Residential Accessory Uses
Restaurants, Groups I and II *
Signs per Chapter 30 Lee County Land Development Code
Temporary uses - limited to construction trailers, real estate sales offices.

* Commercial uses listed above are accessory to the assisted living (ALF, CCF, and/or ILU) use only.

Site Development Regulations

**Residential Planned Development:
Assisted Living Facility (ALF)/Continuing Care Facility(CCF)/Independent Living Unit (ILU)**

RPD Area - 21.75 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

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

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et seq.* and LCD § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development:
Multi-Family, Clubhouse, Recreational Facility**

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

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

Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Residential Planned Development :
Townhouse**

Lot Size

Minimum Lot Area: 2,000 square feet
Minimum Lot Depth: 100 feet

Minimum Lot Width: 20 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 5/0 feet
Rear 15 feet
Water body 20 feet
Lakes Park Setback (north boundary line)

Building: 75 feet (for maximum 45 feet in building height)
50 feet (for maximum 35 feet in building height)
40 feet (for maximum 25 feet in building height)

Common Parking Areas may not be located closer than 100 feet to Lake Park's property line. (Not applicable when residential units are placed between Lakes Park property and the common parking areas for the RPD.)

Minimum 30-foot building perimeter setback on the east, west and south boundaries of the subject property.

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4).

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

**Commercial Planned Development :
Commercial Uses**

CPD Area - 10.79 Acres

Lot Size

Minimum Lot Area: 10,000 square feet
Minimum Lot Depth: 100 feet
Minimum Lot Width: 100 feet

Setbacks

Street (public) 25 feet
Street (private) 20 feet
Side 10 feet
Rear 15 feet

Water body 20 feet

Accessory uses and setbacks must comply with the LDC § 34-1174 *et. seq.* and § 34-2194.

Minimum building separation: One half the sum of height of both buildings, or 20 feet, whichever is greater. Buildings exceeding 35 feet in height must maintain additional building separation and setbacks as regulated by LDC § 34-2174(a) and § 34-935(e)(4)

Maximum Lot Coverage 60 percent

Maximum Height 45 feet

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 County Comprehensive Plan. The developer is required to demonstrate compliance with all concurrency requirements, including traffic concurrency, prior to issuance of a local development order

4. 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.

5. Lee County Comprehensive Plan

Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee County Comprehensive Plan (Lee Plan) Planning Communities Map and Acreage Allocation Table, Map 16, and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function (for commercial uses), as well as all other Lee County Comprehensive Plan provisions.

6. 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.

7. Model Units

- a. Model units are limited to a maximum of eight.
- b. Models cannot be of the same floor plan and each must be a different design.

- c. Real estate sales are limited to administrative offices within model units and within the CPD
- d. Real estate sales within the RPD area will be limited to the sale of lots or units within the development only. Real estate sales in the CPD area are not limited.
- e. Hours of operation for model homes and real estate sales in the RPD area are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m. Real estate sales in the CPD area are not limited.
- f. No dry models are permitted.

8. Water and Sewer

Development must connect to both public water and public sewer. At time of local development order, the developer must also demonstrate there is adequate water and sewer capacity to handle level of development proposed in the development order submittal.

9. 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.

10. Sidewalks

Development must include internal sidewalks as a site-related improvement. These facilities must be included in local development orders as part of construction of the project's infrastructure.

11. Solid Waste/recycling

As part of any local development order approval for vertical development, the developer must include facilities in compliance with LDC §10-261 and 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.

12. Casino-style Games

Casino-style games are prohibited.

13. Consumption on Premises

- a. Consumption on Premises is limited to indoor seating in conjunction with a Group II or III Restaurant with a 4-COP-SRX or 2-COP beverage license.

- b. The hours of operation for indoor consumption on premises is limited to between 11:00 a.m. to 11:00 p.m. daily.
- c. No sale, service or consumption of alcoholic beverages will be permitted without the sale or availability of food and non-alcoholic beverages on the same premises.
- d. Outdoor consumption on premises within the CPD and RPD may be approved by a special exception or an amendment to the planned development. A public hearing will be required. The applicant must provide adequate detail of the outdoor seating area used in conjunction with the outdoor consumption on premises (square footage, number of seats, proposed hours, distance to Lakes Park, outdoor entertainment, etc.) consistent with the requirements of the LDC.

14. Hurricane Shelter

An on-site hurricane shelter must be provided as part of any ALF, CCF, or ILU development to house all residents during storm events. On-site shelters and all required equipment and supplies for these facilities must comply with the following standards, as well as other standards required by the LDC:

- a. Elevation to the anticipated storm surge from a land falling Category "5" storm.
- b. Construction to withstand winds of 200 miles per hour in accordance with the Florida Building Code.
- c. Construction with minimum exterior glass with all glazed openings provided with impact protection in accordance with the Florida Building Code.
- d. Equipped with emergency power and potable water supplies to last up to five days.
- e. Protected with adequate ventilation, sanitary facilities, and first aid medical equipment.

15. Hurricane Plan

- a. The developer, his successors or assigns, will provide an educational program on an annual basis, in conjunction with the staff of the Lee County Emergency Management Department (EMS), which will provide literature, brochures, and speakers for Hurricane Awareness/Preparedness seminars describing the risks of natural hazards.
- b. The developer, his successors or assigns, will formulate an emergency hurricane notification and evacuation plan for the development, which will be subject to review and approval by EMS.
- c. The developer will coordinate with the Division of Public Safety of the Lee County EMS in determining and participating in a means to lessen its adverse impacts on

the County's hurricane preparedness process and public safety and will comply with the Hurricane Shelter Ordinance.

16. FEMA Floodway Area

Fill within the FEMA floodway areas is prohibited. The fill (encroachment) included, but not limited to, raising vegetative buffer zones, constructing perimeter berms, or any structure/fill that would hinder flow within the FEMA floodway. If future changes in the plan involve a fill/encroachment to the floodway, the applicant must submit and obtain approval of either a Letter of Map Revision (LOMR) or No-Rise Certification from appropriate agencies.

17. Access to Lakes Park

The design and construction of the pedestrian access from the development to Lakes Park is subject to approval by the Lee County Department of Public Works during the local development order review process. The developer is responsible for all costs associated with the design and construction of this access. The access will be gated and locked by the property owner daily from dusk to 7:00 a.m.

18. Open Space

Prior to local development order approval, the development order plans must delineate a minimum 12.99 acres of open space.

19. INDIGENOUS PRESERVATION

Prior to local development order approval:

- a. development order plans must depict preservation in substantial compliance with the following:
 - (1) a minimum 1.19 acres existing pine-mesic oak upland (minimum 1.6 acres with credits taken); and
 - (2) a minimum 0.09 acre existing marsh wetland; and
 - (3) a minimum 0.67 acre indigenous creation/restoration area to provide minimum 15-foot, average 25-foot-wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D.
- c. an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC §10- 415(b)(4) must be submitted for of Environmental Sciences (ES) staff review.

- d. development order plans must depict a minimum 20-foot building and accessory structure setback to indigenous preservation and creation/restoration areas.

20. Protected Species

Prior to local development order approval, American alligator and listed wading bird species management plans meeting the requirements of LDC §10-474 must be submitted for review and approval by the ES staff. The management plans must include information for residents on the importance of the littoral areas and adjacent preserves for providing nesting and foraging habitat. In addition, the development order plans must depict the appropriate locations and details of signage that identify that alligators may be present and inform that it is dangerous and illegal to feed or harass alligators.

21. DELETED AT PUBLIC HEARING

22. DELETED AT PUBLIC HEARING

23. Buffer Conditions

Prior to local development order approval, landscape plans must depict buffers provided in substantial compliance with the approved MCP and Landscape Exhibit (Exhibit E hereto) and to also provide:

- a. One gallon, installed three-foot on center groundcover plantings along the interior side of the 30-foot wide Type F buffer within the RPD; and,
- b. If parking areas are proposed adjacent to the RPD north property line, then each required 18-foot wide island abutting the 30-foot Type F buffer must be planted with one native canopy tree, minimum 10 feet in height and native grasses, one-gallon container size, installed two-foot on centers; and,
- c. Required Type F buffer vegetation to be measured from the final grade of the on-site adjacent parking lot or roadway if the buffer is abutting proposed parking area or roadway; and,
- d. Required Type F buffer trees installed in a configuration to provide a continuous visual canopy screen within one year after time of planting. If a continuous visual canopy screen is not obtained within one year after time of planting, then additional trees may be required; and,
- e. Required Type F buffer trees and palms must not be pruned to reduce height or canopy spread.

24. Lakes Park/Wildlife Protection

Prior to local development order approval, development order plans must depict:

- a. Lighting of pedestrian and parking areas must be directed internally to the site. Parking lot areas must be illuminated with enough intensity to create secure areas consistent with the Lee County Land Development Code; and
- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots 6 and 7, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- c. Mercury vapor lamps/lights are prohibited.

Prior to local development order approval, development plans for buildings within the RPD/CPD must be reviewed by ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 6 and 7.

SECTION C. DEVIATIONS:

1. Deviation (1*) (Connection Separation) seeks relief from the LDC §10-285(a), Table 1, requirement to provide a 660-foot connection separation on an arterial road; to allow 628 feet of separation on Gladiolus Drive. This deviation is APPROVED.

*This deviation was previously approved in the Gladiolus RPD, in Resolution Z-04-43. In an abundance of caution, the Hearing Examiner recommends its approval as part of this rezoning request.

SECTION D. EXHIBITS :

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

- Exhibit A: Legal description
- Exhibit B: Zoning Map (subject parcel identified with shading)
- Exhibit C: Master Concept Plan
- Exhibit D: Indigenous Restoration Plan
- Exhibit E: Landscape Exhibit

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning to RPD/CPD by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.
2. The RPD/CPD rezoning, as approved:
 - a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,
 - b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,
 - c. is compatible with existing or planned uses in the surrounding area; and,
 - d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,
 - e. will not adversely affect environmentally critical areas or natural resources.
3. The RPD/CPD rezoning satisfies the following criteria:
 - a. the proposed use or mix of uses is appropriate at the subject location; and
 - b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and
 - c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.
4. Urban services, as defined in the Lee Plan, 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 Mann made a motion to adopt the foregoing resolution, seconded by Commissioner Hall. The vote was as follows:

Vacant	
A. Brian Bigelow	Nay
Ray Judah	Aye
Tammara Hall	Aye
Franklin B. Mann	Aye

DULY PASSED AND ADOPTED this 7th day of June 2010.

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Marcia Wilson
Deputy Clerk

BY: T Hall
Tammara Hall, Chairwoman



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's

RECEIVED
MINUTES OFFICE
mw
2010 JUN 17 PM 3:09

EXHIBIT A
Legal Description
Property located in Lee County, FL
Page 1 of 6

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED

DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

COMMUNITY DEVELOPMENT

(CPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET TO THE POINT OF BEGINNING; THENCE S.25°14'18"W. FOR 12.93 FEET; THENCE S.45°28'41"W. FOR 45.15 FEET; THENCE S.37°41'02"W. FOR 20.60 FEET; THENCE S.18°12'50"W. FOR 49.13 FEET; THENCE S.18°49'48"W. FOR 39.67 FEET; THENCE S.09°03'50"W. FOR 46.83 FEET; THENCE S.14°50'17"E. FOR 59.82 FEET; THENCE S.18°42'13"W. FOR 35.83 FEET; THENCE S.28°15'16"E. FOR 30.66 FEET; THENCE S.29°10'50"E. FOR 60.46 FEET; THENCE S.56°06'08"E. FOR 3.06 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865) AND THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,307.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.28°25'21"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1,312.39 FEET AND TO WHICH POINT OF CURVE A RADIAL LINE BEARS S.13°40'12"E.; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°06'31" FOR 208.64 FEET; THENCE S.89°37'57"W. ALONG SAID RIGHT-OF-WAY LINE FOR 341.72 FEET; THENCE N.00°22'03"W. FOR 609.97 FEET; THENCE N.89°37'57"E. FOR 666.53 FEET; THENCE S.64°45'42"E. FOR 235.31 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legal Checked
By BA 12-22-09

Richard M. Ritz
RICHARD M. RITZ,
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

SHEET 1 OF 2

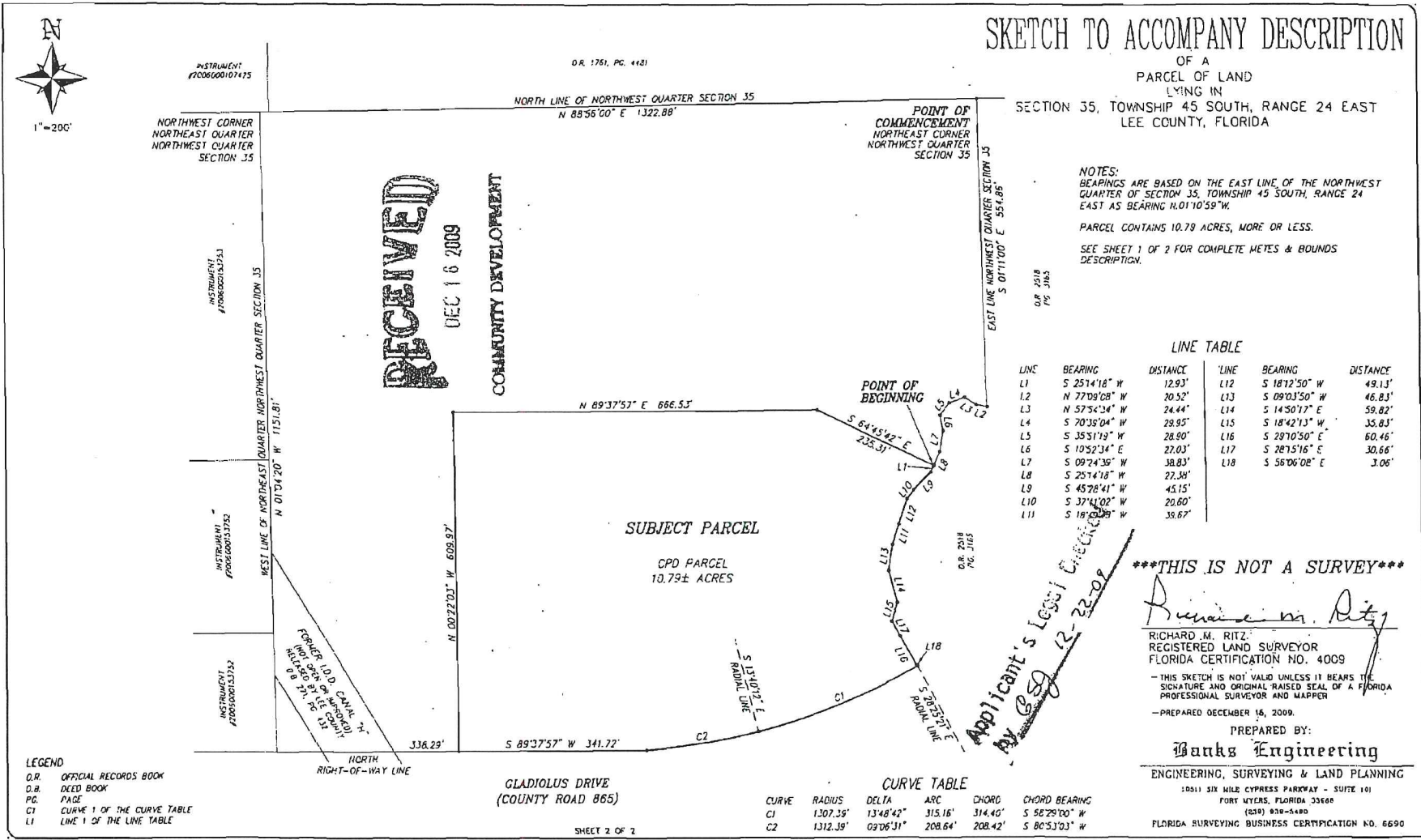
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Fax (941) 360-6918

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

EXHIBIT A

DCI 2009-00005



SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

NOTES:
BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST
QUARTER OF SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24
EAST AS BEARING N.01°10'59\" W.

PARCEL CONTAINS 10.79 ACRES, MORE OR LESS.

SEE SHEET 1 OF 2 FOR COMPLETE METES & BOUNDS
DESCRIPTION.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	S 25°14'18\" W	12.93'	L12	S 18°12'50\" W	49.13'
L2	N 77°09'08\" W	20.52'	L13	S 09°01'50\" W	46.83'
L3	N 57°54'24\" W	24.44'	L14	S 14°50'17\" E	59.82'
L4	S 70°35'04\" W	29.85'	L15	S 18°42'13\" W	35.83'
L5	S 35°51'19\" W	28.80'	L16	S 29°10'50\" E	60.46'
L6	S 10°52'34\" E	27.03'	L17	S 28°51'18\" E	30.66'
L7	S 09°24'36\" W	38.83'	L18	S 58°06'08\" E	3.06'
L8	S 25°14'18\" W	27.34'			
L9	S 45°28'41\" W	45.15'			
L10	S 37°14'02\" W	20.60'			
L11	S 18°12'50\" W	38.67'			

THIS IS NOT A SURVEY

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 DECEMBER 16, 2009.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
10511 SIX MILE CYPRESS PARKWAY - SUITE 101
FORT MYERS, FLORIDA 33688
(889) 839-5480
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	1307.35'	13°48'42\"	315.16'	314.40'	S 82°29'00\" W
C2	1312.39'	09°06'31\"	208.64'	208.42'	S 80°53'03\" W

LEGEND
O.R. OFFICIAL RECORDS BOOK
D.B. DEED BOOK
P.B. PAGE
C1 CURVE 1 OF THE CURVE TABLE
L1 LINE 1 OF THE LINE TABLE

GLADIOLUS DRIVE
(COUNTY ROAD 865)

SHEET 2 OF 2

DCI 2009-00005

Banks Engineering

Professional Engineers, Planners & Land Surveyors
10511 Six Mile Cypress Parkway - Suite 101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

RECEIVED
DEC 18 2009

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

(RPD PARCEL)

A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST, AND BEING FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE S.01°11'00"E. ALONG THE EAST LINE OF SAID FRACTION FOR 554.86 FEET; THENCE N.77°09'08"W. FOR 20.52 FEET; THENCE N.57°54'34"W. FOR 24.44 FEET; THENCE S.70°39'04"W. FOR 29.95 FEET; THENCE S.35°51'19"W. FOR 28.90 FEET; THENCE S.10°52'34"E. FOR 27.03 FEET; THENCE S.09°24'39"W. FOR 38.83 FEET; THENCE S.25°14'18"W. FOR 27.38 FEET; THENCE N.64°45'42" W FOR 235.31 FEET; THENCE S.89°37'57"W. FOR 666.53 FEET; THENCE S.00°22'03"E. FOR 609.97 FEET TO AN INTERSECTION WITH THE NORTH RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (a/k/a COUNTY ROAD 865); THENCE S.89°37'57"W. ALONG SAID NORTH RIGHT-OF-WAY LINE FOR 338.29 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE NORTHEAST ONE-QUARTER (NE¼) OF THE NORTHWEST ONE-QUARTER (NW¼) OF SAID SECTION 35; THENCE N.01°04'20"W. ALONG SAID WEST LINE FOR 1,151.81 FEET TO THE NORTHWEST CORNER OF SAID FRACTION; THENCE N.88°56'00"E. ALONG THE NORTH LINE OF THE NORTHWEST ONE-QUARTER (NW¼) FOR 1,322.88 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 21.75 ACRES, MORE OR LESS.

DESCRIPTION PREPARED DECEMBER 16, 2009.

Applicant's Legals Checked
AV BG 12-22-09

Richard M. Ritz
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4089

SHEET 1 OF 2

S:\Info\16000\SERV\Y\Description\1620_RPD_DESC.dwg

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Port Charlotte Office
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(941) 625-1165
Fax (941) 625-1149

DCI 2009-00005

EXHIBIT A
Page 3 of 6

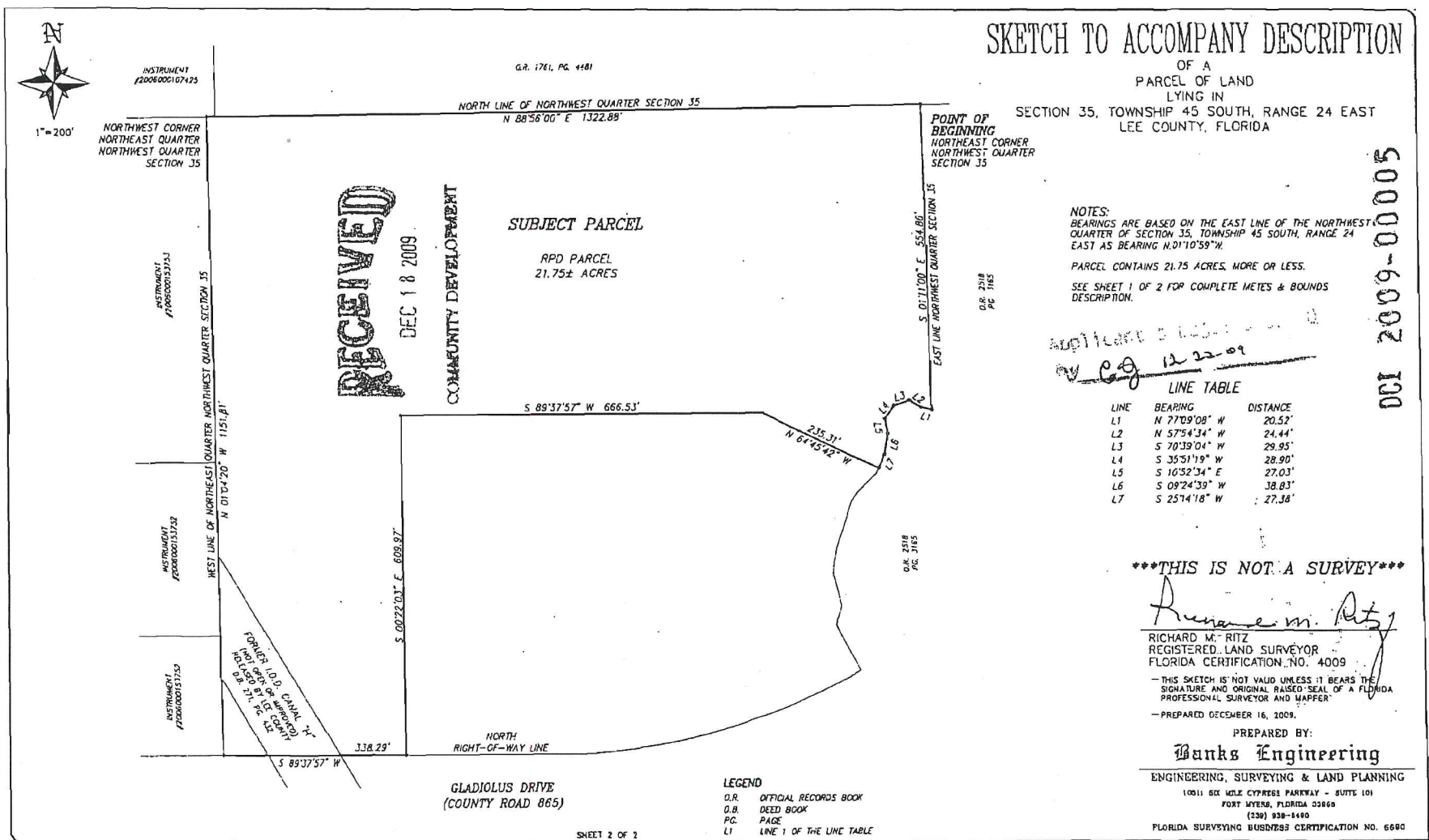
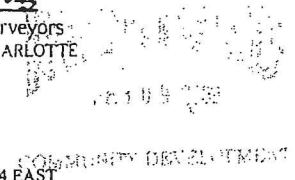


EXHIBIT A
 Page 4 of 6

Banks Engineering

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

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



A PARCEL OR TRACT OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 35; THENCE S.88°56'00"W. ALONG THE NORTH LINE OF SAID FRACTION FOR 1322.88 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION; THENCE S.01°04'20"E. ALONG THE WEST LINE OF SAID FRACTION FOR 1151.81 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF GLADIOLUS DRIVE (COUNTY ROAD 865 - 199.02 FEET WIDE); THENCE N.89°37'57"E. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 680.01 FEET TO AN INTERSECTION WITH A CURVE TO THE LEFT HAVING A RADIUS OF 1312.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.04°33'41"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 9°06'31" FOR 208.64 FEET TO AN INTERSECTION WITH A CURVE HAVING A RADIUS OF 1307.39 FEET AND TO WHICH POINT A RADIAL LINE BEARS S.14°36'39"E.; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 13°48'42" FOR 315.16 FEET; THENCE N. 56°06'08"W. FOR 3.06 FEET; THENCE N.29°10'50"W. FOR 60.46 FEET; THENCE N.28°15'16"W. FOR 30.66 FEET; THENCE N.18°42'13"E. FOR 35.83 FEET; THENCE N.14°50'17"W. FOR 59.82 FEET; THENCE N.09°03'50"E. FOR 46.83 FEET; THENCE N.18°49'48"E. FOR 39.67 FEET; THENCE N.18°12'50"E. FOR 49.13 FEET; THENCE N.37°41'02"E. FOR 20.60 FEET; THENCE N.45°28'41"E. FOR 45.15 FEET; THENCE N.25°14'18"E. FOR 40.31 FEET; THENCE N.09°24'39"E. FOR 38.83 FEET; THENCE N.10°52'34"W. FOR 27.03 FEET; THENCE N.35°51'19"E. FOR 28.90 FEET; THENCE N.70°39'04"E. FOR 29.95 FEET; THENCE S.57°54'34"E. FOR 24.44 FEET; THENCE S.77°09'08"E. FOR 20.52 FEET TO THE EAST LINE OF SAID FRACTION; THENCE N.01°10'59"W. ALONG SAID EAST LINE FOR 554.86 FEET TO THE POINT OF BEGINNING.

BEARINGS ARE BASED ON THE EAST LINE OF THE NORTHWEST QUARTER OF SECTION 35 AS BEARING N.01°10'59"W.

PARCEL CONTAINS 32.54 ACRES, MORE OR LESS.

DCI 2009-00005

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

EXHIBIT A
Page 5 of 6

Applicant's Legal Checked
by CSJ 2-12-09

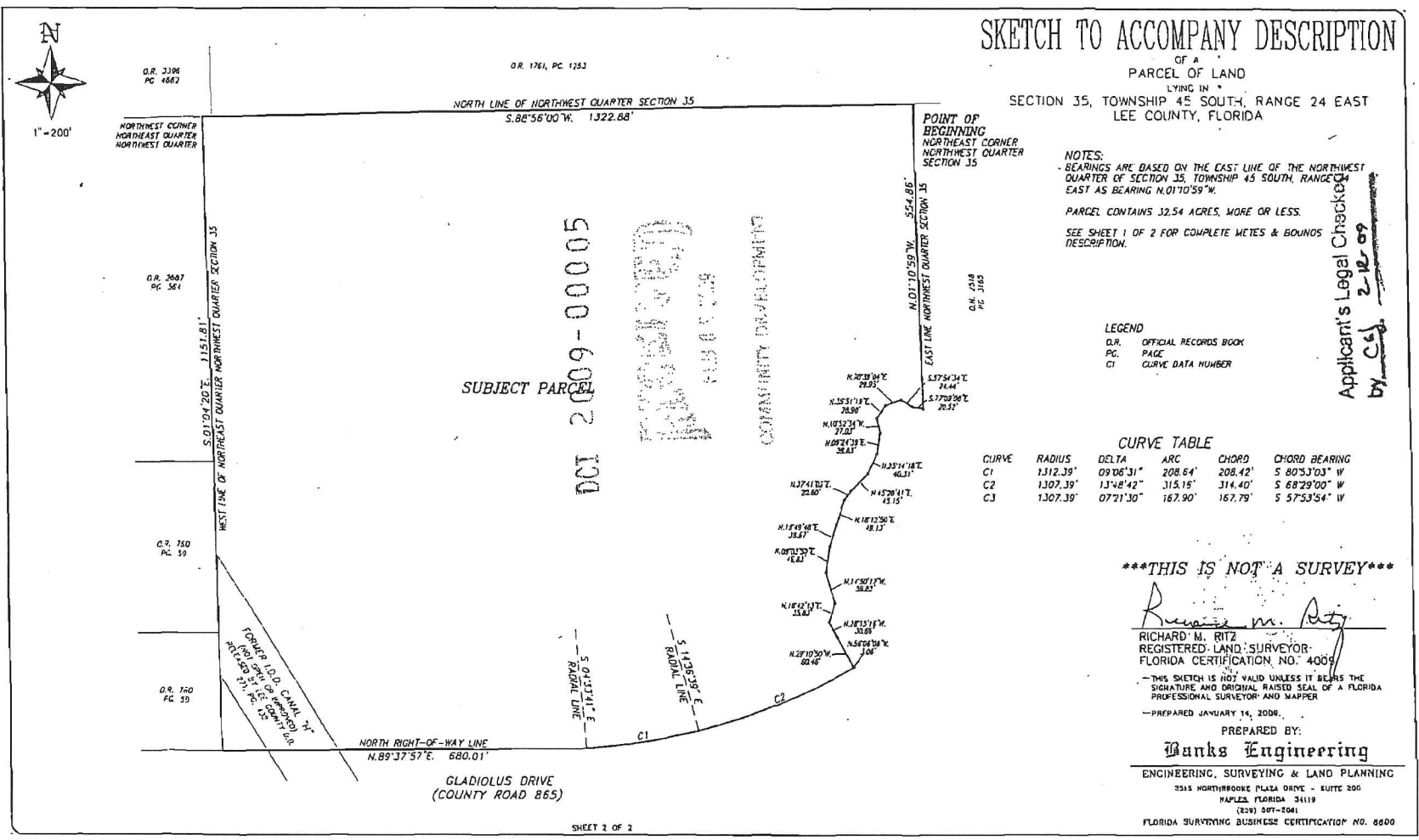
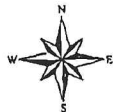
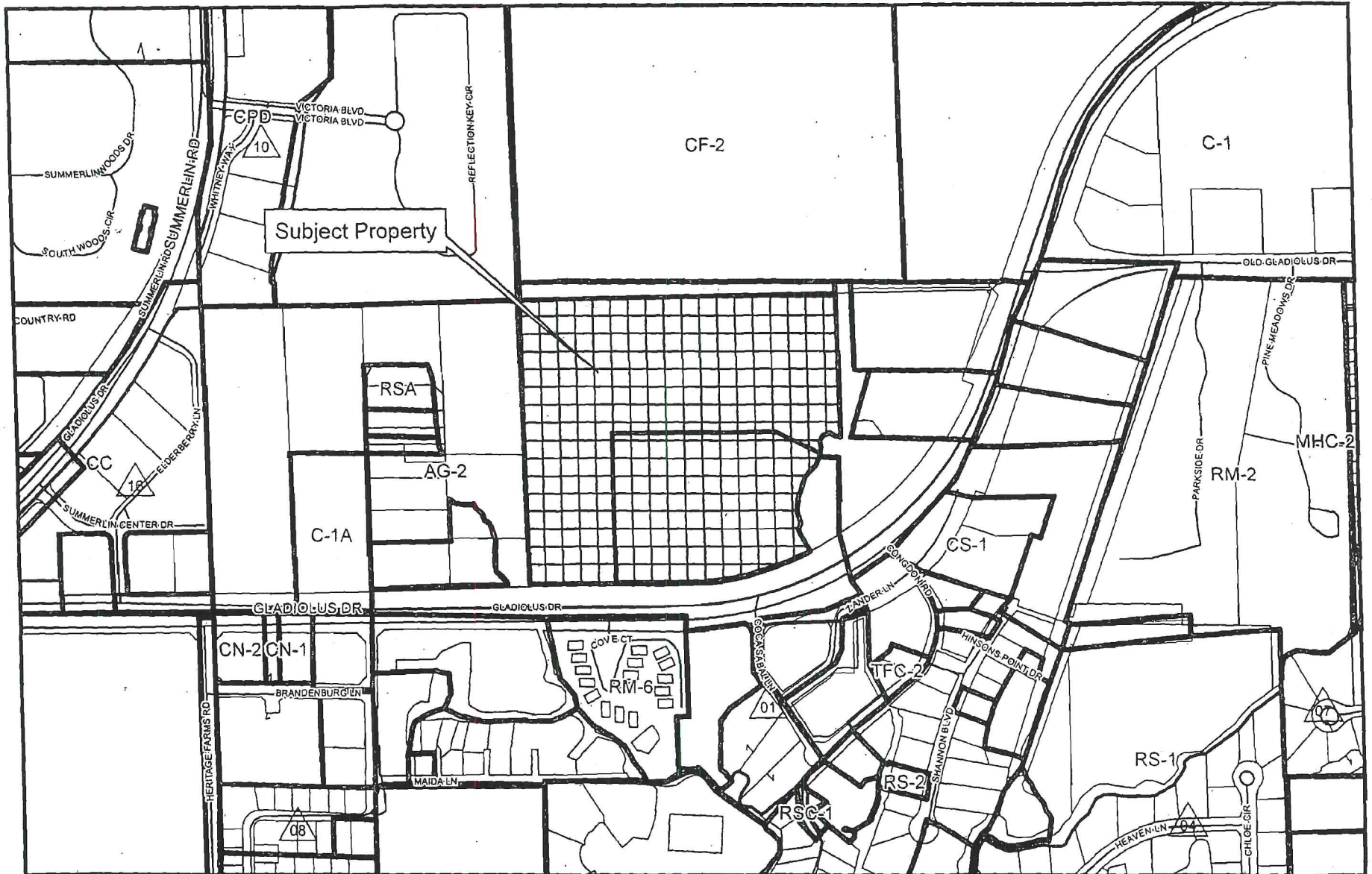


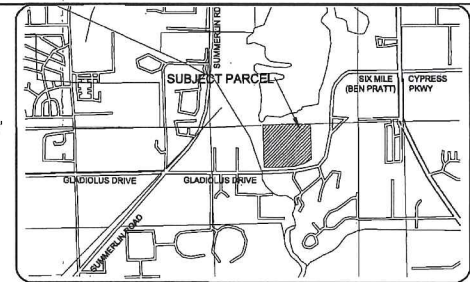
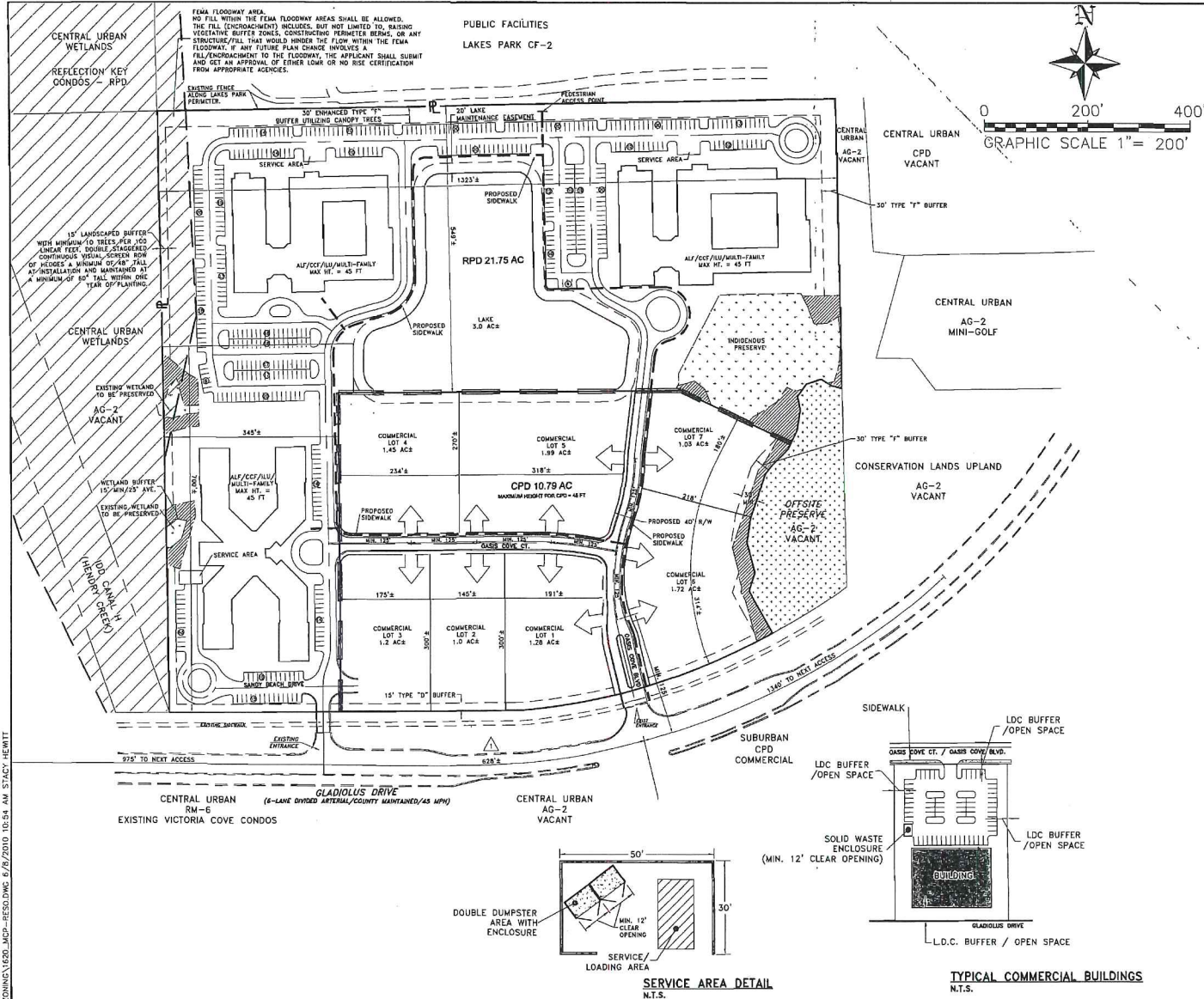
EXHIBIT A
Page 6 of 6

EXHIBIT B
Zoning Map

DCI2009-00005

1/26/2010





SECTIONS 35, TOWNSHIP 45 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
N.T.S.

EXHIBIT C

OPEN SPACE TABLE:
 REQUIRED OPEN SPACE:
 RPD: 40% 21.75 @ 40% = 8.70
 CPD: 30% 10.79 @ 30% = 3.24
 TOTAL REQUIRED: 11.94 AC
 REQUIRED INDIGENOUS: 1.57 AC = (TOTAL INDIGENOUS PRESENT ON SITE)

PROVIDED OPEN SPACE:
 RPD:
 INDIGENOUS VEGETATION
 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN
 11 AC [LDC 10.415(b)(3)a] + 10% CREDIT FOR COMBINING
 WITH OFFSITE PUBLIC PRESERVE [LDC 40-415 (b)(3)b.2.]
 [(1.19 x 1.35) = 1.60 AC
 WETLAND = 0.09 AC
 TOTAL INDIGENOUS = 1.69 AC
 25% PROVIDED BY LAKE = 2.99 AC
 BUFFERS/LAKE MAINTENANCE EASEMENT/FEMA FLOODWAY = 2.61 AC±
 RESTORATION AREAS = 0.46 AC
 ADDITIONAL OPEN SPACE = 2 AC
 TOTAL OPEN SPACE PROVIDED WITHIN RPD: MINIMUM 9.75 AC/CR
 CPD:
 MINIMUM 30%/3.24 AC
 RESTORATION AREAS = 0.21 AC
 BUFFERS AND OTHER OPEN SPACE = 3.03 AC
 TOTAL OPEN SPACE PROVIDED = MINIMUM 12.99 AC/CR

RECEIVED
 JUN 08 2010

COMMUNITY DEVELOPMENT

LEGEND:
 - - - = PROPOSED SIDEWALK
 [Pattern] = INDIGENOUS PRESERVE
 [Pattern] = RESTORATION AREAS
 Δ = SPECIAL CONDITION/DEVIATION

Approved as Exhibit C
 MCP Page 1 of 2
 Resolution # Z-10-009

DCI 2009-00005
 EXHIBIT H-3.C

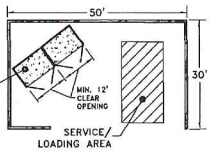
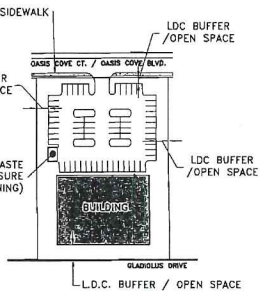
MASTER CONCEPT PLAN
OASIS COVE A.K.A. GLADIOLUS RPD
 LEE COUNTY, FLORIDA

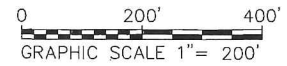
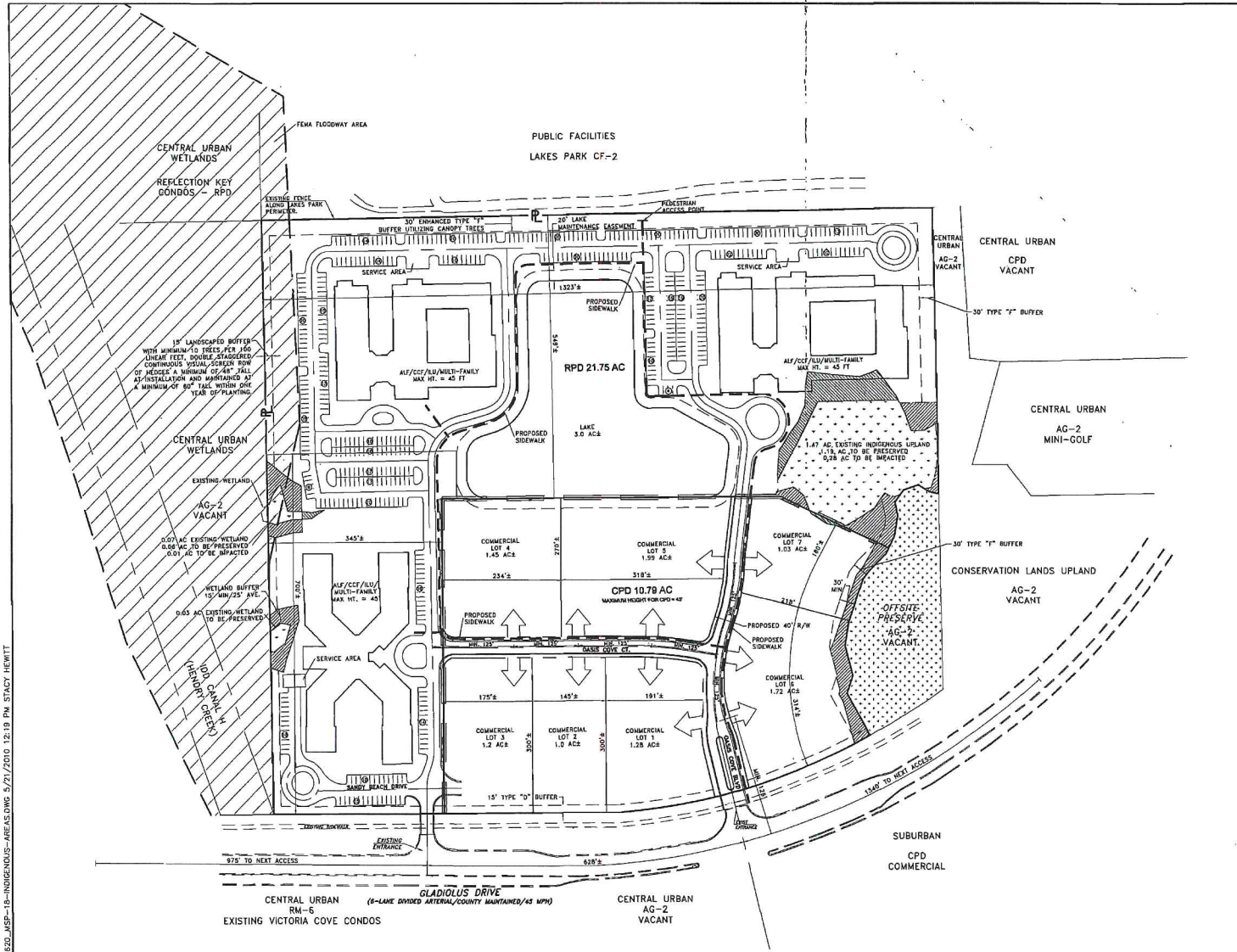
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF
11/25/08	1620	MCP	DRU	MJK	DRU	1" = 200'	1	1

S:_0605\1620\ZONING\1620_MCP-RESO.DWG 6/8/2010 10:54 AM STACY HEWITT

PREPARED FOR: BECK GROUP OF FT MYERS LLC 436 BAYFRONT PL NAPLES, FL 34102 PHONE: (239) 848-8700 FAX: (239) 434-6225		NO. 1 DATE REVISION DESCRIPTION BY
--	--	---

Banka Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS ♦ PORT CHARLOTTE ♦ SARASOTA
 1001 W. GOLF COURSE PARKWAY - SUITE 101
 FORT MYERS, FLORIDA 33912
 PHONE: (239) 322-2200 FAX: (239) 339-3333
 INDIGENOUS DIVISION # 6462
 SAFETY LICENSE # 61460
 www.bankainc.com





LEGEND:

- 1.28 AC INDIGENOUS VEGETATION PROVIDED
- 1.19 AC UPLAND AREA x 1.25 CREDIT FOR MORE THAN 1 AC [(100-10+100)/100] = 10% CREDIT FOR COMBINING WITH OFFSITE PUBLIC PRESERVE (LUC 40-415 (b)(3)(B)-2.) (1.19 x 1.15) = 1.60 AC WETLAND = 0.09 AC TOTAL INDIGENOUS = 1.69 AC
- 0.29 AC INDIGENOUS AREAS TO BE IMPACTED (0.28 UPLAND)
- 0.87 AC INDIGENOUS CREATION / RESTORATION *

INDIGENOUS CREATION / RESTORATION
 * THESE AREAS ARE CURRENTLY DOMINATED BY EXOTICS WITH VERY WIDELY SCATTERED NATIVE SPECIES. ALL WOODY EXOTIC VEGETATION WITHIN THE RESTORATION AREAS WILL BE CUT BY HAND JUST ABOVE NATURAL GRADE AND THE STUMP TREATED WITH AN APPROPRIATE HERBICIDE CONTAINING AN INDICATOR DYE. TREATMENT WILL OCCUR IMMEDIATELY FOLLOWING CUTTING TO ENSURE MAXIMAL UPTAKE OF THE HERBICIDE. THE REMAINING VEGETATIVE MATERIAL WILL BE REMOVED FROM THE PRESERVE AND DISPOSED OF AT AN UPLAND LOCATION IN ACCORDANCE WITH ALL APPLICABLE LOCAL, REGULATORY, AND STATE REQUIREMENTS. NATIVE PLANTS WILL BE INSTALLED. THIS WILL CONSIST OF SIX FEET TALL TREES (CABBAGE PALM, SLASH PINE, AND LAUREL OAK) 120 FEET ON CENTER, ONE GALLON SHRUBS (SUCH AS MYRTINE, WAX MYRTLE, WHITE STOPPER, GOOD PLUM, AND WHITE WOOD BERRY) FIVE FEET COVER, AND ONE GALLON GROUND COVER (SUCH AS BUSHY BLUESTEM, LOWGRASS SAW PALMETTO, AND SAND CROPPERS) THREE FEET CENTER. CABBAGE PALMS INSTALLED IN THESE AREAS MAY INCLUDE CABBAGE PALMS RELOCATED FROM ON-SITE DEVELOPMENT AREAS. WHERE EXISTING NATIVE PLANTS LOCATED WITHIN THE RESTORATION AREAS AFTER THE EXOTICS HAVE BEEN REMOVED WILL CONTINUE TO BE MAINTAINED. NATIVE PLANTS RELOCATED FROM ON-SITE DEVELOPMENT AREAS TO THE RESTORATION AREAS ADJACENT TO COMMERCIAL LOTS 6 AND 7 WILL BE USED TO MEET THE LEE COUNTY LAND DEVELOPMENT CODE REQUIREMENTS FOR THE TYPE 'T' BUFFER.

RECEIVED

JUN 08 2010

COMMUNITY DEVELOPMENT

Approved as Exhibit D
 MCP Page 2 of 2
 Resolution # 2-10-009

DCI 2009-00005

EXHIBIT D

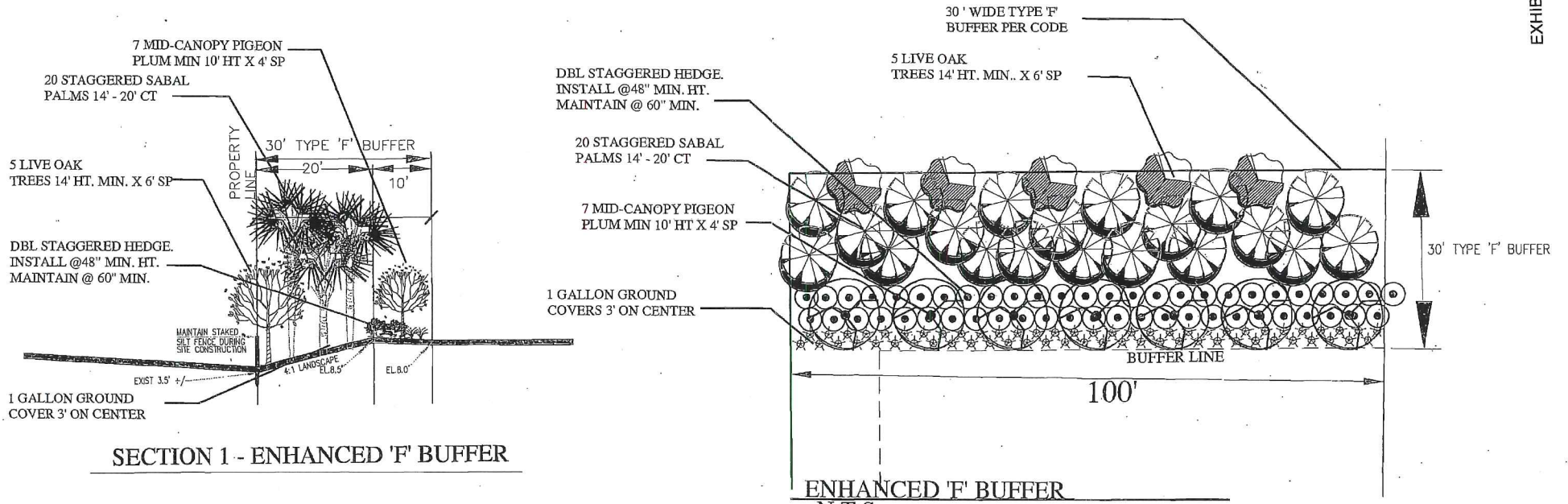
PREPARED FOR:
BECK GROUP OF FT MYERS LLC
 436 BAYFRONT PL
 NAPLES, FL 34102
 PHONE: (239) 646-8700
 FAX: (239) 434-6225

NO.	DATE	REVISION DESCRIPTION	BY
1	06/16/09	REVISE PERMITS SUBMIT FOR CONSULTATION WITH DEP	SEB
2	06/17/09	REVISE LAYOUT TO MATCH RFP	SEB
3	06/17/09	1% CORRECT	SEB
4	06/17/09	END REVISIONS SUBMITTAL	SEB
5	06/17/09	REVISION DESCRIPTION	SEB

Banks Engineering
 Professional Engineers, Planners, & Land Surveyors
 FORT MYERS • FORT CHARLOTTE • SARASOTA
 1001 W. W. BAKER PARKWAY - SUITE 40
 FORT MYERS, FL 33901
 PHONE: (239) 939-2443 FAX: (239) 438-2333
 CHARLOTTE OFFICE: (704) 241-1111
 SARASOTA OFFICE: (941) 552-9944
 WWW.BANKSINC.COM

INDIGENOUS RESTORATION PLAN (EXHIBIT D-7-Y) OASIS COVE A.K.A. GLADIOLUS RPD LEE COUNTY, FLORIDA										
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF		
10/16/09	1620	MCP	DRU	SDW	ORU	1" = 200'	1	1		

S:\VDP\1620\1620\CONNA\1620_MSP-18-INDIGENOUS-AREA.DWG, 5/21/2010 12:19 PM, STACY HEWITT



SECTION 1 - ENHANCED 'F' BUFFER

ENHANCED 'F' BUFFER

- N.T.S.
- TYPICAL 100'
 - 5 CANOPY TREES PER 100 L.F. - 14' MIN. HT X 6' SP.
 - 7 MID-CANOPY TREES PER 100 L.F. - 10' MIN HT X 4' SP
 - 20 SABAL PALMS PER 100 L.F. - 14' - 20' CT,
 - 50-10 GAL SHRUBS PER 100 L.F. - 48" MIN. AT PLANTING, MAINTAIN @ 60" MIN.
 - 67 1 GALLON GROUND COVERS 3' ON CENTER

PAUL KLENS LANDSCAPE ARCHITECTURE HEREBY RESERVES ITS COMMON LAW COPYRIGHT. THE IDEAS, DESIGNS AND PLANS CONTAINED HEREIN ARE NOT TO BE REPRODUCED OR USED WITHOUT THE EXPRESS WRITTEN CONSENT OF PAUL KLENS LANDSCAPE ARCHITECTURE.

PAUL J. KLENS, R.L.A.
 REG. # LA-0001619
 MARCH 9, 2010

	title: _____	title: _____	designer: PJK	acad #: _____	date: _____	sheet no: 1/1
	727 GLENDALE AVE NAPLES, FLORIDA 34110 239 / 514-7209 239 / 594-8846 FAX	title: _____	project manager: PAUL J. KLENS, RLA	project #: 09012	revisions: _____	
	BANKS ENGINEERING 10311 Six Mile Cypress Pkwy Fort Myers, FL 33966 (239) 939-5490	checked - date / by: _____ DATE	scale: AS NOTED	approved for: DISCUSSION	view: LIMITS	
	project location: LEE COUNTY, FLORIDA	approved for: _____	view: _____	view: _____	view: _____	

LEE COUNTY, FLORIDA
ZONING DIVISION
Administrative Interpretation

TYPE OF CASE: Administrative Interpretation for Oasis Cove RPD/CPD
Zoning Resolution Z-10-009

CASE NUMBER: ADD2012-00077

Exhibit C

APPLICATION SUMMARY:

Applicant: Charles J. Basinait

Location: The subject property is located at 7210 Congdon Road and 7650 Gladiolus Drive, in S35-T45-R24, Lee County, FL. (District #2)

Request: Interpretation of Condition #1 of Resolution Z-10-009 regarding the types of units that could be developed and density ratio confirmation for Assisted Living units (ALF), Continuing Care Facility (CCF) and Independent Living Units (ILU).

Discussion:

This request for an interpretation is a two part request. The first part relates to Condition #1 of Resolution Z-10-009 and is in regards to the types of units that could be developed. The second part is confirmation of density ratios for various types of units.

Part #1

In reviewing the written record, the wording of Condition 1 was not an issue of controversy or much substantive discussion. It was generally agreed by all parties that a residential use, including all forms of assisted living products, was consistent with the Lee Plan, compatible with all surrounding uses, including Lakes Park, and raised no issues with concurrency such as traffic impacts or availability of utilities. Issues such as public safety and the Coastal High Hazard Zone were addressed through conditions, upon which there was agreement and consensus between the applicant and staff.

The condition in question reads, "The RPD is limited to a maximum of 190 multi-family dwelling units, or a maximum of 160 units of ALF/CCF units, plus a maximum of 300 ILU units, or any combination of ALF, CCF, or ILUs, so long as the project density does not exceed 190 standard dwelling units on 21.75 +/- acres of land." This is consistent with the recommendation of the staff report and the Hearing Examiner recommendation.

During the sufficiency process and drafting of the staff report the applicant and staff discussed the mix of assisted living products. The residential density the applicant proposed was +/- 8.7 units per acre, slightly under the maximum allowed 10 units per acre (with no bonus density) in the Central Urban Future Land Use category. This equates to 190 standard dwelling units. A maximum of 160 ALF/CCF units plus 300 ILU units equates to 190 standard dwelling units for example. Staff agreed that the mix of dwelling units was not a substantive issue and drafted a condition to allow a maximum of flexibility. The 160 ALF/CCF and 300 ILU units was meant to serve as an example of a mix of units which would be permitted under this zoning resolution. The mix of units could include all ILU units, all ALF/CCF units, or any combination. Thus the language "any combination of ALF, CCF or ILU, so long as the project density does not exceed 190 standard dwelling units" was included specifically to provide maximum flexibility in

the mix of assisted living products. Any mix of these products would be permitted, given compliance with the LDC as determined during the Development Order process and adherence to the conditions per Z-010-009.

Part #2

This part is for confirmation of density for the various types of units approved by Resolution Z-10-009. The types of units approved were for Assisted Living Facilities (ALF), Continuing Care Facilities (CCF) and Independent Living Units (ILU).

Density equivalents for these uses are provided in the following sections from the LDC:

Sec. 34-1494 (b). Density equivalents.

1) Where health care, social service, adult living facilities (ALF), continuing care facilities, or other "group quarters" (df) are provided in dwelling units, wherein each unit has its own cooking facilities, density equivalents will be calculated on a 1:1 ratio.

(2) Except as may be specifically set forth elsewhere in this chapter, where health care, social service, adult living facilities (ALF), continuing care facilities (CCF), or other "group quarters" (df) are provided in dwelling units or other facilities wherein each unit does not have individual cooking facilities and where meals are served at a central dining facility or are brought to the occupants from a central kitchen, density equivalents will be calculated at the ratio of four people equals one dwelling unit.

Sec. 34-1414. Continuing care facilities.

(c) Density. Density equivalents for a continuing care facility will be calculated for any assisted living facility units and nursing beds pursuant to division 12, subdivision II, of this article, and for independent living units on the basis of two independent living units equal to one residential dwelling unit.

This section provides criteria that must be met to be a CCF and if these criteria are met density may be calculated on the basis of two independent living units equal one residential dwelling unit.

- (1) A continuing care facility must provide housing for older persons pursuant to title VII USC.
- (2) A continuing care facility must provide full common dining facilities on the site. Individual units may be equipped with kitchens, but an average of at least one meal a day must be provided by the continuing care facility for all residents.
- (3) A continuing care facility must incorporate one or more resident services on the site, such as banking facilities, barbershops or beauty shops, pharmacies, and laundry or dry cleaning.
- (4) A continuing care facility must provide a shuttle bus service or similar transportation service for residents.

The term Memory Care Assisted Living Units (MCALU) is not a defined use in the Land Development Code (LDC). The description in your letter dated July 10, 2012 states the MCALU will not have individual kitchens but may have a kitchenette with a microwave, a small refrigerator and a cook top – none with requires a 220 volt outlet. The MCALU will have a central kitchen and serve 3 meals a day. Based on this description, the most similar use to a MCALU in the LDC is ALF which is defined as:

"a residential land use, licensed under chapter 58A-5, Florida Administrative Code, which may be a building, a section of a building, a section of a development, a private home, a special boarding home, a home for the aged or similar place, whether operated for profit or not, which undertakes

through its ownership or management to provide, for a period exceeding 24 hours, housing and food service plus one or more personal services for four or more adults not related to the owner or administrator by blood or marriage. A facility offering services for fewer than four adults may be within the context of this definition if it advertises to or solicits the public for residents or referrals and holds itself out to the public as an establishment providing such services. These facilities are not synonymous with the term "nursing home." For purposes of this definition only, the term "personal services" means assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, restoration therapy and assistance with securing health care from appropriate sources."

Based on these descriptions, the density would be calculated at 4 ALF units equals one dwelling unit. There is no unit size requirement.

The term Congregate Care Facilities also is not defined in the LDC. Your letter described this use as units that will have individual kitchens but will have a central kitchen associated with the facility serving 3 meals a day. This is a similar use to a CCF. The LDC defines CCF as:

"a facility, licensed under F.S. ch. 651, which must be developed as a planned development (PD), which undertakes through its ownership or management to provide housing and food service to adult residents. The facility must meet the criteria for exemption from the Fair Housing Act Amendments of 1988, title VII USC."

Your letter further states a Congregate Care Facilities is not required to have a state license however it has many attributes of a CCF. The facility will provide housing for older residents pursuant to Title VII USC and will include services for the residents such as banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. A CCF is required to be licensed under F.S. ch. 651 and must be in a planned development zoning.

Sec. 34-620 of the LDC provides a mechanism for addressing such instances where a proposed use is not specifically listed in the use activities groups or in any of the use regulation tables based upon the placement of a similar listed uses. Section 34-933 goes on further to state, "Uses that are not specifically listed in Section 34-934 may also be permitted if, in the opinion of the director, they are substantially similar to a listed permitted use". The Director is authorized to determine that uses that are not specifically listed in the use activity groups or in any of the use regulation tables are permitted by right or by special exception in a particular zoning district based upon the placement of similar listed uses in the various districts.

Based on the description of the Congregate Care Facilities in your letter, the uses are similar to a CCF. The density for a CCF is two independent living units equal to one residential dwelling unit.

Your letter also defines a villa product that will have all the attributes of an independent living facility. The homes would be duplex format with individual kitchens. The residents would have access to the Congregate Care Facility with regard to the central kitchen, banking facilities, barbershops, beauty shops, pharmacies, laundry and dry cleaning facilities. The LDC defines ILU as

"a unit which is authorized only as a part of a licensed continuing care facility (CCF), which may be equipped with a kitchen."

Based on this description, the density would be calculated at two independent living units equal to one residential dwelling unit. There is no unit size requirement.

Findings and conclusions:

Part #1

Upon reviewing the written record, the language of Condition 1 was not an issue of controversy. The

developer could construct any combination of ALF, CCF or ILU units so long as the project density does not exceed 190 standard dwelling units. The applicant is correct in their interpretation of this condition.

Part #2

Based on the above findings, the density for each type of unit is as follows:

- Assisted Living Facility (Memory Care Assisted Living Unit, as described herein) - 4 ALF units equals one dwelling unit.
- Continuing Care Facility (Congregate Care Facility) - two independent living units equal to one residential dwelling unit.
- Independent Living Units (Villa product) - two independent living units equal to one residential dwelling unit.

Please be advised that the information provided herein is based on current regulations and may be subject to change as ordinances are enacted or amended.

Should you have further questions, please do not hesitate to contact our office.

DULY SIGNED this 10th day of August, A.D., 2012.

BY: Nettie Richardson
Nettie Richardson, Principal Planner
Department of Community Development
Zoning Division

cc: zoning file
Billie Jacoby
Tony Palermo, AICP



Exhibit D Professional Engineers, Planners & Land Surveyors

Avida

(f/k/a Oasis Cove RPD/CPD)

Administrative Amendment to Planned Development

Narrative of Request

Background

The applicant is requesting an administrative amendment to the approved Oasis Cove Residential Planned Development (RPD) and Commercial Planned Development (CPD), a 32.54± acre project located on the north side of Gladiolus Drive approximately 1,750 feet south of its intersection with Old Gladiolus Drive. The subject property is located in the Central Urban future land use category within the South Fort Myers Planning Community.

The current approval (Z-10-009) allows for 190 multi-family dwelling units, or a maximum of 160 units of assisted living facility (ALF)/continuing care facility (CCF), plus a maximum of 300 independent living units (ILU), or any combination of ALF, CCF, or ILU, so long as the project density does not exceed 190 standard dwelling units on 21.75± acres of land within the RPD. The CPD allows for a maximum of 100,000 square feet of commercial, including a maximum of 25,000 square feet of retail.

Request Summary

The applicant is seeking to administratively amend the planned development to allow for the following:

- Update the master concept plan to accommodate the revised site layout:

The applicant purchased the property on July 29, 2015 and has revised the proposed site layout—The master concept plan has been revised to demonstrate relocation of the proposed lake, reconfiguration of the proposed buildings and accessways within the RPD portion of the site, and reconfiguration of the lots and accessways within the CPD portion of the site. The development of the RPD and CPD will remain under unified control. The development will provide land leases in lieu of selling off parcels and will maintain unified

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ownership. The master concept plan demonstrates the required parking for the RPD area located within the RPD. The master concept plan demonstrates overflow parking in the CPD area that will be accessible to either the RPD or the CPD, given the unified nature of the development. The CPD has been revised from 7 lots to 5 lots. There are no proposed changes to external access points or perimeter buffers.

- Revise property development regulations for waterbody setback and building separation:

The property development regulations are proposed to be revised to accommodate the new site layout as follows:

RPD for all uses:

- Setbacks: Water body: 20 feet or 0 feet where bulkheads or other hardened shoreline structures are provided and
- Minimum building separation: 10 feet for single-story buildings and 20 feet all other buildings.

- New deviation requests that are internal to the site and required as a result of the revised site layout and property development regulations and to provide clarification of the proposed overall unified development plan of both the RPD and CPD:

There is one existing deviation for the project for access connection separation that was previously approved and is proposed to remain. In order to accommodate the revised site layout and to clarify the unified development plan, the applicant has included 5 new deviation requests as outlined in the attached schedule of deviations and justifications. A summary of the deviations follows:

Deviation 2 is from LDC Section 34-935(b)(1) to allow a 0 foot perimeter setback for the RPD and CPD zoning lines

Deviation 3 is from LDC Section 10-416(d)(1) to allow no buffer between the RPD and CPD zoning districts

Deviation 4 is from LDC Section 34-935(e)(4) to allow for a minimum building separation of 10 feet for the proposed single-story buildings and a minimum building separation of 20 feet for all other development

Deviations 5 and 6 are both to allow for a minimum waterbody setback of 0 feet where bulkheads or other hardened shoreline structures are provided and 20 feet for the remainder of the lake perimeter

- Deviation 5 is from LDC Section 34-2194(b)
- Deviation 6 is from LDC Section 10-329(d)(1)a

Although a deviation was not previously requested and approved to allow no buffering between the RPD and CPD zoning lines, no buffers were shown on the approved master concept plan. The applicant has included a deviation to clarify that no internal buffering is required to accommodate the seamless, unified development plan.

- Request to amend the schedule of uses to add three uses that are similar in nature and intensity to those uses already permitted and update reference to renumbered CPD lots for existing Hope Hospice use:

The applicant is proposing to amend the schedule of uses for the CPD to add three uses and revise an existing use as follows:

- Add the following uses:
 - o Amphitheater
 - o Farmer's Market/Open Air Market
 - o Health Care Facilities, Group II, Limited to lots 1, 4 and 5. Limited to 50 beds
- Revise the following use to accommodate revised site layout:
 - o Hospice, Limited to lots 5 and 6 1, 4 and 5. Limited to 50 beds.

These uses are similar in nature and intensity to those uses already permitted on the site. The revised site layout reduced the CPD lots from 7 to 5. The previous lot 5 has been deleted due to the new lake layout and previous lot 6 has now been renumbered to lot 4 and the previous lot 7 has now been renumbered to lot 5.

- Remove previously approved impact to wetland and minor adjustment and increase in indigenous restoration/creation areas with updated Indigenous Restoration Plan exhibit and updated open space table:

The revised site layout also resulted in the preservation of the previously impacted 0.01 acre wetland on the western portion of the site. To accommodate the preservation of the wetland, the indigenous restoration/creation areas have been revised to provide an upland buffer around the preserved wetland. This revision has resulted in a proposed relocation of some of the creation/restoration areas resulting in a net increase in indigenous area. The attached revised Indigenous Restoration Plan depicts the 0.02 acre previously approved creation/restoration area that is proposed to be relocated and replaced with 0.1 acre of upland creation/restoration. This revision results in an increase of 0.8 acre of indigenous creation/restoration. An exhibit demonstrating these changes, as well as a revised Indigenous Restoration Plan exhibit are attached.

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the interior of the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area). This section of the code further specifies that "the Director may not approve a change that will result in the substantial underutilization of public resources and public infrastructure committed to the support of the development." In addition, this section provides that "the Director may not approve changes that will result in a reduction of total open space, buffering, landscaping and preservation areas or that will adversely impacts on surrounding land uses."

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). The request is simply to accommodate the revised site layout and unified development plan for the RPD and CPD zoning districts. The request is specific to portions of the development located in the interior of the planned development. The request does not include any change to the allowable intensity so it will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas, and will in fact increase the preservation areas. The proposed amendment will not adversely impact surrounding land uses. The requested amendment is the minimum necessary to the already approved planned development to allow the project to proceed with development.

Conclusions

The request increases development potential and economic viability of the site by adopting the new site design. The request will not increase height, density or intensity. The request will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development. The request will not result in a reduction of total open space, buffering, landscaping or preservation areas and will not adversely impact surrounding land uses. The proposed amendment is the minimum necessary to the approved planned development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC. For these reasons, the applicant respectfully submits that this minor administrative amendment request should be approved.



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: May 16, 2016
To: Nettie Richardson, Principal Planner
From: Beth Workman, Environmental Planner
239.533.8793
EWorkman@leegov.com
Subject: Avida (f/k/a Oasis Cove)
ADD2016-00011

Exhibit F

The applicant has submitted an Administrative Amendment (ADD) to the Residential and Commercial Planned Development to revise the layout of the lake, buildings, and access ways resulting in some changes to the open space.

The original zoning (Z-10-009) required a total of 12.99 acres of open space per Condition 18. The changes being requested as part of the subject ADD will not change this condition. However, the amount of open space being used from the lake, the restored indigenous, wetland and upland indigenous are all changing due to the layout reconfiguration.

OPEN SPACE CHANGES

The various components that make up the open space have changed slightly due to the reconfiguration of the site plan. Some acreages have increased and some of decreased. The following states what was previously approved as part of Z-10-009, what is being proposed, and the difference.

The lake was originally claiming 2.99 acres of open space and now is using 2.39 acres (-0.60 acres) since the proposed lake acreage has been reduced. The upland indigenous remains at 1.19 with 125% credit and 10% additional credit yielding 1.60 acres of upland indigenous with credits. The wetland indigenous changed from 0.09 acres to 0.10 acres (+0.01). The buffers/lake maintenance easement/FEMA flood has been reduced from 2.51 acres to 2.06 acres (-0.45 acres). The restoration area has increased from 0.46 acres to 0.53 acres (+0.07). The additional open space has also increased from 2.00 acres to 3.07 acres (+1.07). The result of the revisions is consistent with the 9.75 acres of open space with credits that was previously approved for the RPD portion of the project.



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

The following is the strike-thru and underline to Condition 19. Indigenous Preservation:

Prior to local development order approval:

- a. Development order plans must depict preservation in substantial compliance with the following:
 - (1) A minimum 1.19 acres existing pine-mesic upland (minimum 1.6 acres with credits taken); and
 - (2) A minimum ~~0.09~~ 0.10 acre existing marsh wetland; and
 - (3) A minimum ~~0.67~~ 0.74 acre indigenous creation/restoration area to provide minimum 15 foot, average 25 foot wide upland buffers to the on-site wetland preserves and off-site conservation lands.
- b. Landscape plans must depict the indigenous creation/restoration areas to be planted per the approved Indigenous Restoration Plan attached to this resolution as Exhibit D ~~-7-Y~~.
- c. an Indigenous Management Plan for the indigenous preservation and creation/restoration areas meeting the requirements of LDC 10-415 (b)(4) must be submitted for ~~of~~ Development Services Environmental Sciences (ES) staff review. The Indigenous Management Plan must include a map showing the mechanical and hand removal areas to be cleared of exotics.

ADDITIONAL CONDITION CHANGES

In addition to the changes to the indigenous conditions, ES zoning staff proposes the following changes to Condition 24 by adding (d) and condition 25:

Condition 24 – Migratory and Wading Bird

- b. Except as provided herein, parking lot lamps on all parcels must be hooded or globed and must not exceed 20 feet in height. Parking lot lamps may not exceed 16 feet in height within the RPD parcel if located between residential buildings structures and north property line abutting Lakes Park and within CPD Lots ~~6 4~~ and ~~7 5~~, if located between commercial buildings and the east property line abutting the off-site County owned preserve; and
- d. ~~Prior to local development order approval~~ architectural sheets showing the development order plans buildings within the RPD/CPD must be reviewed by Development Services ES staff for the utilization of window and architectural treatments to reduce or break up window panel reflection in order to decrease the potential of bird strikes. Examples of acceptable window and architectural treatments may include the use of non-reflective tinting, ultraviolet reflective decals, exterior sun shades, smaller windows, window



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

awnings or similar treatments. This condition is applicable to the window and door panels on the northern building facades facing Lakes Park within the RPD parcel and on the eastern building facades facing the offsite County owned preserve within the CPD parcel Lots 64 and 75.

25. Prior to the Issuance of a Certificate of Compliance for all buildings facing Lakes Park and the offsite County preserve to the east, the bird strike prevention mechanism approved as part of the development order must be found sufficient by the Development Services ES staff landscaping inspector.

NEW DEVIATIONS

The applicant has request two new landscape deviations from Chapter 10. Deviation 3 is being requested from LDC 10-416(d)(1) requiring a buffer around the entire perimeter of a proposed development whenever the proposed development abuts a different use to allow no buffer between the RPD and CPD due to the entire project remaining under unified control through a property association agreement.

ES zoning staff approve this deviation request because the deviation applies internally to the site and will not affect the public.

Deviation 7 is being requested to deviate from LDC 10-418(3) that states hardened shorelines are limited to 20% of the lake shoreline to allow 40% of the lake shoreline to be hardened. The applicant states that the design of the vehicular network takes the roadways around the lake providing scenic views so the 40% hardened shoreline is necessary. Compensatory littoral plant shelves will be installed in the 20 foot littoral shelf as part of the lake littoral shelf instead of a five foot wide compensatory shelf.

ES zoning staff approve this deviation request because of the localization of the littorals that will be easier to maintain and have a larger area to spread and filter.

Exhibit G

Richardson, Nettie

From: Stacy Hewitt [SHewitt@BanksEng.com]
Sent: Tuesday, July 26, 2016 10:09 AM
To: Richardson, Nettie
Cc: Tom Lehnert; Charles "Chuck" Basinait, Esquire (charles.basinait@henlaw.com); Houck, Pamela; Ennis, Audra
Subject: Avida (f/k/a Oasis Cove) - ADD2016-00011
Attachments: ADD2016-00011 RESO.pdf; asce24_highlights_dec2010.pdf

Nettie,

Pursuant to the meeting Friday, please accept the below language as a proposed text amendment to add the following proposed condition 26 to the attached ADD2016-00011:

Add New Condition 26:

26. Building Height for this development will be measured from the minimum required flood elevation pursuant to Florida Building Code Section 1612.4.

This request is intended to clarify the measurement of height pursuant to LDC Section 34-2171(a)(1), which states that height of a building is the vertical distance from the minimum required flood elevation. The minimum required flood elevation is determined by Florida Building Code Section 1612.4, provided below:

1612.4 Design and construction.

The design and construction of buildings and structures located in flood hazard areas, including coastal high hazard areas, shall be in accordance with Chapter 5 of ASCE 7 and with ASCE 24.

Attached please find the Highlights of ASCE 24-05, of which page 4 contains the table determining the minimum required flood elevation. LDC Section 34-2171(a)(1) is also provided below for reference:

Subdivision II. - Height

• **Sec. 34-2171. - Measurement.**

- (a) Except as provided in this subdivision, the height of a building or structure is measured as the vertical distance from grade* to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, and to the mean height level between eaves and ridge of gable, hip and gambrel roofs, and to the highest point of any other structure (excluding fences and walls).

* For purposes of this subdivision, grade is the average elevation of the street or streets abutting the property measured along the centerline of the streets, at the points of intersection of the streets with the side lot lines (as extended) and the midpoint of the lot frontage.

(1) In areas within the Coastal Building Zone and other flood prone areas (as defined in [Chapter 6](#) Articles III and IV of the LDC), height of a building is the vertical distance from the minimum required flood elevation to the highest point of the roof surface of a flat or Bermuda roof, to the deck line of a mansard roof, to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Please do not hesitate to contact me if you have any questions or require further information.

Thank you.

Stacy Ellis Hewitt, AICP
Director of Planning