



April 9, 2020

Mr. Brian Roberts, P.E.  
Lee County Department of Community Development  
1500 Monroe St, Fort Myers, FL 33901  
Fort Myers, FL 33901

**RE: Cypress Woods RV Resort PD  
DCI2020-00002**

Dear Mr. Roberts:

Enclosed please find responses to Staff's comments dated October 3, 2019. The following information has been provided to assist in your review of the petition:

1. Three (3) copies of the Comment Response Letter;
2. Three (3) copies of revised Master Concept Plan Series Sheets 1-4 (11"X17" and 24"X36");
3. Three (3) copies of the Current Proposed Preserve Overlay Exhibit;
4. Three (3) copies of revised Schedule of Uses;
5. Three (3) copies of revised Site Development Regulations;
6. Three (3) copies of revised Schedule of Deviations & Justifications;
7. Three (3) copies of revised Proposed Zoning Conditions;
8. Three (3) copies of email correspondence from the County Attorney's Office;
9. Three (3) copies of correspondence from the Tice Fire District;
10. Three (3) copies of the revised Surface Water Management Narrative; and
11. Three (3) copies of revised Boundary Survey.

Below please find Staff's comments with the Applicant's responses in **bold**.

**ZONING REVIEW by Brian Roberts, P.E.**

1. The Master Concept Plan submitted does not match the MCP approved in ADD2019-0006. The MCP approved in ADD2019-00066 shows a relocated emergency access road and elimination of the road through Lot 14 from Lockett Road.

**RESPONSE: Please refer to the revised Master Concept Plan (MCP) Sheets 1-4. Sheet 1 of 4 is stamped May 15, 2019 approved per ADD2019-00066.**

2. The sheet number for the MCP is not consistent. It shows 1-3 but there is no Sheet 4. Sheet 1 of 4 is stamped May 15, 2019 approved per ADD2019-00066.

**RESPONSE: Please refer to the revised Master Concept Plan (MCP) Sheets 1-4. "Sheet 4 of 4" has been correctly labeled in the title block.**

3. Sheet X06, 1 of 1, shows trailer parking, dog park and pickle ball courts outside of the 40' perimeter. This has the effect of allowing open storage and other uses without the required buffering. Please clarify.

**RESPONSE: Please refer to the revised Schedule of Deviations. Deviation 21 has been requested to locate certain accessory uses outside of (east of the) the 40' buffer RV buffer.**

4. The Schedule of Deviations on Sheet 1 of 4 does not match the deviations approved in Section C of Z-11-021. Please revise the Schedule of Deviations to match Z-11-021. Also revise the provided MCP for Phase V to include the correct deviation call outs.

**RESPONSE: Please refer to revised Sheet 4 of the MCP. As discussed with Staff, the Applicant cannot amend the approved MCP Sheets 1-3. However, the full listing of deviation approved through previous zoning actions, as well as those requested under this petition are listed on Sheet 4 as recommended by Staff.**

5. What is the purpose/reason for the driveway opposite lots 6-9 on the MCP?

**RESPONSE: This area is intended as a temporary staging area, where RV owners can disconnect their trailer and/or vehicle from the RV prior to parking it on their lot.**

6. The MCP provided for Phase V shows a 30' ROW with 10' travel lanes and valley gutter. Deviation #7 in Z-11-021 allows for a 30-foot right-of-way with open drainage. Please clarify whether there will be open or closed drainage. Additionally, Sheet 1 of 4 of the MCP shows 12' paved travel lanes for Phase V in the typical lot detail. Sheet X06, 1 of 1, shows 10' paved travel lanes. Please clarify.

**RESPONSE: The Applicant is proposing a 30' wide right-of-way with 10' wide travel lanes and closed drainage for Phase 5 only, as shown on Sheet 4 of the MCP.**

**From a market timing/delivery standpoint, the Applicant needs to start site construction activities in Phase 5 (as allowed by the current zoning approval and active local Development Order) prior to approval of this PD amendment.**

**As such, the Applicant is utilizing the Chapter 10 Administrative Deviation process to obtain the deviation for the right-of-way design, as opposed to including as a deviation in this PD amendment.**

7. Please provide a site calculation for Phase 5 on the MCP.

**RESPONSE: Please refer to Sheet 4 of the MCP. A Site Data Table has been provided.**

8. Please provide a lake cross section on the MCP for Phase 5.

**RESPONSE: Please refer to Sheet 4 of the MCP. A lake cross section has been provided.**

9. Please clarify the lines shown on the Phase 5 MCP between Lots 3 and 4.

**RESPONSE: The lines shown between Lots 3 and 4 depict the pedestrian access to the amenity site. Sheet 4 of the MCP has been revised to clearly label this area.**

10. Please provide a written description of the proposed surface water management system.

**RESPONSE: Please refer to the enclosed Surface Water Management Narrative.**

11. In the proposed schedule of uses you list Outdoor Storage (limited to storage of RVs associated with the development). The MCP submitted shows trailer storage. Please clarify.

**RESPONSE: Please see revised Sheet 4 of the MCP. This area has been labeled "Open Storage" to align with the Schedule of Uses.**

12. As presented by the applicant the casita concept would be considered a single-family dwelling unit and is subject to density requirements of the Land Development Code. Additionally the current uses do not permit single-family dwelling units nor does the applicant request the use in the application. Please clarify.

**RESPONSE: It is understood this is a substantive issue and ultimately a policy decision by the Board of County Commissioners.**

**The Applicant would like to clarify that the "casita" as described in this application, along with the associated recreational vehicle on the same lot, when used for long term occupancy as approved in this RVPD, together constitute a hybrid single family dwelling unit.**

**The "casita" is not independent of the recreational vehicle, and cannot by Declaration of Covenants or the Rules of the Cypress Woods Homeowners Association be subdivided, or leased and occupied independently of the recreational vehicle, nor can the two constituent elements of occupancy be occupied by more than one family unit at one time.**

**While we recognize the limitations in the LDC, we are proposing this unique use through the PD process, which explicitly allows for "flexibility in planning and designing developments" per Section 34-612. This proposal also ensures the casita concept is only allowed in this PD, where appropriately conditioned and safeguards are proposed.**

**The Lee County Board of County Commissioners have already approved the use of "cabanas" with outdoor kitchens at other RV resorts, such as the Golden Palms RVPD. The only distinction between the proposed "casita" and a cabana with outdoor kitchen is whether or not the outdoor kitchen is enclosed by four walls ("casita") or not (outdoor kitchen with "cabana"). Both configurations enable exactly the same type and character of occupancy with cooking facilities.**

**The "cabana" with outdoor kitchen has not been defined by the County previously as an independent single-family dwelling unit, and therefore neither is a "casita" with indoor cooking facilities an independent single-family dwelling unit.**

**Therefore, the applicant maintains that the Lee County Board of County Commissioners has the same authority to approve the requested "casita" with indoor kitchen just as the Board of County Commissioners has already approved "cabanas" with outdoor kitchens.**

**In neither case is the County "doubling density" or approving independent single family dwelling units that can be occupied legally by two family units, or subdivided, or leased out to multiple families, at the same time.**

**Should the Lee County Board of County Commissioners determine that a "casita" as requested is not approved, then the applicant requests that the Lee County Board of County Commissioners approve the alternative accessory use structure called "cabana" with outdoor kitchen.**

**We appreciate Staff's consideration of the above information when analyzing the impact of this request, and the intent to use the PD process to allow for types of development that reflects evolving market demand in the RV industry.**

13. The proposed property development regulations do not include a maximum height. Please clarify.

**RESPONSE: Please refer to the revised Property Development Regulations. Maximum building height has been added for both the RV lots and the amenity site.**

14. The proposed property development regulations show a 0/5 feet for a RV or accessory structure where a minimum separation of 10 feet between RVs and accessory structures. Please clarify how that 10' separation is maintained. Based on the typical lot drawings an RV could be parked as close to 5 feet from a casita.

**RESPONSE: Please refer to the revised Site Development Regulations, which have been corrected for consistency with the RV Lot Detail on Sheet 4 of the MCP.**

15. The applicant proposes a 0-foot setback from the lake maintenance easement. The Land Development Code does not measure waterbody setbacks based on the lake maintenance easement. Please revise your request.

**RESPONSE: The Applicant has requested a 20-foot water body setback with a notation that the setback to the lake maintenance easement is 0'. This is customary of other zoning resolutions in Lee County. If Staff disagrees it is understood the Staff Report conditions will omit the additional language relating to the lake maintenance easement.**

16. Please clarify why a separate deviation from Chapter 10 was filed concerning the sidewalk. The request could be included in the application.

**RESPONSE: As noted above, the Applicant needs to start site construction activities in Phase 5 (as allowed by the current zoning approval and active local Development Order) prior to approval of this PD amendment. As such, the Applicant is utilizing the Chapter 10 Administrative Deviation process to obtain the deviation for the right-of-way design, as opposed to including as a deviation in this PD amendment.**

17. The applicant requested a deviation to LDC Section 34-2020(a) to allow a reduction in parking spaces at the amenity center. For justification the applicant contends that it is a private onsite amenity center for the residents and that it is easy to access by pedestrians and bicyclists. However, the plan provides no sidewalk, bike path or shared use path requiring the residents to walk or ride bicycles in the street. Please clarify.

**RESPONSE: It is understood that sidewalks generally facilitate and encourage pedestrian movement around a given development. However, the Cypress Woods RV Resort is unique in that it is a resort-style community with low vehicle volume and travel speeds, with a prevalence of golf carts, pedestrians and bicyclists using the travel lanes of the community. This is demonstrated in Phases 1-4, which do not have sidewalks and also has a significant parking deviation attached to the clubhouse facility (approved Deviation 17).**

**The MCP has been updated to demonstrate how pedestrians can access the amenity site from multiple locations. The Applicant also offers the attached illustrative concept plan of the amenity site to demonstrate the quality of design intended to facilitate multi-modal access to the facility.**

18. Locker room is not a defined use in the Land Development Code.

**RESPONSE: Please refer to the revised Schedule of Uses. Locker room has been removed.**

19. Please revise "Food and beverage service" to read "Food and beverage service, limited" per the LDC.

**RESPONSE: Please refer to the Schedule of Uses, revised to reflect “Food and beverage service, limited”.**

20. Personal Services, Group II is not a permitted use RVPD or MHPD zoning.

**RESPONSE: Please refer to the revised Schedule of Uses. Personal Services, Group II has been removed.**

21. Please clarify how your request for commercial uses (Restaurants Groups I and II, Specialty Retail I and II etc.) complied with the requirements of 34-937 for commercial uses within an MHPD as this property is zoned MHPD/RVPD without zoning district boundaries.

**RESPONSE: Restaurants and Specialty Retail have been removed from the revised Schedule of Uses. It is not the intent to offer restaurants or retail uses to the general public, but rather provide a private clubhouse where members can dine within the community, which is covered by the “food and beverage service, limited” and “consumption on premises” uses.**

22. Swimming pools and sports courts are not defined uses in the LDC.

**RESPONSE: So noted. These uses have been removed from the revised Schedule of Uses. It is understood that these uses are permitted under the general heading of “Recreational Facilities, private, on-site”.**

23. Community Gardens are not a permitted use in the RVPD zoning.

**RESPONSE: It is noted that this use is not explicitly listed as permitted in Table 34-934. However, Section 34-933 states, “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 Applicant respectfully submits that community gardens is an appropriate use in this RV community and consistent with the range of private recreational amenities generally allowed in the RVPD zoning district.**

24. Please clarify the Recreational Facilities use as requested. All recreational facilities are not permitted in the MHPD or RVPD zoning district.

**RESPONSE: Please refer to the revised Schedule of Uses. The above referenced use has been corrected to “Recreational facilities, private, on-site”. Commercial recreational facilities that are open to the public are not requested via this application.**

25. Please modify your requested use of “Signs” to read “Signs, in accordance with Ch. 30”.

**RESPONSE: Please refer to the revised Schedule of Uses, corrected per the above comment.**

26. Clarify how the use of Open Storage is considered an accessory use and how it will be used within the proposed development.

**RESPONSE: LDC Section 34-934 permits open storage in RVPD zoning districts subject to the following footnote (P15): “limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.”**

**The revised Schedule of Uses has been updated to capture this verbiage and clarify the intent of this accessory use.**

27. Please remove the uses under “Accessory uses and structures” as this defined in the LDC.

**RESPONSE: Please refer to the revised Schedule of Uses.**

**ENVIRONMENTAL REVIEW by: Elizabeth Workman**

1. Provide an indigenous/abatement restoration map showing the areas proposed to be impacted by the additional lots and the change in lot layout.

**RESPONSE: Please refer to the attached Current Proposed Preserve Overlay Exhibit.**

2. This project has a compliance agreement as part of the ENV2009-00068 & VIO2015-15736 (compliance agreement instrument number 2013000224129). Currently, Cypress Woods is not in compliance with this agreement due to lack of Certificate of Compliance for restoration in Phase 1 by October 1, 2016. Please provide documentation of correspondence with code enforcement regarding the compliance agreement and accrued daily fines.

**RESPONSE: The compliance agreement for Phase 5 was extinguished in September 10, 2014 as part of the Florida 20<sup>th</sup> Circuit Court-ordered Final Foreclosure Judgment of the property. The Applicant is re-planting indigenous vegetation as part of the DO process based upon conversations with the County Attorney’s Office, utilizing the same scope of work as previously specified in the now-extinguished Compliance Agreement. Please see attached correspondence from the County Attorney’s Office documenting this understanding.**

3. LDC 10-415 requires proposed structures to be setback 20-feet from wetland habitats and 30-feet from upland habitat in accordance with the State of Florida Fire Codes. The typical lot diagram provided does indicate structure setback information for those lots that abut indigenous preserve. Please comply with code or provide a letter from the District Fire Marshall approving the alternative setback. A deviation will be required from this section of the code.

**RESPONSE: Please refer to the revised Schedule of Deviations. Deviation 22 has been requested to allow for reduced preserve setbacks on lots 68, 69 and 70. Please also see correspondence from the Tice Fire District indicating they have no objection to the request.**

4. The MCP provided includes various hatching patterns that in the legend that are depicted on the MCP. Staff cannot review the indigenous credits or the open space without this information.

**RESPONSE: Hatching shown in legend of the “Indigenous Open Space” Table on Sheet 4 of 4 replicates the legends for this information provided on approved MCP Sheets 1 – 3. It is understood that Phase V does not include all of the hatching/indigenous vegetation types.**

5. Please label the width of each indigenous preservation area that is receiving indigenous credits and ensure that each of the indigenous preserve credited area are uplands to comply with LDC 10-415(b)(3).

**RESPONSE: No areas in Phase 5 are subject to an indigenous vegetation credit per 10-415(b)(3).**

**PLANNING REVIEW by: Tyler Griffin**

1. Please provide greater clarification concerning the calculated density for the subject parcel.  
**RESPONSE:** The density of the RVPD was established by the previous zoning actions, namely Z-11-021.

The overall Cypress Woods RVPD (Phases 1-5) consists of 153.5 acres and is permitted for a maximum of 611 units (density of 3.98 du/acre), including 522 RV sites and 89 mobile home sites.

To date, a total of 471 of the home sites are developed, including 382 RV lots and 89 mobile home lots. Thus, 140 lots are available for development pursuant to the maximum approved density in the PD approval, and the 137 proposed RV sites are below the maximum permitted density.

The underlying future land use category is Urban Community, allowing for a maximum density of 6 du/acre, or a total of 921 units. The Applicant is not proposing to increase the current allowed density via this application and respectfully submits that the proposed casita is not a dwelling unit, or unit of density separate from the RV, per Zoning Division Response 12 above. However, it is worth noting that there is more than adequate density per the underlying FLU to accommodate all 137 lots having 2 units of density assigned to each.

**NATURAL RESOURCES REVIEW by: Becky Sweigert**

1. Per 34-373(b)(1), please provide a written description of the surface water management plan. Please address conveyance ditch in Phase 5 and how this will not be impacted with the proposed project.

**RESPONSE:** Please refer to attached Surface Water Management Plan.

The existing conveyance ditch within the Laguna Caribe at Cypress Woods project boundary will be filled/removed with the proposed project. Prior to development of the Cypress Trail RV Resort to the north of Cypress Woods RV Resort, this swale historically provided conveyance for offsite properties to the east of Cypress Woods to flow westward, through Cypress Woods RV Resort. However, the offsite conveyance route was revised along with Cypress Trail RV Resort under Lee County Development Order DOS2012-00021 and SFWMD ERP Permit 36-07870-P, under which a new conveyance ditch was constructed along the eastern boundary of Cypress Trail RV Resort, providing for conveyance of stormwater flows from those offsite properties which historically had been conveyed through the drainage ditch within the Laguna Caribe at Cypress Woods project boundary.

Accordingly, said existing drainage ditch within the Laguna Caribe at Cypress Woods project boundary is no longer required for the conveyance of offsite stormwater flows, and will be removed/filled with the proposed project.

**DEVELOPMENT SERVICES REVIEW by: Robert Hutcherson**

1. The location of each requested deviation must be indicated on the master concept plan.

**RESPONSE: Please refer to revised Sheet 4 of the MCP. The full listing of deviations approved through previous zoning actions, as well as those requested under this petition are listed. Those applicable to Phase 5 are depicted on the plan with the deviation symbol.**

2. The MCP indicates the new amenity area will utilize the reduced water body setback. Is this reduced setback limited to this area? Please provide a sample drawing illustrating the request and showing the required lake maintenance area.

**RESPONSE: Please refer to revised Sheet 4 of the MCP. The deviation is only requested for the amenity site to allow for the pool deck area to be setback 0' from the lake. A cross section for the lake/bulkhead has also been provided. This deviation was approved for other locations in Phases 1-4, per Z-11-021, and this request only pertains to Phase 5.**

## **LEGAL REVIEW**

1. Sec. 34-202(a)(6) Boundary Survey. Please update Note 4 to reflect the current title policy. The survey must be tied to state plan coordinate system for the Florida West Zone (the most current adjustment is required) with two coordinates, one coordinate being the point of beginning (POB) and the other an opposing corner. Please certify the survey to Lee County.

**RESPONSE: Please refer to the revised boundary survey attached. The survey is certified to Lee County. Note 4 references the title policy. Note 10 ties the survey to state plane coordinates.**

Thank you in advance for your consideration of the above information. If you have any further questions, please do not hesitate to contact me directly at (239) 850-8525, or [Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com).

Sincerely,

**WALDROP ENGINEERING, P.A.**



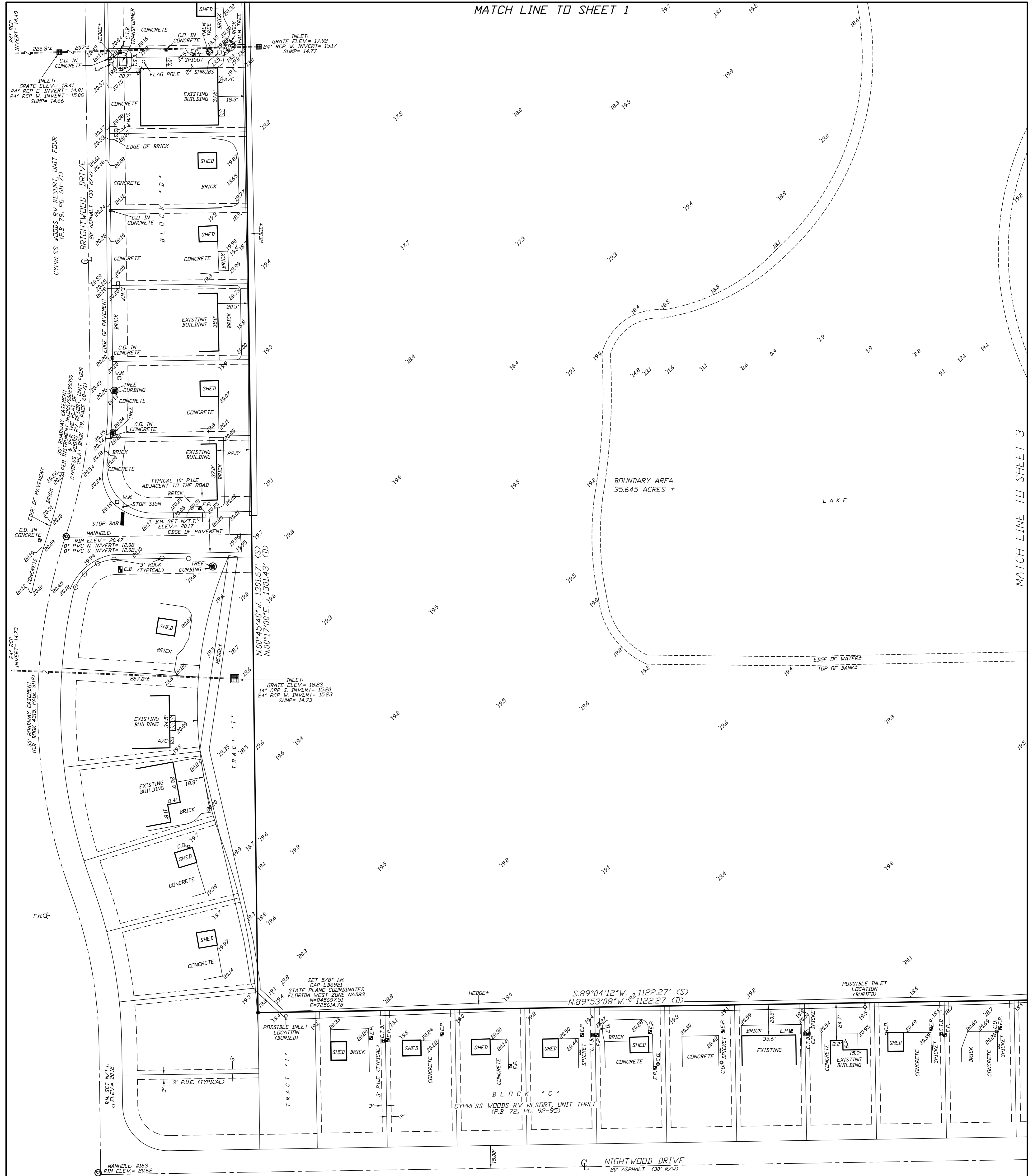
Alexis V. Crespo, AICP  
Senior Vice President – Planning

Enclosures

cc: Duane Truitt, Laguna Caribe at Cypress Woods, LLC  
Dan Hartley, P.E., Peninsula Engineering  
Neale Montgomery, Esq., Pavese Law Firm  
Jeremy Sterk, EarthTech Consulting





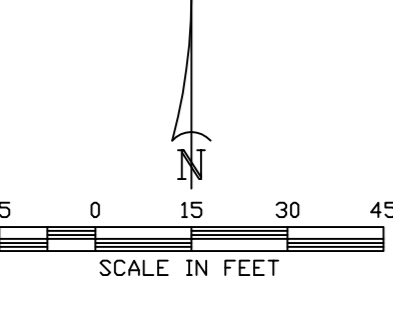


MATCH LINE TO SHEET 1

MATCH LINE TO SHEET 3

**BOUNDARY LAND OF  
A PARCEL OF LAND LYING IN  
SECTION 11**

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
(INSTRUMENT No. 2007000308405)  
LEE COUNTY, FLORIDA



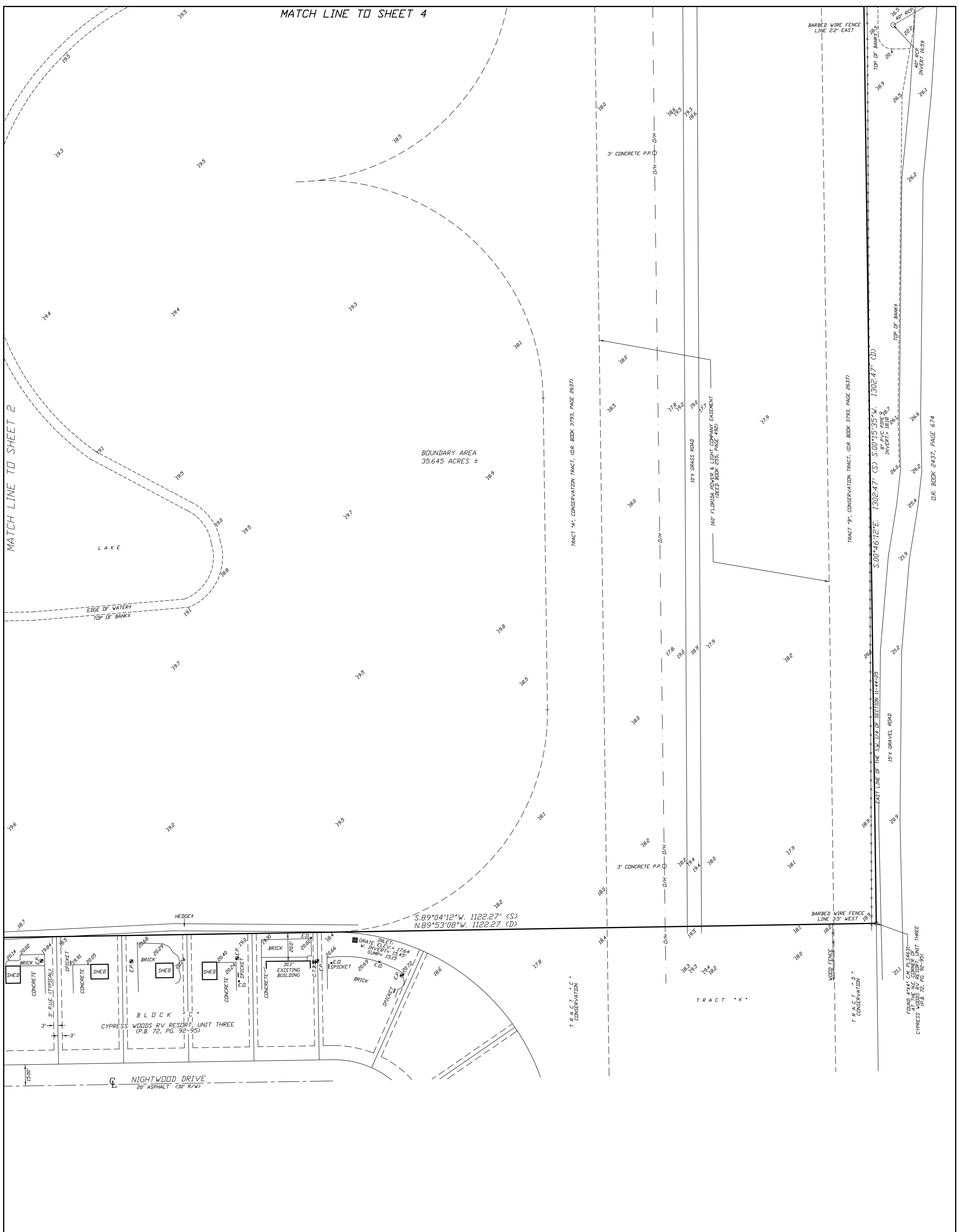
**LEGEND:**

●	SET #4 IRON ROD (CAP L86921)	R.W.B.	RECLAIM WATER BOX
○	FOUND IRON ROD (I.R.)	W.M.	WATER METER
□	CONCRETE MONUMENT (C.M.)	D/H	OVERHEAD POWER
P.R.M.	PERMANENT REFERENCE MINUMENT	P.F.	POWER POLE
P.U.E.	PUBLIC UTILITY EASEMENT	G.A.&W.	GUY ANCHOR & WIRE
D.E.	DRAINAGE EASEMENT	T.S.B.	TELEPHONE SERVICE BOX
P.C.	POINT OF CURVATURE	N/D	NAIL & DISK
D.R.	OFFICIAL RECORDS BOOK	N/T.T.	NAIL & TINTAB
(S)	AS PER SURVEY	ELEV.	ELEVATION
(P)	AS PER PLAT	B.M.	BENCHMARK
(C)	CURVE NUMBER	▲	TYPICAL ELEVATION
L1	LINE NUMBER	A/C	AIR CONDITIONER
R/W	RIGHT-OF-WAY	W.S.	WATER SYSTEM
W	CENTERLINE	P.E.	POLL EQUIPMENT
E.P.	ELECTRIC PEDESTAL	C	CONCRETE
C.D.	CLEAN-OUT	E.D.	ELECTRIC OUTLET
		CPP	CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

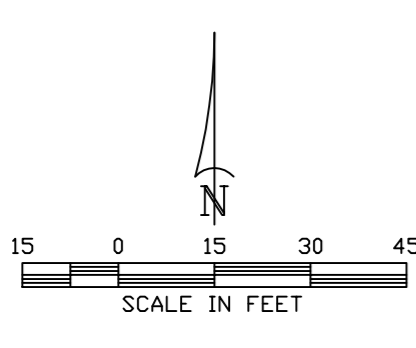
DATE OF LAST FIELD WORK: 2/22/2020			
DRAWN	CHECK	SCALE	PROJ. #
RBH	PMM	1"=30'	CW-05
SURVEY DATE	FILE NO.	SHT - 2	HARRIS-JORGENSEN, LLC
9/25/18	44-25-11	DF - 4	3048 BEL PRADO BLVD S SUITE 100
			CAPE CORAL, FLORIDA 33904
			PHONE: (239) 257-2624
			FAX: (239) 257-2921

FLORIDA CERTIFICATE OF AUTHORIZATION L86921



**BOUNDARY SURVEY OF  
A PARCEL OF LAND LYING IN  
SECTION 11**

TOWNSHIP 44 SOUTH, RANGE 25 EAST  
(INSTRUMENT No. 2007000308405)  
LEE COUNTY, FLORIDA



- LEGEND:**
- SET #4 IRON ROD (CAP LB6921)
  - FOUND IRON ROD (C.R.)
  - CONCRETE MONUMENT (C.M.)
  - PRM PERMANENT REFERENCE MONUMENT
  - P.U.E. PUBLIC UTILITY EASEMENT
  - D.E. DRAINAGE EASEMENT
  - P.C. POINT OF CURVATURE
  - D.R. DRAINAGE RECORDS BOOK
  - (S) AS PER SURVEY
  - (P) AS PER PLAN
  - (1) CURVE NUMBER
  - LL LINE NUMBER
  - R/W RIGHT-OF-WAY
  - W CENTERLINE
  - E.P. ELECTRIC PEDESTAL
  - C.D. CLEAN-OUT
  - R.W.B. RECLAIM WATER BOX
  - W.M. WATER METER
  - D/H OVERHEAD POWER
  - P.P. POWER POLE
  - G.A.W. GUY ANCHOR & WIRE
  - T.S.B. TELEPHONE SERVICE BOX
  - N/D NAIL & DISK
  - N/T.T. NAIL & TINTAB
  - ELEV. ELEVATION
  - B.M. BENCHMARK
  - ⊕ TYPICAL ELEVATION
  - ⊙ AIR CONDITIONER
  - W.S. WATER SYSTEM
  - P.E. PUMP EQUIPMENT
  - CONCRETE CONCRETE
  - E.O. ELECTRIC OUTLET
  - CPP CORRUGATED PLASTIC PIPE

REVISED	DESCRIPTION	BY:
2/22/2020	ADDED TOPOGRAPHY:	RBH
3/27/2020	ADDED OWNER'S POLICY:	RBH

DATE OF LAST FIELD WORK:	2/22/2020
DRAWN:	RBH
CHECK:	JM
SCALE:	1"=30'
PROJ. #:	CW-05
HARRIS-JORGENSEN, LLC 3048 BEL PRADO BLVD. S. SUITE 100 CAPE CORAL, FLORIDA 33904 PHONE: (239) 257-2624 FAX: (239) 257-2921	
SURVEY DATE:	9/25/18
FILE NO.:	44-25-11
SHT.:	3
OF -	4

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

REVISED	DESCRIPTION	BY
2/22/2020	ADDED TOPOGRAPHY	RBH
3/27/2020	ADDED OWNER'S POLICY	RBH

DATE OF LAST FIELD WORK	2/22/2020
DRAWN	RBH
CHECKED	FMM
SCALE	1"=30'
PROJ. #	CW-15
SURVEY DATE	9/25/18
FILE NO.	44-25-11
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DF	- 4

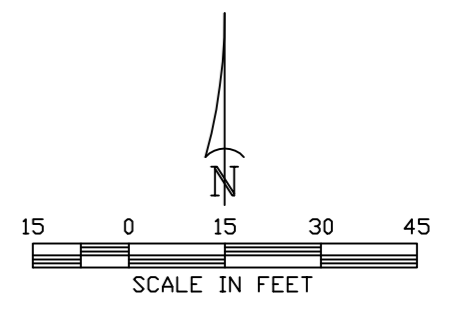
  

HARRIS-JORGENSEN, L.L.C.	
3048 DEL PRADO BLVD. S. SUITE 100	
CAPE CORAL, FLORIDA 33904	
PHONE: (239) 257-2624	FAX: (239) 257-2921

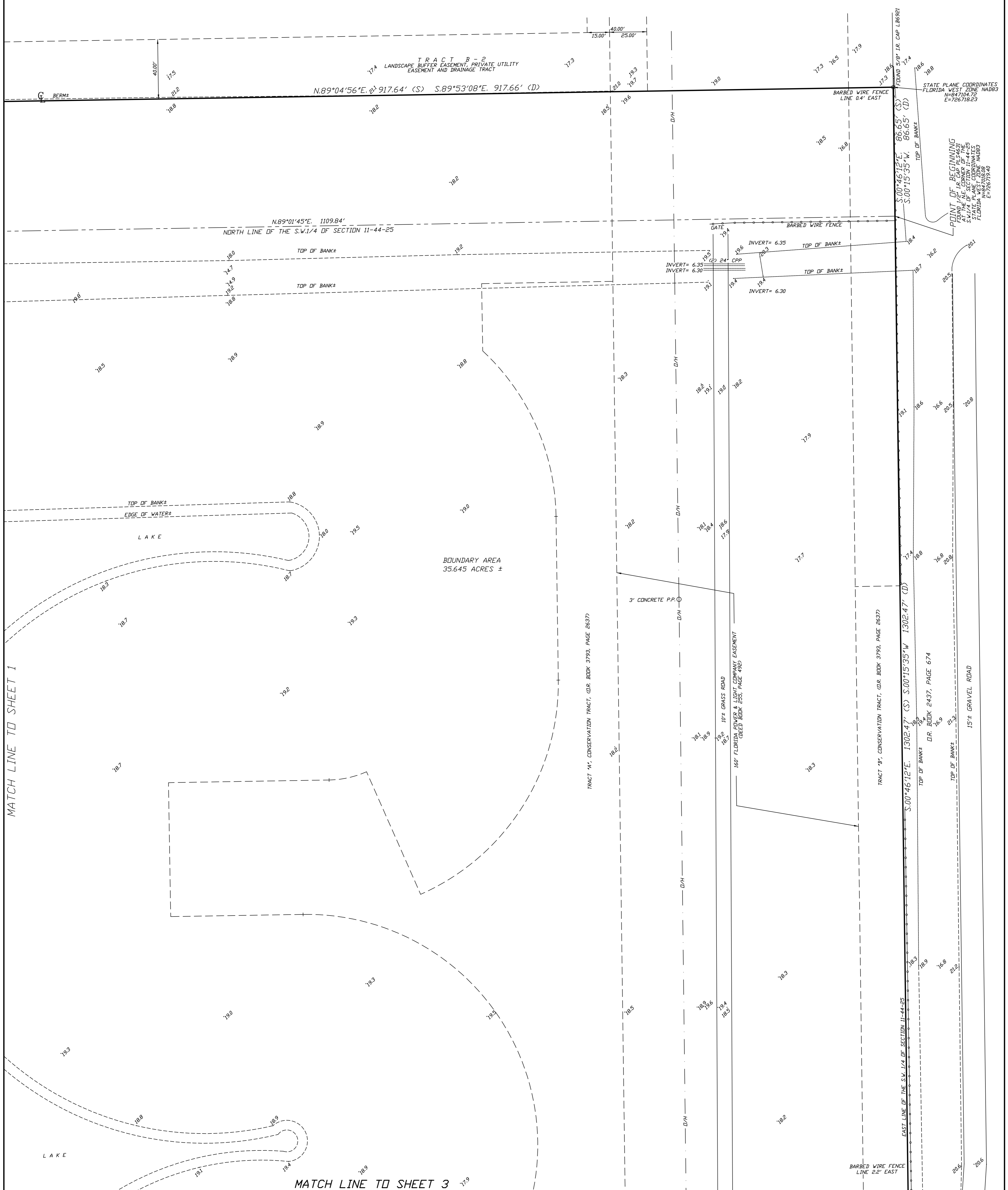
  

FLORIDA CERTIFICATE OF AUTHORIZATION LB6921

BOUNDARY SURVEY OF  
**A PARCEL OF LAND LYING IN  
 SECTION 11**  
 TOWNSHIP 44 SOUTH, RANGE 25 EAST  
 (INSTRUMENT No. 2007000308405)  
 LEE COUNTY, FLORIDA



- LEGEND:**
- SET #4 IRON ROD (CAP LB6921)
  - FOUND IRON ROD (I.R.)
  - CONCRETE MONUMENT (C.M.)
  - ▣ PERMANENT REFERENCE MONUMENT
  - ▭ PUBLIC UTILITY EASEMENT
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  - R.W.B. RECLAIM WATER BOX
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  - P.E. PUMP EQUIPMENT
  - CONCRETE CONCRETE
  - E.O. ELECTRIC OUTLET
  - CPP CORRUGATED PLASTIC PIPE



MATCH LINE TO SHEET 1

MATCH LINE TO SHEET 3

POINT OF BEGINNING  
 BEING THE CORNER OF THE  
 S.W.1/4 OF SECTION 11-44-25  
 TOWNSHIP 44 SOUTH, RANGE 25  
 EAST, LEE COUNTY, FLORIDA  
 N=847194.75  
 E=726718.23

STATE PLANE COORDINATES  
 FLORIDA WEST ZONE NAD83  
 N=847194.75  
 E=726718.23

TRACT '41' CONSERVATION TRACT, (D.R. BOOK 3793, PAGE 2637)

TRACT '49' CONSERVATION TRACT, (D.R. BOOK 3793, PAGE 2637)

160' FLORIDA POWER & LIGHT COMPANY EASEMENT  
(DEED BOOK 255, PAGE 456)

S.00°15'35\"/>

S.00°15'35\"/>

D.R. BOOK 2437, PAGE 674

15'± GRAVEL ROAD

**From:** [Neale Montgomery](#)  
**To:** [Duane J. Truitt](#)  
**Subject:** FW: Cypress Woods Phase V - Compliance Agreement  
**Date:** Monday, November 25, 2019 5:48:20 PM  
**Attachments:** [image002.png](#)  
[Compliance Agreement 2013 Inst No 2013000224129.pdf](#)

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**Neale Montgomery (Bio)**

*Partner*

1833 Hendry Street (33901)

Post Office Drawer 1507 Fort Myers, FL 33902

Direct 239.336.6235 Fax 239.332.2243

[nealemontgomery@paveselaw.com](mailto:nealemontgomery@paveselaw.com)

Visit our website: [www.paveselaw.com](http://www.paveselaw.com)



**Leadership Florida Class XXVIII**

**Super Lawyer, Best Lawyer in America**

---

**From:** Adams, Joseph [mailto:[JADAMS@leegov.com](mailto:JADAMS@leegov.com)]  
**Sent:** Monday, November 25, 2019 3:23 PM  
**To:** Neale Montgomery <[NealeMontgomery@Paveselaw.com](mailto:NealeMontgomery@Paveselaw.com)>  
**Cc:** Paschall, David <[DPaschall@leegov.com](mailto:DPaschall@leegov.com)>; Lis, Carol <[CLis@leegov.com](mailto:CLis@leegov.com)>; Sulzer, Jessica <[JSulzer@leegov.com](mailto:JSulzer@leegov.com)>  
**Subject:** RE: Cypress Woods Phase V - Compliance Agreement

Neale,

As discussed, the County is willing to hold off on citing the property for the code violations referenced in the attached compliance agreement for a period of six months. This provides ample time for the issues to be addressed through the development order process.

Thanks,

Joe

Joseph A. Adams  
Assistant County Attorney  
Lee County Attorney's Office  
(239) 533-2236 (telephone)  
(239) 485-2106 (facsimile)  
[JAdams@leegov.com](mailto:JAdams@leegov.com)

---

**From:** Neale Montgomery <[NealeMontgomery@Paveselaw.com](mailto:NealeMontgomery@Paveselaw.com)>  
**Sent:** Friday, November 22, 2019 3:57 PM  
**To:** Adams, Joseph <[JADAMS@leegov.com](mailto:JADAMS@leegov.com)>

**Subject:** [EXTERNAL] FW: Cypress Woods Phase V - Compliance Agreement

**This is the agreement I referenced yesterday.**



**Neale Montgomery** ([Bio](#))

*Partner*

1833 Hendry Street (33901)

Post Office Drawer 1507 Fort Myers, FL 33902

Direct 239.336.6235 Fax 239.332.2243

[nealemontgomery@paveselaw.com](mailto:nealemontgomery@paveselaw.com)

Visit our website: [www.paveselaw.com](http://www.paveselaw.com)

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This law firm acts as a debt collector. This e-mail may be an attempt to collect a debt. If so, all information obtained will be used for that purpose.

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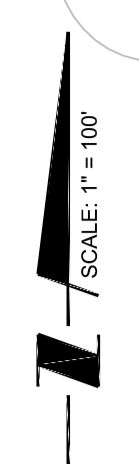
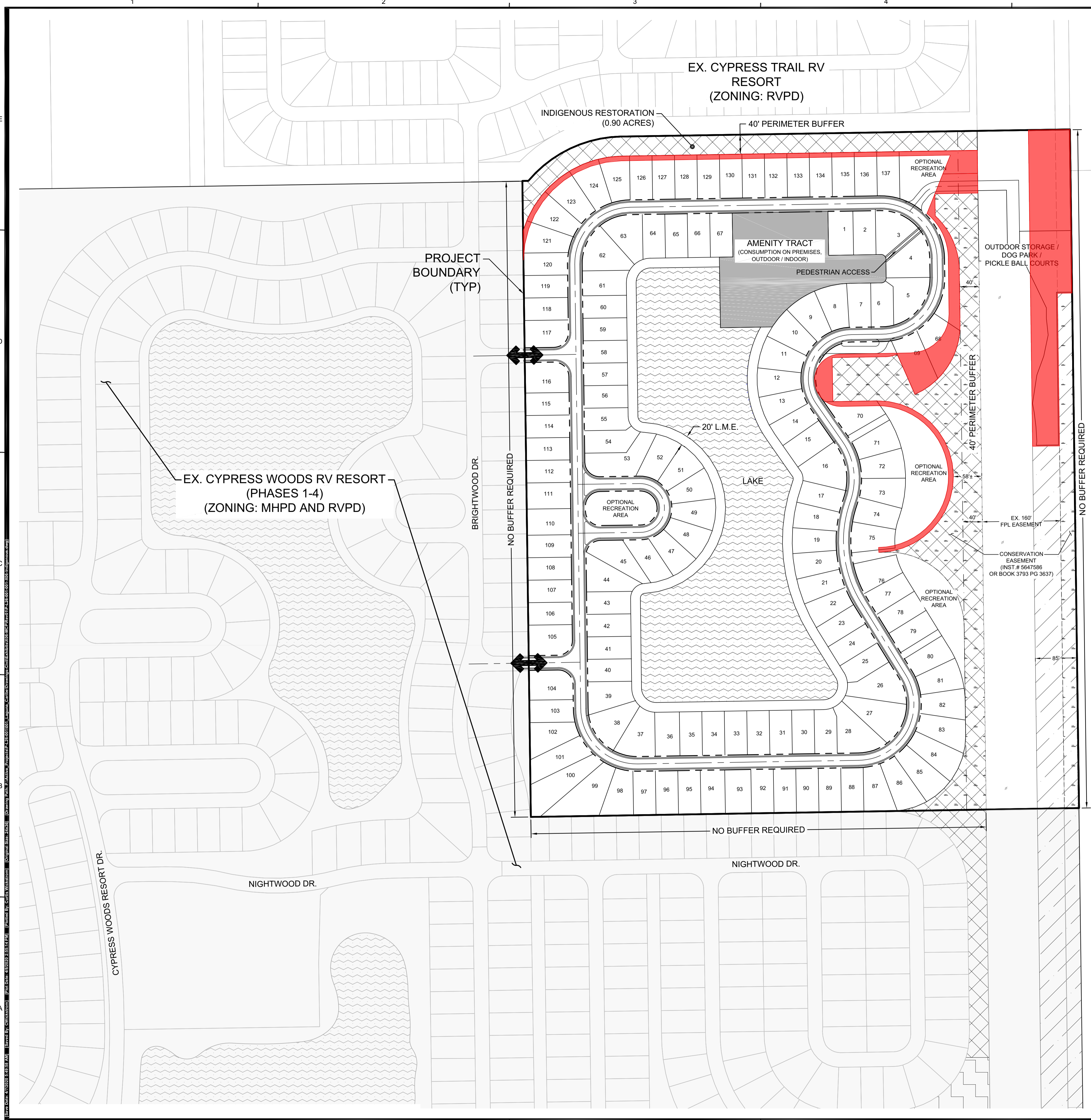
**Confidentiality Note:** The information contained in this transmission is legally privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you receive this communication in error, please notify us immediately by telephone call to (239) 334-2195 and delete the message. Thank you.

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■ INDIGENOUS OPEN SPACE REMOVED: 1.9 ACRES

EX. DUKE FARMS  
LANDSCAPE NURSERY  
(ZONING: AG-2)

INDIGENOUS OPEN SPACE		
TYPES	ACTUAL	CREDITS
100%	4.29 ACRES	4.29 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	3.82 ACRES	4.78 ACRES
150%	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	26.08 ACRES	35.51 ACRES
TOTAL REQUIRED:		30.30 ACRES

NOTE:  
INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS THE PREVIOUS SUMMATION ERROR IN THE PREVIOUSLY APPROVED MCP.



CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE

7600 Golden Gate Parkway  
Naples, Florida 34105  
Phone: 239.403.6700 Fax: 239.261.1797  
Email: info@pen-eng.com Website: www.pen-eng.com  
Florida Engineering Certificate of Authorization #228275  
Florida Landscape Certificate of Authorization #LC26000632

**CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT**

**INDIGENOUS OPEN SPACE COMPARISON**

OWNER/CLIENT/CONSULTANT:  
**LAGUNA CARIBE AT CYPRESS WOODS, LLC**

REVISIONS:

No.	Revision	Date
1	REVISED PER COUNTY COMMENTS	3/27/20

NOTES:

PROFESSIONAL SEALS:  
PROFESSIONAL ENGINEER: DANIEL C. HARTLEY  
FLORIDA LICENSE NUMBER: 73943

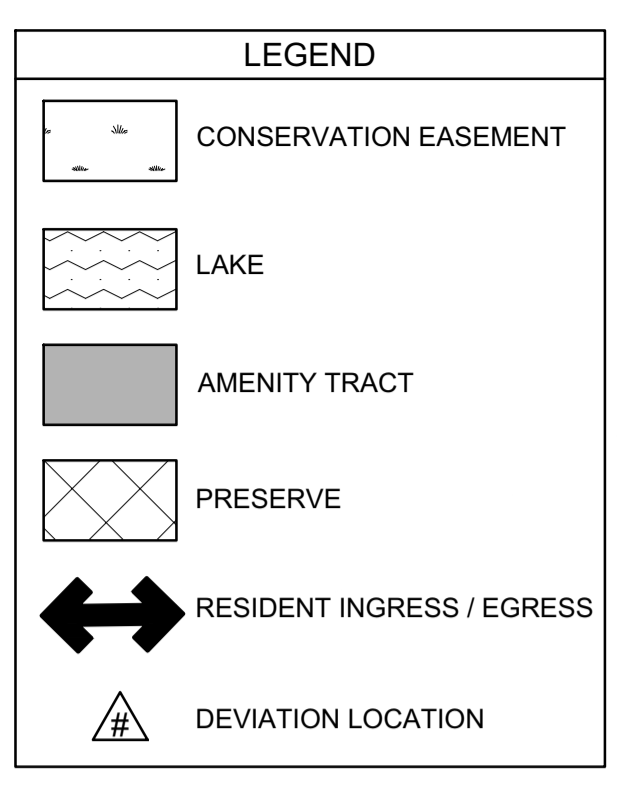
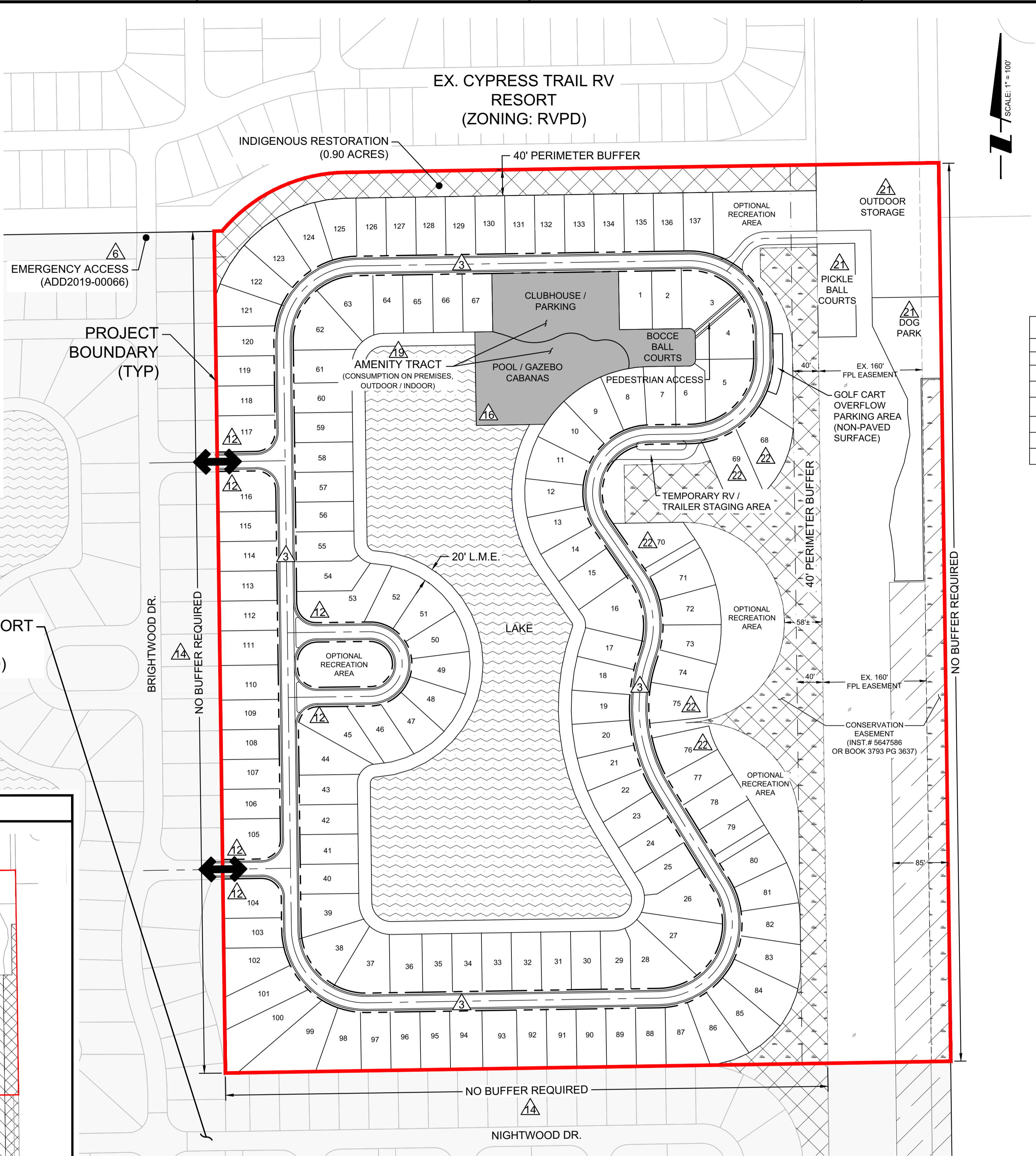
DATUM NOTE:  
ALL ELEVATIONS ARE BASED ON NAVD 88 (NORTH AMERICAN VERTICAL DATUM OF 1988).  
Bar Scale: 1" = 100'

SEC: 11 TWP: 44 RGE: 25E  
City: FORT MYERS County: LEE  
Designed by: CURTIS WICKSTROM  
Drawn by: CURTIS WICKSTROM  
Date: APRIL 2020  
Horizontal Scale: 1" = 200'  
Vertical Scale: N.T.S.  
Project Number: P-L26-001-001  
File Number: P-L26-002-001-X06  
**X06-IND**  
Sheet Number: 1 of 1



**SCHEDULE OF DEVIATIONS**

- DEVIATIONS APPROVED PER 2-11-021**
- Deviation from LDC Section 14-298(c) to provide for the development of the "TZ" areas as shown on Sheet 1 of the MCP.
  - DENIED PER Z-03-057
  - Deviation from LDC Section 10-714(b) to provide a 42-foot turn out radius.
  - Deviation from LDC Section 34-2192(a) to allow for 5-foot "side" lot line setback for corner lots.
  - Deviation from LDC Section 10-285 and 10-296(j) to provide 100 feet of intersection separation for Phases 1-4 shown on Sheet 1 of the MCP.
  - Deviation from LDC Section 10-291.3 to allow one entrance to the development more than 5 acres.
  - Deviation from LDC 10-296(b) and Table 3 to allow for a 30-foot wide right-of-way with open drainage.
  - Deviation from LDC Section 34-939(b)(6) to allow for a 4,140 square foot minimum lot size (46 feet X 90 feet).
  - Deviation from LDC Section 34-939(b)(7)(c) to allow for a side yard setback of 5 feet and a right-of-way setback of 20 feet in non-transient section of the park; AND Deviation 9.a from 34-939(b)(3) to permit an access through the perimeter buffer to the storage area, for Phases 1-4 shown on Sheet 1 of the MCP.
  - Deviation from LDC Section 34-736 to allow for a 4,140 square foot minimum lot size (46 feet X 90 feet).
  - Deviation from LDC Section 34-736 to permit a 5-foot side yard setback.
  - Deviation from LDC Section 34-222(1) and 10-254(b) to allow corner lots to be the same size as other lots.
  - Deviation from LDC Section 10-295 to eliminate the requirement for street stubs to adjacent properties.
  - Deviation from LDC Section 34-939(b)(3) to eliminate the requirement for a buffer between RV park and adjacent property interior to the site.
  - Deviation from LDC Section 34-939(a)(1) to eliminate the requirement that a new RV park be not less than 20 acres in size.
  - Deviation from LDC Section 34-935(a)(i) requirement to eliminate the 34-2194(b) and (c) to allow for a zero-foot setback for the clubhouse, deck, pier and gazebo.
  - Deviation from LDC Section 34-2020 to allow for reduced parking at the two clubhouse facilities shown on Sheet 1 of the MCP.
- DEVIATIONS FOR PHASE 5:**
- Deviation from LDC Section 34-935(a)(1) to allow for an expansion to an existing recreational vehicle park for 2.1+/- acres.
  - Deviation from LDC Section 34-2020(a) to allow for a reduction of required parking spaces at the Phase 5 "Beach Club" Amenity tract from 30 required parking spaces to 10 standard spaces and 12 golf cart spaces.
  - Deviation from LDC Section 34-939(b)(7) which requires a minimum setback of 10 feet from each side and rear RV site lot line, to allow for a 0-foot side lot line setback.
  - Deviation from LDC Section 34-939(b)(3) to allow accessory uses to be located outside of the RVPD perimeter buffer.
  - Deviation from LDC Section 34-415(b)(1)(c) to allow for reduced wetland and upland preserve setbacks



**INDIGENOUS OPEN SPACE**

TYPES	ACTUAL	CREDITS
100%	4.29 ACRES	4.29 ACRES
110%	1.27 ACRES	1.39 ACRES
125%	3.82 ACRES	4.78 ACRES
150%	16.70 ACRES	25.05 ACRES
<b>TOTAL PROVIDED:</b>	<b>26.08 ACRES</b>	<b>35.51 ACRES</b>
<b>TOTAL REQUIRED:</b>	<b>26.08 ACRES</b>	<b>30.30 ACRES</b>

NOTE: INDIGENOUS OPEN SPACE AREAS WITHIN THE EXISTING PHASES 1-4 REMAIN UNCHANGED. THE UPDATED TABLE SHOWN ABOVE REFLECTS REVISIONS WITHIN THE PHASE 5 DEVELOPMENT BOUNDARY, AND ALSO CORRECTS THE PREVIOUS SUMMATION ERROR IN THE PREVIOUSLY APPROVED MCP.

**SITE DATA TABLE**

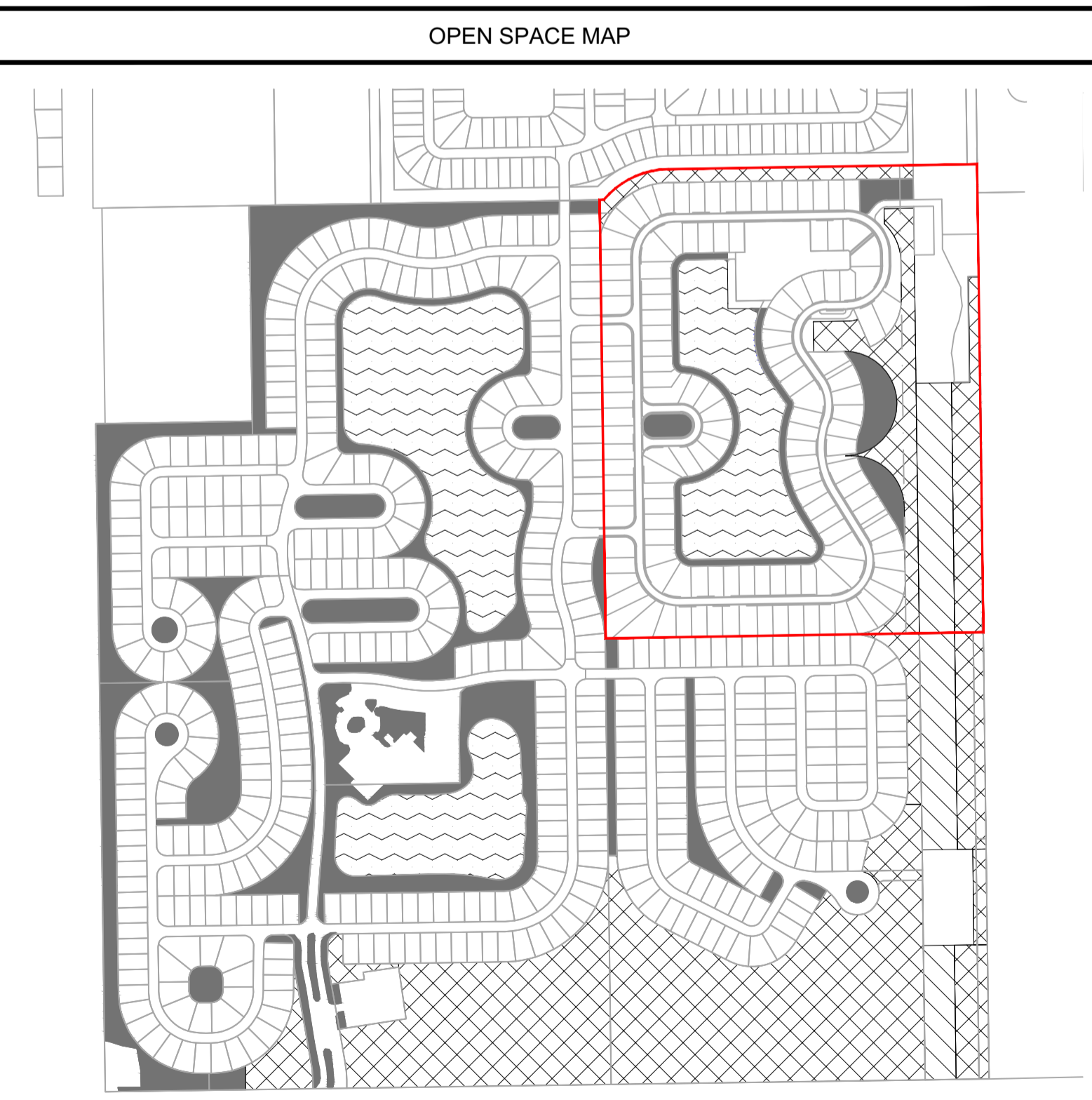
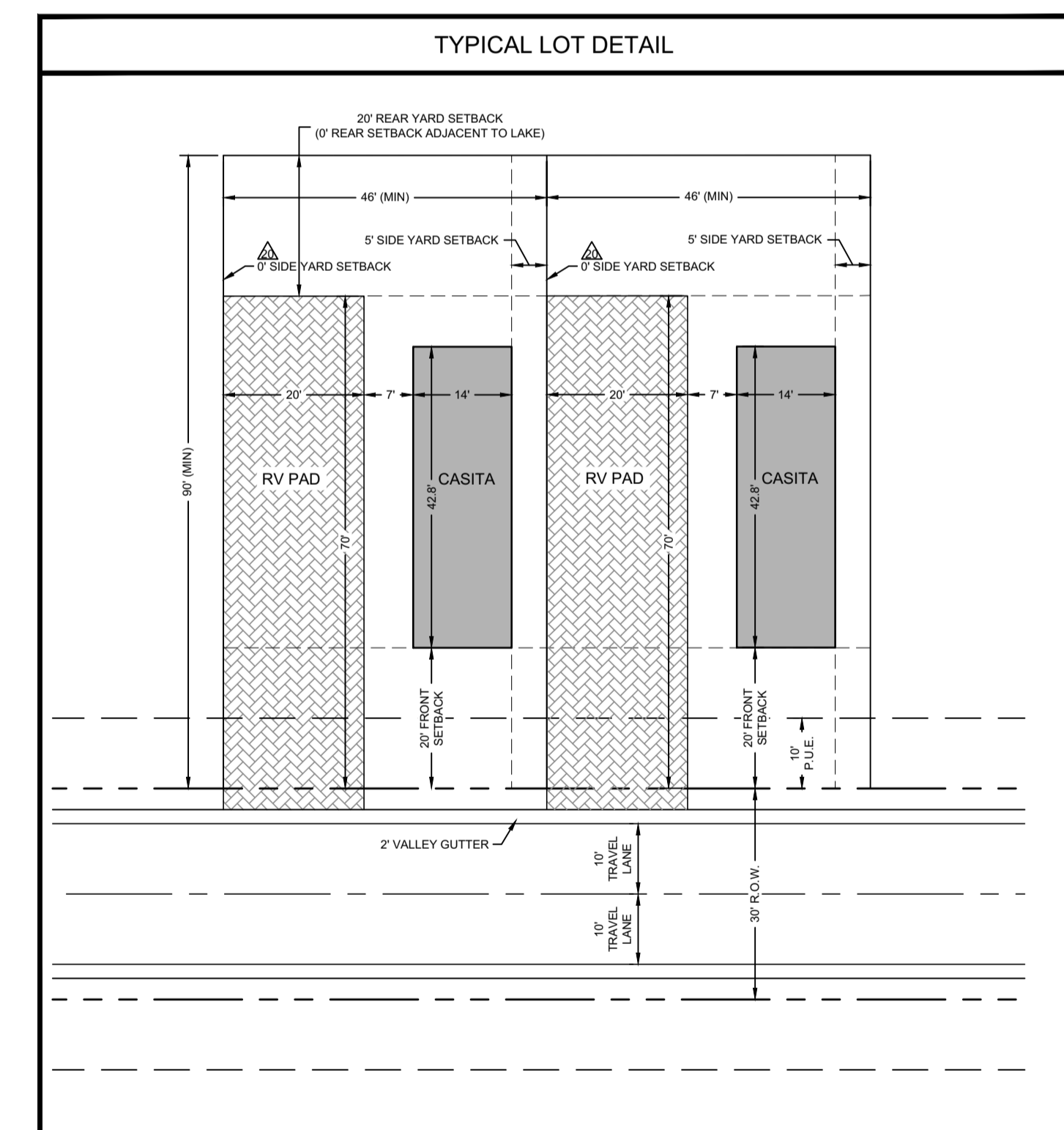
RV LOTS/DEVELOPMENT TRACTS	14.6 AC +/-
LAKE TRACT	5.7 AC +/-
AMENITY TRACT	1.2 AC +/-
ROADWAY / PAVEMENT	3.1 AC +/-
OUTDOOR STORAGE/ DOG PARK/ PICKLE BALL COURTS	2.6 AC +/-
INDIGENOUS / PRESERVE	4.9 AC +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC +/-
<b>TOTAL SITE AREA</b>	<b>35.6 AC.</b>

**B.C. FOX SQUIRREL PRESERVE**

B.C. FOX SQUIRREL PRESERVE AREA INCLUDES ALL INDIGENOUS OPEN SPACE AREAS AS INDICATED IN THE TABLE ABOVE (EXCLUDING THE INDIGENOUS RESTORATION AREA)

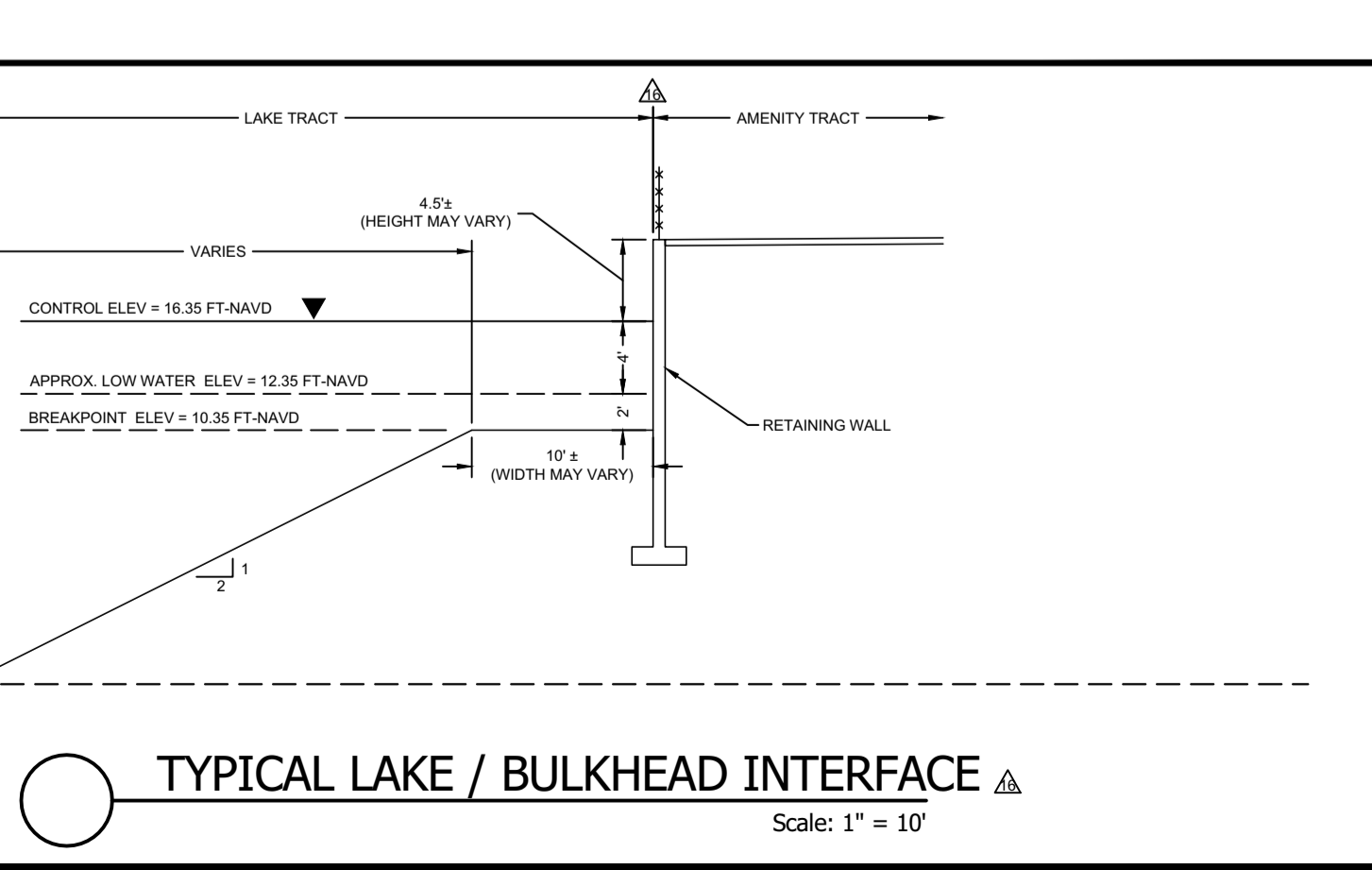
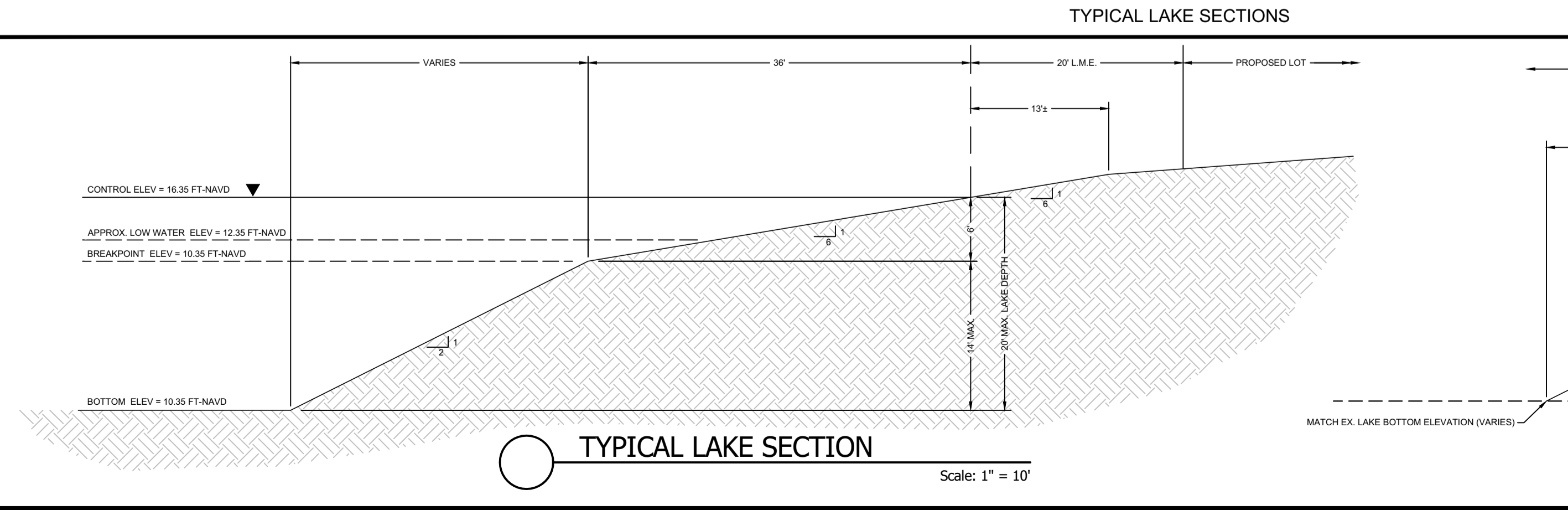
INDIGENOUS OPEN SPACE: 26.07 ACRES  
 INDIGENOUS RESTORATION: 0.90 ACRES  
**TOTAL B.C. FOX SQUIRREL PRESERVE AREA: 26.07 - 0.90 = 25.17 ACRES**

EX. DUKE FARMS LANDSCAPE NURSERY (ZONING: AG-2)



**OPEN SPACE**

INDIGENOUS RESTORATION	1,135,977 SF	26.08 AC
LAKE	721,431 SF	16.56 AC
FPL EASEMENT (EXCLUDING TRAILER PARKING)	181,974 SF	4.18 AC
OTHER OPEN SPACE (LAKE BANK, PERIMETER BUFFER, LANDSCAPE MEDIANS, COURTYARDS, ETC)	758,822 SF	17.42 AC
<b>TOTAL OPEN SPACE</b>	<b>2,798,204 SF</b>	<b>64.24 AC</b>
<b>% OF SITE</b>		<b>41.83 %</b>



**PENINSULA ENGINEERING**

CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE

2600 Golden Gate Parkway  
 Naples, Florida 34105  
 Phone: 239-403-6700 Fax: 239-261-1797  
 Email: info@pen-eng.com Website: www.pen-eng.com  
 Florida Engineering Certificate of Authorization #22375  
 Florida Landscape Certificate of Authorization #LC26000632

**CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT**

**MASTER CONCEPT PLAN**

OWNER/CLIENT/CONSULTANT:  
**LAGUNA CARIBE AT CYPRESS WOODS, LLC**

**REVISIONS:**

No.	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20

**PROFESSIONAL SEALS:**  
 PROFESSIONAL ENGINEER: DANIEL C. HARTLEY  
 FLORIDA LICENSE NUMBER: 73943

**DATUM NOTE:**  
 ALL ELEVATIONS ARE BASED ON NAVD 88 (NORTH AMERICAN VERTICAL DATUM OF 1988).

Bar Scale: 1" = 100'  
 0 20 50 100 200 300'

City: 11 TWP: 44 RGE: 25E  
 City: FORT MYERS County: LEE  
 Designed by: CURTIS WICKSTROM  
 Drawn by: CURTIS WICKSTROM  
 Date: JAN. 2016  
 Horizontal Scale: 1" = 200'  
 Vertical Scale: N.T.S.  
 Project Number: P-L26-001-001  
 File Number: P-L26-002-001-X06

# Exhibit B

"EXHIBIT 3A"

## CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (532 R.V. SITES, 89 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

EXISTING MAN-MADE LAKE RELOCATED TO MIN: 50' FROM REAR LOT LINES

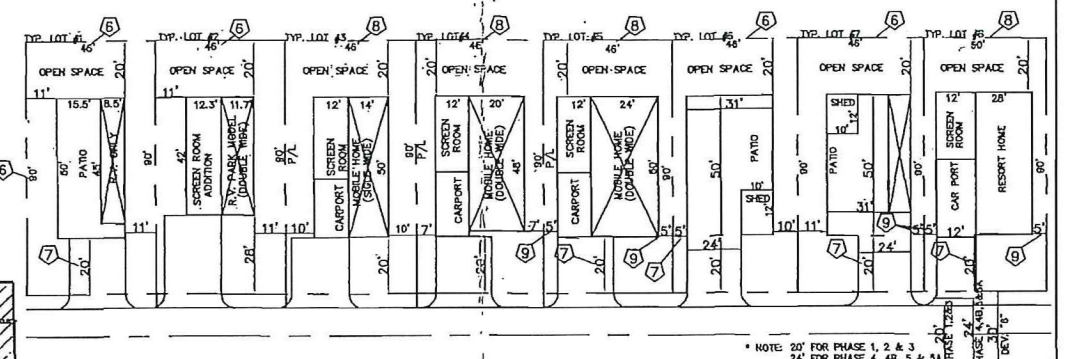
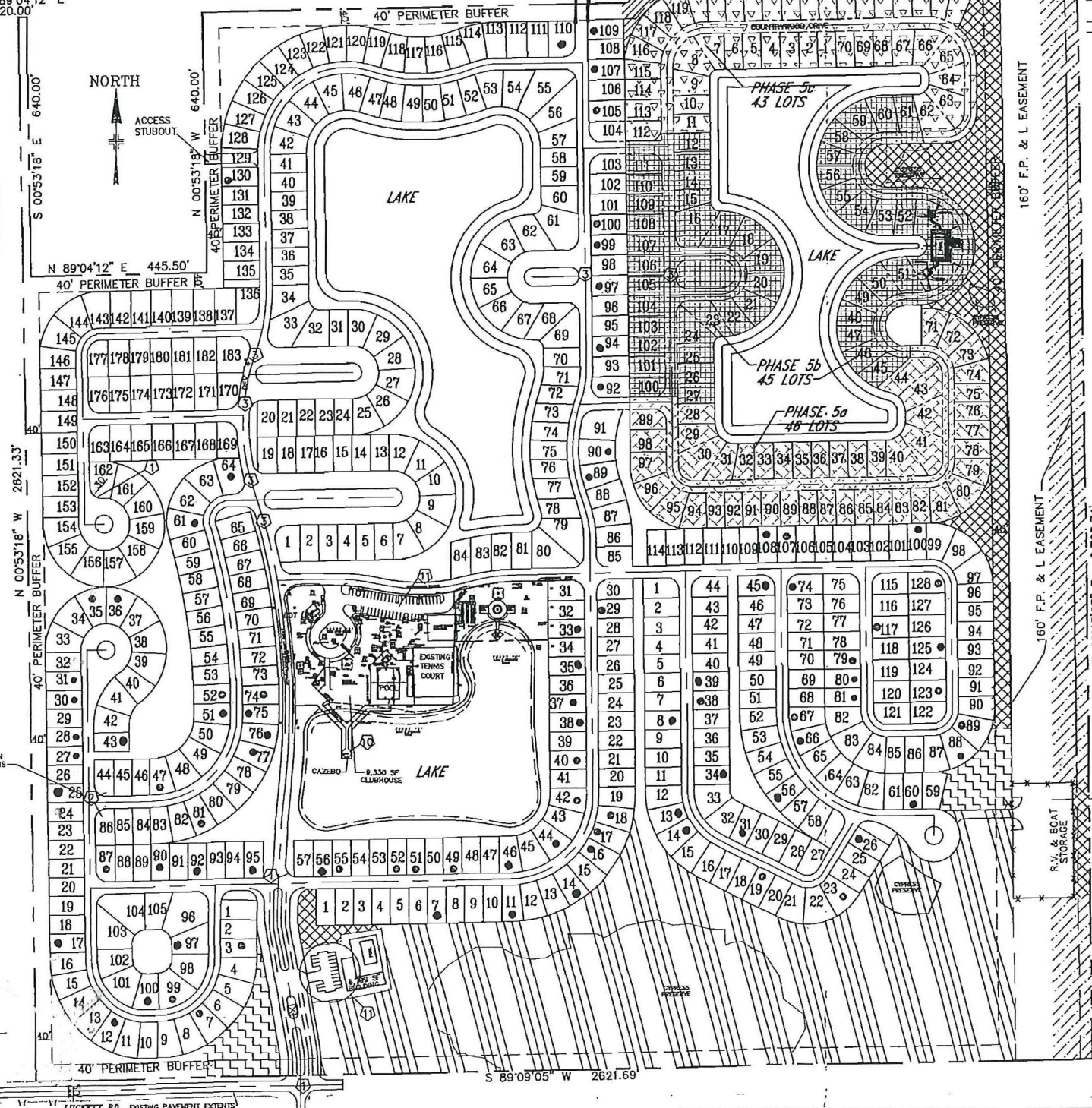
1.14 ACRE INDIGENOUS RESTORATION AREA

Emergency Access Road

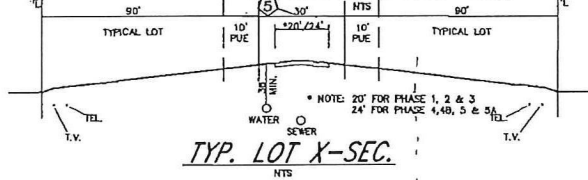
MHPD RVPD

NORTH

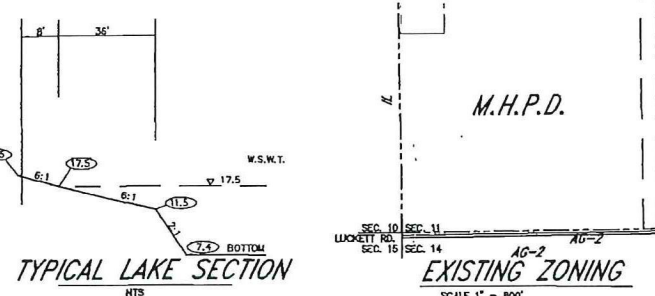
**RECEIVED**  
 MAY 15 2019  
 COMMUNITY DEVELOPMENT



TYPICAL LOT DETAIL



TYP. LOT X-SEC.



TYPICAL LAKE SECTION

EXISTING ZONING

SCHEDULE OF DEVIATIONS

- Existing General Deviations:
- A deviation from LDC Section 10-714 which requires a 30 foot turn-out radius to allow 30 feet.
  - A deviation from LDC Sections 34-2222 & 36-2192 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setback from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
  - A deviation from Table 1 of LDC 10-265 which requires 125 feet of street intersection separation to allow 100 feet.
  - A deviation from LDC Section 10-251(3) to allow any one means of ingress and egress for a development of more than five acres.
  - A deviation from Table 3 of LDC 10-266 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-of-way and open drainage.
- Existing RVPD Deviations:
- A deviation from LDC Section 34-933(b)(6)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
  - A deviation from LDC Section 34-332(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-tennis park.
  - A deviation from LDC Section 34-933(b)(3) to permit an access road through the perimeter buffer.
- Existing MHPD Deviations:
- A deviation from Section 439.03 of the Lee County Zoning Ordinance (Now LDC 34-735) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
  - A deviation from Section 439.02.B of the Lee County Zoning Ordinance (Now 34-736) which requires a side setback of 7 feet to permit a side setback of 5 feet.
  - A deviation from Section 34-2194(b)(3) of the Lee County Land Development Code to permit a water retained use (i.e. clubhouse, deck, pier and gazebo) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2194(c)(1)(x).
  - A deviation from Section 34-2020(1)(x)(2) which would require 135 spaces for the two clubhouse facilities to allow 64 spaces.

Approved as Exhibit C  
 MCP Page 1 of 3  
 Resolution # Z-11-021

DCI 2007-00078

### INDIGENOUS OPEN SPACE

TYPES	ACTUAL	CREDITS
100x	5.04 ACRES	5.04 ACRES
110x	1.27 ACRES	1.39 ACRES
125x	4.86 ACRES	6.08 ACRES
150x	16.70 ACRES	25.05 ACRES
TOTAL PROVIDED:	27.87 ACRES	36.64 ACRES
TOTAL REQUIRED:		30.30 ACRES

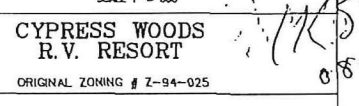
### OPEN SPACE

**COMMON AREA:**

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,810.73 S.F. (4.00 AC.)
LAKES	= 723,325.74 S.F. (16.61 AC.)
160' F.P. EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 760,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.79 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,847,769 S.F. (67.68 AC.)
% OF SITE	= 44.04 %

**HURRICANE SHELTER** (PER LDC SECTION 10-228)  
 REQUIRED HURRICANE SHELTERS = (2,235,000) / (20)(450)-12,000 S.F. PROVIDED = 16,125 S.F.

HISTORICAL RUNOFF



CYPRESS WOODS R.V. RESORT  
 ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN  
 BARBOT, STEUART & ASSOCIATES, INC.  
 CONSULTING ENGINEERS

3228 EVANS AVENUE, FORT MYERS, FLORIDA 33801, PH. (239) 936-7353

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA KKS
04/21/08	REVISED PER 01/08/08 SUFFICIENCY CHECKLIST 1	JTA KKS

CHECKED BY:	CHECKED BY:
KKS	KKS
DATE:	DATE:
09/14/2007	09/14/2007

1 of 4 FILE No. 3434

EXHIBIT C

"EXHIBIT 3A"

# CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

Emergency Access Road

EXISTING MAN-MADE LAKE RELOCATED TO MIN. 50' FROM REAR LOT LINES

AREA TO BE ADDED TO DEVELOPMENT

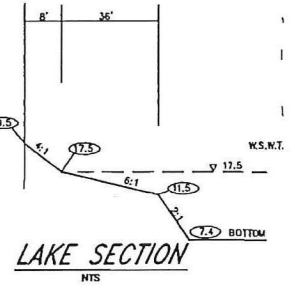
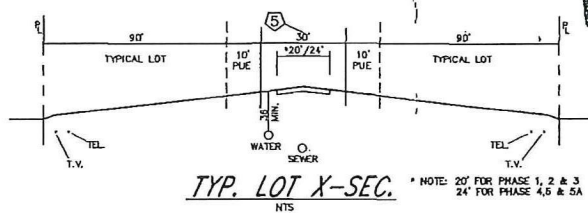
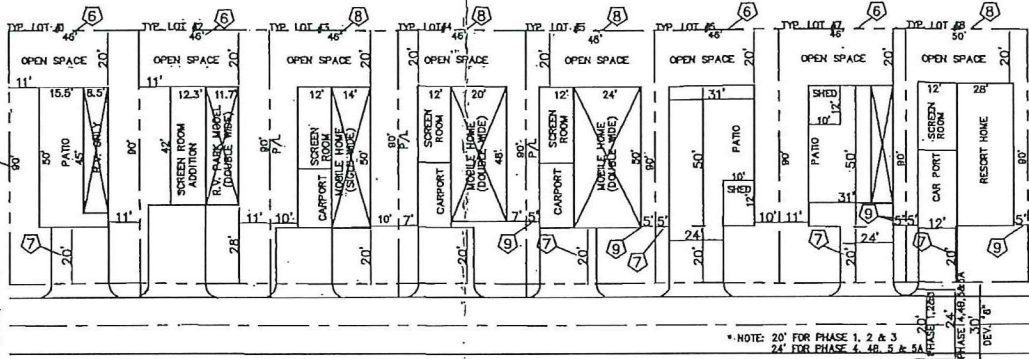
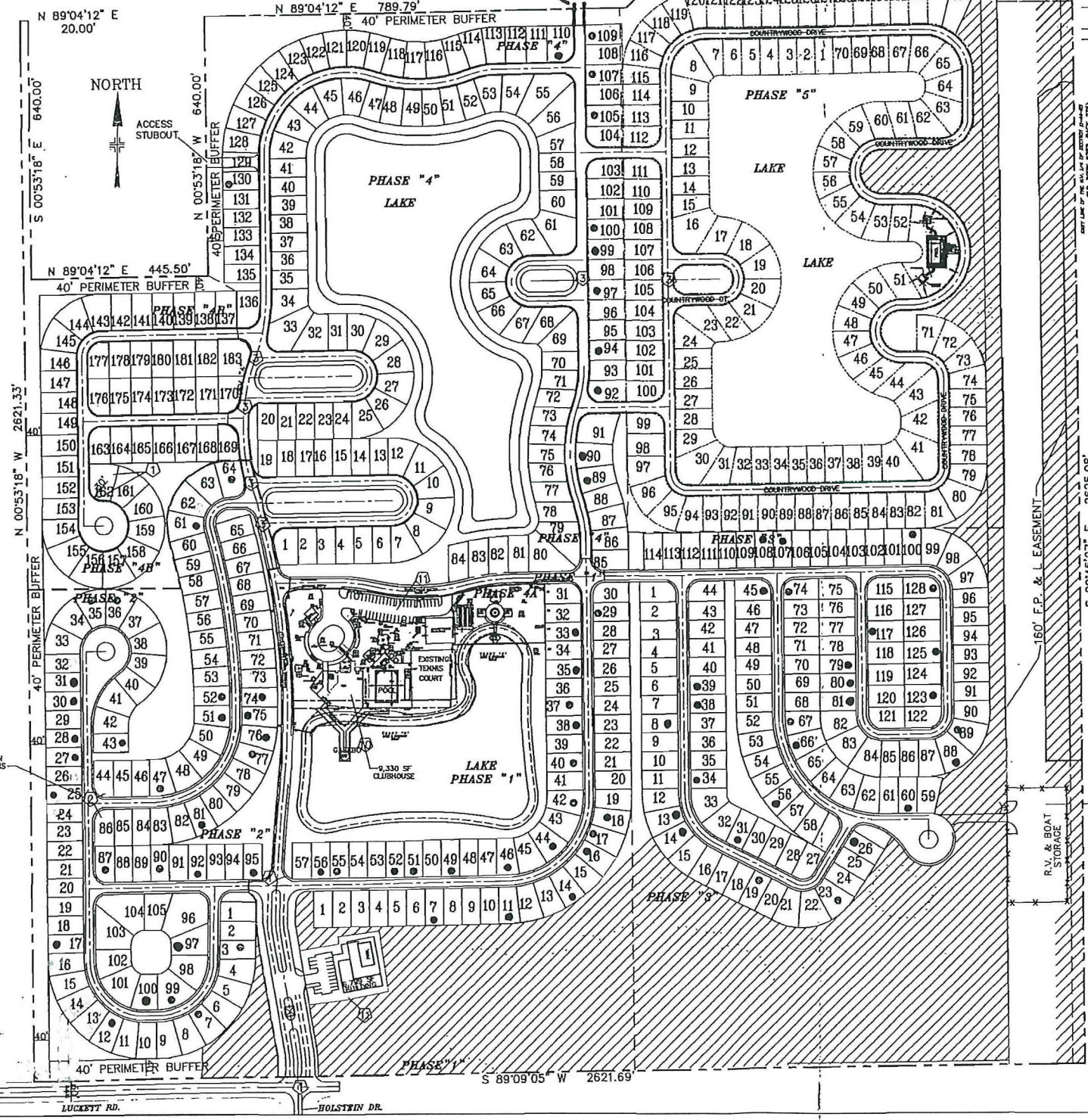
EXISTING MAN-MADE LAKE

EXISTING TOP OF BANK

160' F.P. & L. EASEMENT

160' F.P. & L. EASEMENT

40' PERIMETER



**EXISTING PRESERVE**

- 411 - PINE FLATWOODS = 4.55 ACRES
- 621 - CYPRESS FOREST = 6.66 ACRES
- 624 - PINE - CYPRESS FOREST = 9.13 ACRES
- 625 - PINE WET PRAIRIE = 2.52 ACRES
- 650/640 - RESTORATION AREA = 2.69 ACRES
- 632/310 - POWER LINE EASEMENT/HERBACEOUS = 2.79 ACRES
- 632/643 - POWER LINE EASEMENT/HERBACEOUS = 3.69 ACRES

**B.C. FOX SQUIRREL PRESERVE**  
26.62 ACRES

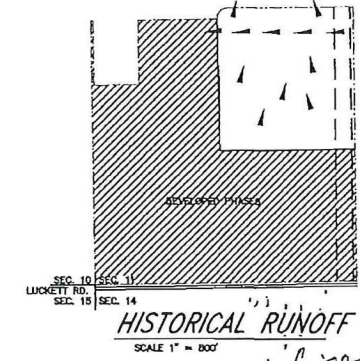
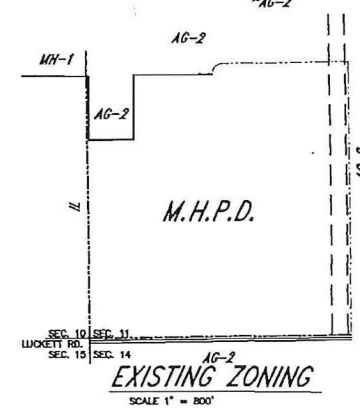
**OPEN SPACE COMMON AREA:**

- 40 FOOT PERIMETER BUFFER = 417,979.45 S.F. (9.50 AC.)
- 20 FOOT AROUND LAKE = 174,913.73 S.F. (4.00 AC.)
- LAKES = 732,335.74 S.F. (16.81 AC.)
- 160' F.P. EASEMENT = 432,587.83 S.F. (9.93 AC.)
- WETLAND CREATION (EXISTING) = 790,122.00 S.F. (17.45 AC.)
- ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS) = 430,223.79 S.F. (9.87 AC.)

**COMMON AREA TOTAL = 2,947,700 S.F. (67.66 AC.)**  
**X OF SITE = 44.04 %**

Approved as Exhibit C  
 MCP Page 2 of 3  
 Resolution # Z-11-021

DCI 2007-00078



**CYPRESS WOODS R.V. RESORT**

ORIGINAL ZONING # Z-94-025

**MASTER CONCEPT PLAN**  
**BIG CYPRESS FOX SQUIRREL PERSEVERE**  
 BARBOT, STEUART & ASSOCIATES, INC.  
 CONSULTING ENGINEERS  
 3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DESIGNED BY: IKS	CHECKED BY: IKS
DRAWN BY: JTA	CHECKED BY: IKS
DATE: 08/16/10	DATE: 05/28/2007
REVISION PER 05/24/10 SUFFICIENCY CHECKLIST	APPROVED:
REVISION PER 01/08/08 SUFFICIENCY CHECKLIST	APPROVED:

**RECEIVED**  
 MAY 15 2019  
 COMMUNITY DEVELOPMENT

# "EXHIBIT 3A" CYPRESS WOODS RESORT

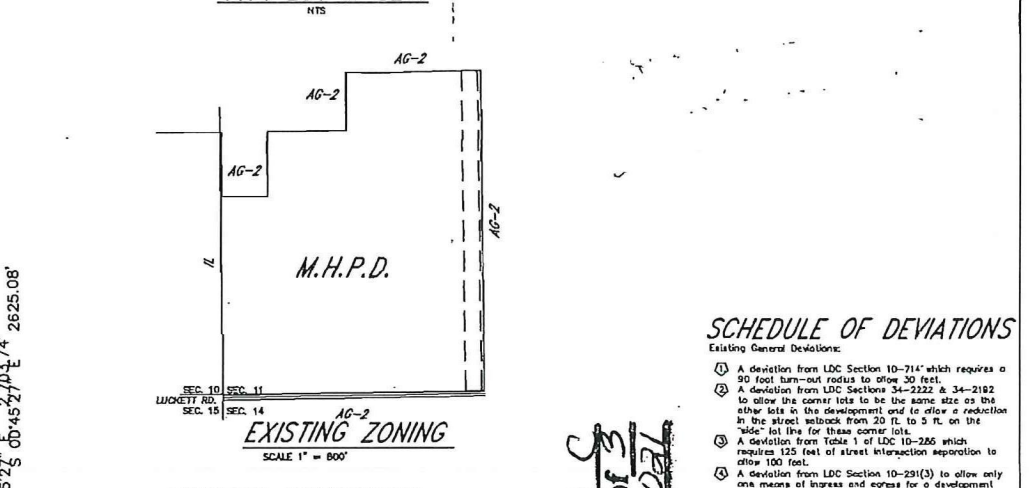
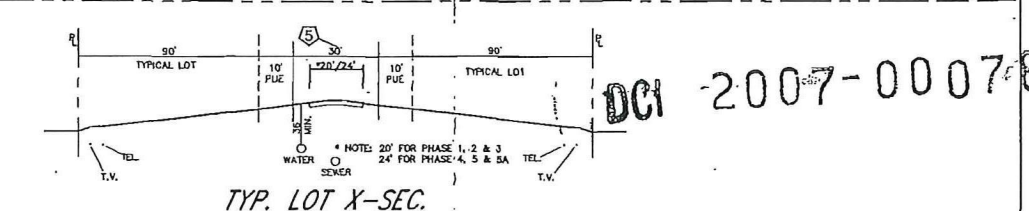
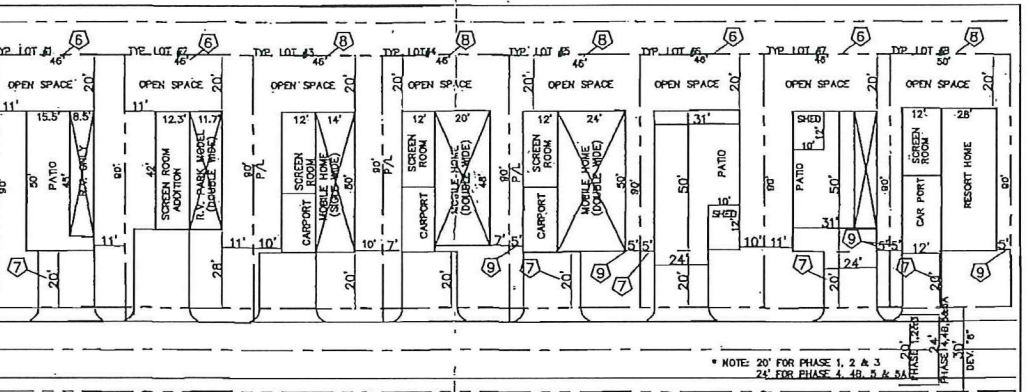
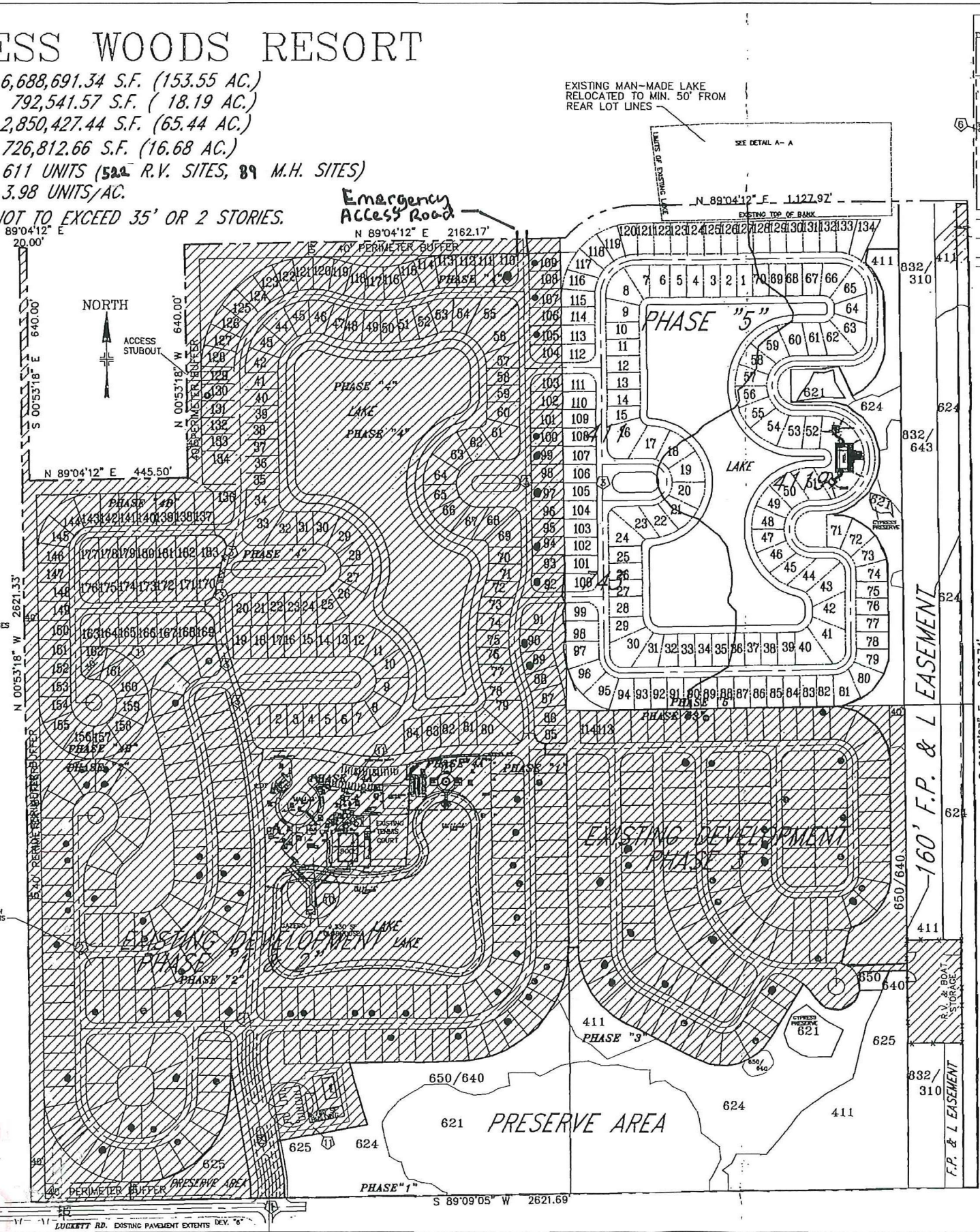
TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)  
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)  
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)  
 LAKES = 726,812.66 S.F. (16.68 AC.)  
 NO. OF LOTS = 611 UNITS (522 R.V. SITES, 89 M.H. SITES)  
 GROSS DENSITY = 3.98 UNITS/AC.  
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

**RECEIVED**  
MAY 15 2019

COMMUNITY DEVELOPMENT

MHPD RVPD

HATCH LEGEND  
EXISTING DEVELOPED PHASES



EXISTING CONDITIONS FOR PHASE 4 & 5

CODE	DESCRIPTION	ACRES
191	BAMBA GRASS FIELD	0.3
193	UNDEVELOPED RUDERAL AREA	19.43
194	UNDEVELOPED LAND/TEMPORARY RV STORAGE	0.81
210	PASTURE LAND	12.28
411	PINE - SAW PALMETTO FOREST	13.34
411B	MELALEUCA - PINE FOREST	11.99
510	DRAINAGE DITCH	80
520	LAKE	2.54
740	DISTURBED AREA	1.30
743	SPOILED AREA	1.00
TOTAL		64.00

FLUCC'S CODE

411 - PINE FLATWOODS	= 4.55 ACRES
621 - CYPRESS FOREST	= 6.86 ACRES
624 - PINE - CYPRESS FOREST	= 9.13 ACRES
625 - PINE WET PRAIRIE	= 2.52 ACRES
650/640 - RESTORATION AREA	= 2.69 ACRES
832/310 - POWER LINE EASEMENT/HERBACEOUS	= 2.78 ACRES
832/643 - POWER LINE EASEMENT/WET HERBACEOUS	= 3.69 ACRES

OPEN SPACE COMMON AREA:

40 FOOT PERIMETER BUFFER	= 417,979.95 S.F. (9.60 AC.)
20 FOOT AROUND LAKE	= 174,512.73 S.F. (4.00 AC.)
LAKES	= 732,335.74 S.F. (16.81 AC.)
160' F.P. EASEMENT	= 432,587.83 S.F. (9.93 AC.)
WETLAND CREATION (EXISTING)	= 708,122.00 S.F. (17.45 AC.)
ADDITIONAL COMMON AREA (AREA BETWEEN BLOCKS)	= 430,223.78 S.F. (9.87 AC.)
COMMON AREA TOTAL	= 2,847,780 S.F. (67.66 AC.)
% OF SITE	= 44.04 %

HURRICANE SHELTER (PER LDC SECTION 10-254D)

REQUIRED HURRICANE SHELTERS	= (2.25)(672)(20)(145) = 13,608 S.F.
PROVIDED	= 16,129 S.F.

DATE	REVISION	APPROVED
08/16/10	REVISED PER 05/24/10 SUFFICIENCY CHECKLIST	JTA

DCI 2007-00078

Approved as Exhibit 3  
 MCP Page 3 of 3  
 Resolution # Z-11-021

SCHEDULE OF DEVIATIONS

- Existing General Deviations:
- A deviation from LDC Section 10-714 which requires a 90 foot turn-out radius to allow 30 feet.
  - A deviation from LDC Sections 34-2322 & 34-2182 to allow the corner lots to be the same size as the other lots in the development and to allow a reduction in the street setbacks from 20 ft. to 5 ft. on the "side" lot line for these corner lots.
  - A deviation from Table 1 of LDC 10-286 which requires 125 feet of street intersection separation to allow 100 feet.
  - A deviation from LDC Section 10-291(3) to allow only one means of ingress and egress for a development of more than five acres.
  - A deviation from Table 3 of LDC 10-296 which requires a 45 foot right-of-way for a local street with open drainage to permit a local street with 30 foot right-of-way and open drainage.
- Existing RVPD Deviations:
- A deviation from LDC Section 34-933(b)(8)(b) which requires a 5,000 square foot minimum lot to allow a 4,140 square foot minimum (46 feet x 90 feet).
  - A deviation from LDC Section 34-393(b)(7)(c) which requires side setbacks of 10 feet and a street (right-of-way) setback of 25 feet to permit a side setback of 5 feet and a street (right-of-way) setback of 20 feet for a non-transect park.
  - A deviation from LDC Section 34-933(b)(11) to permit an access road through the perimeter buffer.
- Existing MHPD Deviations:
- A deviation from Section 435.02 of the Lee County Zoning Ordinance (Now LDC 34-736) which requires a 5,000 square foot minimum lot (50 feet x 100 feet) to allow a 4,140 square foot minimum lot (46 feet x 90 feet).
  - A deviation from Section 439.02.B of the Lee County Zoning Ordinance (Now 34-736) which requires a side setback of 7 feet to permit a side setback of 5 feet.
  - A deviation from Section 34-2184(b)(3) of the Lee County Land Development Code to permit a water related use (i.e. clubhouse, deck, parking garage) to encroach into the 25' setback and to extend 90 feet into an artificial body of water. This request is made pursuant to the exception provided in LDC 34-2184(c)(1)(i).
  - A deviation from Section 34-2022(c)(6)(2) which would require 135 spaces for the two clubhouse facilities to allow 44 spaces.

CYPRESS WOODS R.V. RESORT  
 ADMINISTRATIVE AMENDMENT  
 ORIGINAL ZONING # Z-94-025

MASTER CONCEPT PLAN  
 EXHIBIT III-A-1

BARBOT, STEUART & ASSOCIATES, INC.  
 CONSULTING ENGINEERS

3228 EVANS AVENUE, FORT MYERS, FLORIDA 33901, PH. (239) 936-7353

DESIGNED BY:	CHECKED BY:
JKS	JKS
DRAWN BY:	CHECKED BY:
JTA	JKS
DATE:	DATE:
05/28/2007	05/28/2007

3 of 4 FILE No. 3434

## CYPRESS WOODS RVPD PD AMENDMENT

### Property Development Regulations

*REVISED APRIL 2020*

*The proposed property development regulations are shown in ~~strikethrough~~/underline format as listed in Zoning Resolution Z-11-021.*

#### **Minimum RV Lot Area and Dimensions:**

Area: 4,140 square feet

Width: 46 feet

Depth: 90 feet

#### **Minimum Setbacks:**

Street: 20 feet

Side Street: 10 feet [Deviation (4)]

Side: ~~10-0/5~~ feet (for a recreational vehicle or accessory structure) where a minimum separation of 5 feet between recreational vehicles and accessory structures is provided

5 feet (for mobile home)

Rear (Principal): ~~20~~ 10 feet\*

*\*Minimum 20-foot rear principal and accessory setback provided for lots that abut existing developed RV lots in Phases 1-4.*

Rear (Accessory): 5 feet/0 feet from lake maintenance easement for waterfront lots)

Waterbody: ~~25~~ 20 feet (0 feet from lake maintenance easement/rear lot line)

Maximum Lot Coverage: 50% (RV pad and roofed accessory structures)

Maximum Building Height: 30 feet

#### **Minimum Amenity Lot Area and Dimensions:**

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

**Minimum Setbacks:**

Street: 20 feet

Side (Principal): 10 feet

Side (Accessory): 5 feet

Rear (Principal): 10 feet

Rear (Accessory): 5 feet

Waterbody: 0 feet

Maximum Lot Coverage: 45%

Maximum Building Height: 45 feet

## CYPRESS WOODS RVPD PD AMENDMENT

### Applicant's Proposed Conditions

**REVISED APRIL 2020**

**The following conditions are shown in ~~strikethrough~~/underline format as listed in Zoning Resolution Z-11-021.**

1. Development of this project must be consistent with the ~~3-page~~ 4-page Master Concept Plan entitled "Cypress Woods RV Resort" prepared by Barbot Stuart & Associates, Inc. and Peninsula Engineering last revised ~~08/16/10~~ 04/09/2020 and date-stamped "~~AUG 23 2010~~FEBRUARY 14, 2020," and attached hereto as Exhibit C, except as modified by the conditions below. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

The overall project is limited to a maximum of 611 mobile home and recreational vehicle units. Development may not exceed any Development of Regional Impact threshold contained in Florida Statutes, without first obtaining approval of an Application for Development Approval.

2. Property Development Regulations

a. Lots within this development shall be developed in accordance with the following Property Development Regulations:

**Minimum RV Lot Area and Dimensions:**

Area: 4,140 square feet

Width: 46 feet

Depth: 90 feet

Street: 20 feet

Side Street: 10 feet [Deviation (4)]

Side: ~~10-0/5~~ feet (for a recreational vehicle or accessory structure) where a minimum separation of 5 feet between recreational vehicles and accessory structures is provided

5 feet (for mobile home)

Rear (Principal): ~~20~~ 10 feet\*

*\*Minimum 20-foot rear principal and accessory setback provided for lots that abut existing developed RV lots in Phases 1-4.*

Rear (Accessory): 5 feet/0 feet from lake maintenance easement for waterfront lots)

Waterbody: 25 20 feet (0 feet from lake maintenance easement/rear lot line)

Maximum Lot Coverage: 50% (RV pad and roofed accessory structures)

Maximum Building Height: 30 feet

### **Minimum Amenity Lot Area and Dimensions:**

Area: 10,000 square feet

Width: 100 feet

Depth: 100 feet

### **Minimum Setbacks:**

Street: 20 feet

Side (Principal): 10 feet

Side (Accessory): 5 feet

Rear (Principal): 10 feet

Rear (Accessory): 5 feet

Waterbody: 0 feet

Maximum Lot Coverage: 45%

Maximum Building Height: 45 feet

### **b. Schedule of Uses**

The following uses are permitted for Cypress Woods Phase 5:

Accessory uses and structures, residential including:

Casitas (maximum 600 square feet, see Condition 15)

Administrative offices

Club, Private, On-Site

Consumption on premises, indoor and outdoor

Food and beverage service, limited

Personal services (Groups 1 only)

Community gardens

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention



Fences and Walls  
Parking lot, accessory  
Real Estate Sales Office  
Recreational Facilities  
Recreational Vehicles (maximum 137 RV Lots)  
Signs, in accordance with Chapter 30  
Storage, open (limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents).

### 3. Mobile Home/Recreational Vehicle

The developer or subsequent master owner association must provide on or before December 31<sup>st</sup> of each year an accounting of the total number of lots existing within the development. The accounting must also provide the number of lots used for recreational vehicle and mobile home use. At no time may the number of lots exceed that permitted in Condition 1, nor may the number of recreational vehicles exceed 599. Lots permitted for mobile home use by Lee County, may not subsequently be used by a recreational vehicle.

### 4. Onsite Shelter

The on-site Hurricane Shelter provision for this development must be consistent with the commitment on the approved MCP.

### 5. Utilities

The development must be connected to a public or private central water system and a public or private central sewage disposal system.

### 6. Traffic Impacts

This zoning approval does not signify that the project's traffic impacts have been mitigated. Additional conditions may be required at the time of issuance of a local development order per the Development Standards Ordinance or other Lee County Ordinance.

### 7. Allocation Table

Approval of this rezoning does not give the developer the undeniable right to receive any local development order approval that exceeds the year 2010 Overlay use allocation, if such allocation exists, for the applicable district.

### 8. Fox Squirrel Preserve Area & Northern Buffer

All areas shown on the MCP as fox squirrel preserve must be shown and labeled as such on any plans submitted for local development order approval, any golden polypody found on trees within development areas must be relocated to preserve areas wherever feasible.

Prior to local development order approval for Phase V, the landscape plans must depict restoration for the northern buffer in substantial compliance with the Habitat Restoration and Maintenance Guidelines (date-stamped "Received August 23, 2010" and attached as Exhibit D).

## 9. Solid Waste Management

This development must be consistent 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.

## 10. Open Space

The overall project must provide a minimum of ~~67.66~~ 64.24± acres of open space for all phases of the project in substantial compliance with the MCP.

## 11. Indigenous Open Space

The project must provide a minimum of ~~36.64~~ 35.51± acres of indigenous open space with credits for all phases of the project in conceptual compliance with the approved MCP.

Lots 68-70 and 75-76 are permitted a 20 foot minimum setback to the upland preserve area subject to the provision of the following fire mitigation techniques:

- a. The roofing material must be metal or concrete tile and not straw or other flammable material.
- b. The accessory structure walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A fire wall rating of 2 hours.

## 12. Indigenous Maintenance and Management Plan

Prior to local development order approval for Phase V, the Applicant must submit a maintenance and management plan for the proposed Indigenous Preserve Areas as per the LDC §10-415(b)(4) for Division of Environmental Sciences review and approval.

## 13. Landscape Plans

Prior to local development order approval for Phase V, the landscape plans must be in substantial compliance with the Habitat Restoration and Maintenance Guidelines and depict:

- the planting of slash pines (*Pinus elliotti* var *densa*), dahoon holly (*Ilex cassine*), laurel oak (*Quercus laurifolia*) and live oaks (*Quercus virginiana*), planted an average 15-feet on center; and,
- 75 percent of the trees planted 10-feet in height, two-inch caliper; and,
- 25 percent of the trees planted 16-feet in height, three-four-inch caliper; and, shrubs consistent with the restoration plan, planted in scattered clusters one-gallon container size, three feet on center; and,
- a five-year monitoring report must be provided to ensure that the habitat restoration is successful.

## 14. Conveyance Ditch and Easement

Prior to local development order approval for Phase V, the Development Order plans must demonstrate that the location of the conveyance ditch and associated easement are not located

within the 40-foot-wide area depicted as the Big Cypress Fox Squirrel buffer/preserve area. Per the Habitat and Restoration Plan the 40-foot-wide buffer/preserve areas must be restored in its entirety.

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 Allocations Table, Map 16 and Table 1(b).

#### 15. Accessory structures in Phase 5

- a. Phase 5 is permitted a maximum of 137 “casitas”, which are defined as permanent accessory structures used in long-term occupancy Recreational Vehicle developments to provide additional living space for the single-family occupants of RV lots and their temporary guests. Permitted uses include spaces for overnight sleeping; kitchen and cooking; entertainment; studies or home offices; storage; and garages or car ports for golf carts or motor vehicles. The casita or cottage along with the RV shall be defined and treated collectively as a single residential unit. I.e. separate rental of the casita is strictly prohibited to ensure the RV lot retains occupancy as a single dwelling unit.
- b. All lots must comply with the maximum lot coverage of 45% including RV pad, casita, and other applicable accessory structures.
- c. Casitas may only be occupied when the RV is parked on the lot.
- d. As a condition of building permit approval, the property owner must record a covenant in the public records that clearly indicates the uses allowed or prohibited within the casita structure. This covenant must be consistent with this section and may not be amended without the written consent of the Director of Lee County Community Development.
- e. All lots containing casitas shall have recorded covenants restricting lot long term occupancy to a single family unit, with only temporary guest use permitted for accessory structures on the lot.

#### SECTION C. DEVIATIONS

1 – 18. *No Changes*

19. Deviation (19) seeks relief from LDC Section 34-2020(a) to allow for a reduction of required parking spaces at the Phase 5 “Beach Club” Amenity tract from 30 required parking spaces to 10 standard spaces and 12 golf cart spaces.
20. Deviation (20) seeks relief from LDC Section 34-939(b)(7), which requires a minimum setback of 10 feet from each side and rear RV site lot line, to allow for a 0-foot side lot line setback.
21. Deviation from LDC Section 34-939(b)(3) to allow accessory uses to be located outside of the RVPD perimeter buffer.

22. Deviation from LDC Section 10-415(b)(1)(c) to allow accessory structures to be setback a minimum of 15 feet from wetland preserve areas and a minimum of 20 feet from upland preserves for Lots 68-70 and 75-76 only.

## CYPRESS WOODS RVPD PD AMENDMENT

### Schedule of Deviations & Justifications

**REVISED APRIL 2020**

**The following deviations are requested in addition to the 18 deviations listed in Zoning Resolution Z-11-021.**

**Please note the Applicant has filed a Chapter 10 Administrative Deviation sidewalk cross section deviation**

19. Deviation from LDC Section 34-2020(a) to allow for a reduction of required parking spaces at the Phase 5 "Beach Club" Amenity tract from 30 required parking spaces to 10 standard spaces and 12 golf cart spaces.

**JUSTIFICATION:** The applicant is seeking a reduction to the required number of on-site parking spaces for the Beach Club Amenity within Phase 5 of the Cypress Woods RVPD to maximize the area available for recreational amenities and usable open space within the amenity site and overall project.

The proposed parking plan is detailed in the following table:

USE	PARKING SPACE REQUIREMENT	SF/INTENSITY	SPACES REQUIRED
Residential Clubhouse (Private)	4 spaces/1,000 SF	6,000 SF	24 spaces
Sports Courts	3 spaces/court (1 court)	2 bocce courts	6 spaces
<b>TOTAL SPACES REQUIRED</b>			<b>30 spaces</b>
<b>TOTAL SPACES PROVIDED</b>			<b>22 spaces (10 standard spaces &amp; 12 golf cart spaces)*</b>

**\*Plus 15 overflow golf cart parking spaces within 200+/-feet of the Amenity Tract.**

The deviation is requested due to physical constraints of the site, including the existing lake in the center of the property; the 160' wide FPL easement along the eastern edge of the site; and the preserve areas under permanent conservation easement located immediately west of the FPL easement. In sum, these areas significantly limit developable areas within this infill property.

The MCP also provides for 15 additional overflow golf cart parking directly east of the amenity parcel within very short walking distance of both the bocce courts and the pickleball courts. It is also pertinent to this request that amenities have been dispersed throughout the site to provide for recreational opportunities that are

pedestrian accessible, such as those facilities proposed in the FPL easement. The overflow golf cart parking provides easy access to both amenity areas.

In addition to the site constraints, and perhaps more important to the justification of this request, is the function of this private, on-site amenity site and its easy accessibility by bicyclists, pedestrians and golf carts.

It is known based upon the function of the main amenity campus in Cypress Woods (AKA the Town Center) that standard vehicle spaces are not demanded in this community as highly as a typical clubhouse, due to the unique RV Resort nature of the community, and the known propensity for patrons to walk or use their golf cart to access the clubhouse and associated facilities.

Z-11-021 permitted a substantial parking deviation for the Cypress Woods Town Center, allowing for 44 parking spaces to be provided, instead of the 135 parking spaces required by the LDC – a 68% reduction to the required parking.

The photographs in Exhibit A attached demonstrate the lack of parking lot usage at peak mid-day periods during the January 2020 season. This is the time of year when the project is most heavily populated by seasonal residents. The photos demonstrate that the standard parking spaces are underutilized, even with this substantial deviation in place.

All units within Phase 5 will be less than a quarter mile from the clubhouse facility, which is generally considered easy walking distance, and further supports this request.

The deviation will also allow for the reduction of impervious/paved surface parking on the amenity site and provides additional land area for recreational amenities ideally located on the waterfront. The deviation will serve to enhance impact public health, safety and welfare.

20. Deviation from LDC Section 34-939(b)(7) which requires a minimum setback of 10 feet from each side and rear RV site lot line, to allow for a 0-foot side lot line setback.

**JUSTIFICATION:** The proposed deviation will allow for a zero-lot line development program on the RV lots, which is common to RV, mobile home and conventional single-family residential developments. The design ensures appropriate separation of 10 feet between both principal and accessory structures, while allowing structures to be placed on the shared lot line to maximize usable area within each lot.

The proposed development is a clustered RV resort community with relatively small lots and internal setbacks to accommodate large preserve areas and recreational amenity space within the site, and also foster a community feel that is common to the RV developments.

**Based upon the 10-foot minimum separation between structures, public health, safety and welfare will not be negatively impacted by this request.**

21. Deviation from LDC Section 34-939(b)(3) to allow accessory uses to be located outside of the RVPD perimeter buffer.

**JUSTIFICATION:** The MCP provides for the 40' vegetative buffer to screen the RV lots from the lands to the west. The Applicant is requesting to locate ancillary recreational and accessory facilities east of this buffer to maximize use of the FPL easement that runs along the eastern property line. The neighboring use to the west is an intensive agricultural operation, C & S landscape nursery and tree farm, which zoned Agricultural (AG-2), which does not necessitate a buffer for compatibility purposes. The proposed design provides an appropriate transition from the RV/residential uses in the interior of the site to the more intensive uses to the east, and will not negatively impact public health, safety or welfare.

22. Deviation from LDC Section 10-415(b)(1)(c) to allow accessory structures to be setback a minimum of 15 feet from wetland preserve areas and a minimum of 20 feet from upland preserves for Lots 68-70 and 75-76 only.

**JUSTIFICATION:** The request is relating to a minor number of lots in the overall project and only relates to accessory structures, not principal structures.

The proposed wetland setback is offset by a structural buffer, comprised of an earthen berm with plantings permitted by the ACOE and SFWMD. The proposed design will protect against resident intrusion into the preserve areas/maintain integrity of the conservation easement and is approved by the both the ACOE and SFWMD.

It is understood the required upland preserve setback relates to fire protection concerns. From an environmental standpoint, the pine flatwoods area in question is very small (about ½ acre). This area is very narrow and has excellent access from the FPL easement immediately to the east for fire protection access and also mitigation of a potential fire starting. The FPL easement alone acts as a very large fire break.

The upland buffer setback has been reviewed and approved by the Tice Fire District per the attached correspondence. The Applicant offers the following zoning condition enforceable by Lee County that the accessory structures on the lots with the 20-foot upland preserve setback will be constructed with flame retardant roofing and wall materials.

Specifically, the roofing material is metal or concrete tile and not straw or other flammable material. The building walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A fire wall rating of 2 hours.

**CYPRESS WOODS RVPD  
PD AMENDMENT****Schedule of Uses****REVISED APRIL 2020**

The following uses are permitted for Cypress Woods Phase 5:

Accessory uses and structures:

Casitas (maximum 600 square feet, see Condition 15)

Administrative offices

Club, Private, On-Site

Consumption on premises, indoor and outdoor

Food and beverage service, limited

Personal services (Groups 1 only)

Community gardens

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Parking lot, accessory

Real Estate Sales Office

Recreational Facilities

Recreational Vehicles (maximum 137 RV Lots)

Signs, in accordance with Chapter 30

Storage, open (limited to recreational vehicles, trailers, boats, and other vehicles and goods belonging to park residents.





## **LAGUNA CARIBE AT CYPRESS WOODS RV RESORT SURFACE WATER MANAGEMENT PLAN (FOR RVPD AMENDMENT)**

### **Project Site Description:**

The subject property is undeveloped, and comprises the final phase of development of the Cypress Woods RV Resort. The project property is approximately 35.65 acres in size, and is located northeast of the intersection of Nightwood Drive and Brightwood Drive. The parcel is bounded by existing phases of the Cypress Woods RV Resort on the west and south, by the existing Cypress Trail RV Resort on the north, and by an existing agricultural operation to the east.

### **Existing Conditions:**

The property is currently undeveloped and generally flat with site elevations ranging from 17.9 to 19.9 ft-NAVD. The existing property has a previously excavated lake which was intended for the previously permitted development within this property. Surface water flow within the existing site tends to collect in low areas and sheet flow toward the existing lake.

### **Proposed Water Management System:**

The proposed water management system will be designed to convey all stormwater runoff to the Master Surface Water Management System (SWMS) within the Cypress Woods RV Resort via a catchment system of overland flow, swales, drainage inlets and stormwater pipes. The existing onsite water management lake (as modified) will be interconnected to the existing lakes with the Cypress Woods RV Resort, which provide the required water quality treatment and attenuation for the entire master system. The existing control structure within the Cypress Woods RV Resort will limit the peak discharge to the maximum allowable discharge rate. Flows from the Cypress Woods RV Resort discharges to the Country Lakes Drive Swale, as previously permitted and constructed.

The Cypress Woods Home Owners Association (it's successors or assigns) is responsible for the perpetual maintenance of the Master SWMS, including that within the Laguna Caribe at Cypress Woods project boundary.

### **FEMA Panel:**

According to Firm Panel 12071C0291F dated August 27, 2008, the subject property is located in Flood Zone X "Area of Minimal Flood Hazard", with no base flood elevations.

**Alexis Crespo**

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**From:** Ted Ross <tross@ticefire.com>  
**Sent:** Thursday, April 9, 2020 11:49 AM  
**To:** Alexis Crespo  
**Subject:** Re: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

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**WARNING - EXTERNAL EMAIL:** PLEASE VERIFY SENDER BEFORE OPENING ATTACHMENTS OR CLICKING ON LINKS.

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If the stated requirements/enhancements are met, the Tice Fire District does not have any objection to the amended zoning request. I look forward to working with you on this project. If you have any questions please let me know.

*Ted Ross*  
**Fire Chief**



Tice Fire Protection District  
9351 Workmen Way  
Ft. Myers, FL 33905  
Phone: 239 694-2380  
Fax: 239 694-7399  
E-Mail: [Tross@ticefire.com](mailto:Tross@ticefire.com)

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Email which is created or received by a Tice Fire Rescue District employee in connection with the transaction of official business of Tice Fire Rescue District is considered public record and is subject to inspection and/or copying in accordance with Chapter 119, Florida Statutes and is subject to applicable state retention laws and regulations, unless exempted by law.

---

**From:** Alexis Crespo <Alexis.Crespo@waldropengineering.com>  
**Date:** Wednesday, April 8, 2020 at 2:57 PM  
**To:** Lorena Smart <smart@ticefire.com>, Ted Ross <tross@ticefire.com>  
**Subject:** RE: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

Hi Chief Ross - I unsuccessfully tried to email you this morning. Rena was kind enough to point out the error. Below is what I had tried to send...Thank you!

-----

Thank you again for taking the time to discuss the project yesterday. As a follow-up - we are requesting accessory structures on 5 lots within Phase 5 of the RV community to be located 20 feet from an upland preserve instead of 30 feet.

We wanted to provide some additional information and proposed fire mitigation commitments applicable to accessory structures located within the requested deviation to the setbacks to off-set this request.

- We will provide a condition in the zoning enforceable by Lee County Code Enforcement that the accessory structures will be constructed with flame retardant roofing and wall materials.
- Specifically, the roofing material is metal or concrete tile and not straw or other flammable material.
- The building walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A fire wall rating of 2 hours.
- Lastly, from an environmental standpoint, the pine area is very small (about ½ acre). This areas is very narrow and has excellent access from the FPL easement immediately to the east. The FPL easement alone acts as a very large fire break.

We are hopeful this mitigation addresses your comments and you can provide an email to us indicating no objection to the request. I will include you on the correspondence to Lee County with these written commitments so you are assured of our follow-through.

Please let us know if you have any questions.

**Alexis Crespo** AICP  
Senior Vice President – Planning



alexis.crespo@waldropengineering.com | waldropengineering.com  
o (239) 405-7777 | d (239) 908-3405 | c (239) 850-8525

**BONITA SPRINGS** | FORT MYERS | ORLANDO | SARASOTA | TAMPA  
28100 Bonita Grande Drive, Suite 305, Bonita Springs, FL 34135

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**From:** Rena Smart <smart@ticefire.com>  
**Sent:** Wednesday, April 8, 2020 2:55 PM  
**To:** Alexis Crespo <Alexis.Crespo@waldropengineering.com>  
**Cc:** Ted Ross <tross@ticefire.com>  
**Subject:** Re: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

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His email address is: [tross@ticefire.com](mailto:tross@ticefire.com)

Thanks

Rena Smart  
TICE FIRE DISTRICT

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**From:** Alexis Crespo <[Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com)>  
**Date:** Wednesday, April 8, 2020 at 2:02 PM  
**To:** 'Rena Smart' <[smart@ticefire.com](mailto:smart@ticefire.com)>  
**Subject:** RE: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

Thanks! I goofed up the first time!

Did I get his email right? [Ross@ticefire.com](mailto:Ross@ticefire.com)

**Alexis Crespo** AICP  
Senior Vice President – Planning



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**From:** Rena Smart <[smart@ticefire.com](mailto:smart@ticefire.com)>  
**Sent:** Wednesday, April 8, 2020 1:20 PM  
**To:** Alexis Crespo <[Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com)>  
**Subject:** Re: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

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THANK YOU!!!!

Rena

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**From:** Alexis Crespo <[Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com)>  
**Date:** Wednesday, April 8, 2020 at 11:32 AM  
**To:** 'Rena Smart' <[smart@ticefire.com](mailto:smart@ticefire.com)>, "'ross@ticefire.com'" <[ross@ticefire.com](mailto:ross@ticefire.com)>  
**Cc:** 'Duane Truitt' <[dtruitt96@yahoo.com](mailto:dtruitt96@yahoo.com)>, 'Daniel Hartley' <[DHartley@barroncollier.com](mailto:DHartley@barroncollier.com)>, "'Jeremy Sterk (jeremys@eteflorida.com)'" <[jeremys@eteflorida.com](mailto:jeremys@eteflorida.com)>  
**Subject:** RE: Laguna Caribe at Cypress Woods - Request for Lot Setback Review

Chief Ross -

Thank you again for taking the time to discuss the project yesterday. As a follow-up - we are requesting accessory structures on 5 lots within Phase 5 of the RV community to be located 20 feet from an upland preserve instead of 30 feet.

We wanted to provide some additional information and proposed fire mitigation commitments applicable to accessory structures located within the requested deviation to the setbacks to off-set this request.

- We will provide a condition in the zoning enforceable by Lee County Code Enforcement that the accessory structures will be constructed with flame retardant roofing and wall materials.
- Specifically, the roofing material is metal or concrete tile and not straw or other flammable material.
- The building walls will be constructed of a pre-fabricated composite material that is fire retardant, and Class A fire wall rating of 2 hours.

- Lastly, from an environmental standpoint, the pine area is very small (about ½ acre). This areas is very narrow and has excellent access from the FPL easement immediately to the east. The FPL easement alone acts as a very large fire break.

We are hopeful this mitigation addresses your comments and you can provide an email to us indicating no objection to the request. I will include you on the correspondence to Lee County with these written commitments so you are assured of our follow-through.

Please let us know if you have any questions.

**Alexis Crespo** AICP  
Senior Vice President – Planning



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**From:** Daniel Hartley <[DHartley@barroncollier.com](mailto:DHartley@barroncollier.com)>  
**Sent:** Wednesday, April 1, 2020 5:32 PM  
**To:** Rena Smart <[smart@ticefire.com](mailto:smart@ticefire.com)>  
**Cc:** Duane Truitt <[dtruitt96@yahoo.com](mailto:dtruitt96@yahoo.com)>; Alexis Crespo <[Alexis.Crespo@waldropengineering.com](mailto:Alexis.Crespo@waldropengineering.com)>  
**Subject:** Laguna Caribe at Cypress Woods - Request for Lot Setback Review

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Good Afternoon Rena, I am writing in regard to the upcoming/proposed project Laguna Caribe at Cypress Woods. This is the project for which we've done recent fire flow testing; it is the final phase of development in the Cypress Woods RV Resort.

For this project, the developer is requesting a zoning amendment through Lee County to allow what are being termed "Casitas", which are permanent accessory use structures to serve as additional living area for lot owners, in addition to their personal RVs.

Within the development, we have a handful of lots which are located adjacent to preserve areas (both wetland and upland), and which will necessitate a request for Deviations from code-required minimum setbacks from the proposed accessory use structures to the preserve, compared to the other lots within the development.

To provide support of these configurations with the proposed zoning amendment through Lee County, we would request a review of these proposed setbacks by Tice Fire District, and if deemed satisfactory, a Letter of No Objection stating as such would be greatly appreciated. Lee County Community Development requires a letter of approval from the Fire District to approve these requested Deviations.

The attached exhibits have been prepared for your review; one exhibit shows a “back-in” configuration (where RVs would back in to the lot), and the other exhibit shows a “pull-in configuration” (RVs pull in to the lot head first). The back-in vs. pull-in configuration would determine the location of the Casita, so we are providing both for review.

In summary, we would request approval of a minimum 15’ setback from Casitas to wetland areas, and a minimum 20’ setback from Casitas to upland areas. The locations shown on the attached exhibits vary in regard to the actual setback, but the minimum we would request approval for is 15’ wetland / 20’ upland.

If you can please forward this to appropriate Tice Fire District personnel (Chief Ross perhaps?) for review, it would be greatly appreciated.

Upon review, if Tice Fire can please advise if there are any questions or concerns; or, advise if the proposed layouts as shown are acceptable; it would be greatly appreciated.

I am available on my cell phone at any time if needed for discussion – 239-250-9408.

Thank you Rena,  
Dan

**PENINSULA ENGINEERING**

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