

**LEE COUNTY, FLORIDA
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT**

TYPE OF CASE:	PLANNED DEVELOPMENT/DCI
CASE NUMBER:	DCI2021-00042
HEARING EXAMINER DATE:	June 09, 2022
SIFFICIENCY DATE:	April 07, 2022

APPLICATION SUMMARY

Applicant: Taylor Morrison of Florida, Inc. in reference to CenterPlace

Request: Request to amend Resolution Z-17-014, as amended, to rezone 40± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) and incorporate into the existing CenterPlace MPD. No additional residential dwelling units are being requested with this application.

Location: The subject property is located at the south side of Alico Road, about 0.9 miles East of Ben Hill Griffin Parkway, SE Lee County Planning Community, Lee County, FL. (District #2). The applicant indicates there are numerous and varied STRAP numbers which are on file and available for inspection at the Department of Community Development, 1500 Monroe St., Ft. Myers, FL. A legal description of the property is attached as Attachment "R".

SUMMARY

Staff recommends APPROVAL of the request to rezone to Mixed-Use Planned Development, (MPD) with conditions listed in Attachment C.

The conditions have been prepared to address the proposed development and its consistency with the Lee County Comprehensive Plan (Lee Plan), compatibility with surrounding land uses, and the future infrastructure needs to support the development.

There are 17 deviations already approved for this project. The applicant proposes to amend Deviation #1 through this request.

HISTORY OF PARCEL

This property was rezoned from Agricultural (AG-2) and Light Industrial (IL) to Compact Planned Development, COMP-PD in 2014 (Resolution #Z-14-021) to allow for up to 1,950 residential dwelling units, 250 hotel rooms, 246,400 square feet of commercial retail space, 100,000 square feet of office space, including general and medical offices, and 300,000 square feet of Research and Development. In 2016, this property was rezoned from COMP-PD to MPD by Resolution Z-17-014 with the same development parameters.

The reason for the original Compact Planned Development approved in 2014 was the fact that the Lee Plan, under the University Community Future Land Use category for Area 9 (subject Parcel included), allowed rezoning exclusively to Compact Community Planned Development in Area 9 of the University District, where this property is located. A Comprehensive Plan amendment (CPA2016-11) removed the Compact Community rezoning and site specific design requirements from the Lee Plan.

This property used to contain a large mining activity, which started in the 1970s. A small portion of this property was rezoned to industrial in 1971 via Resolution Z-71-14. In 1986, the Board of County Commissioners adopted Resolution ZAB-86-62, approving a Special Exception for general excavation, a general excavation permit, two variances related to excavations, and a variance from the Wetland Protection Ordinance to allow excavation within "Resource Protection Areas" and Transitional Zones". This resolution also included properties other than the property contained in this application. The 1986 zoning approval, drawing no. 6, shows the lands west of the FPL easement were used for the plant site, fine disposal/stockpile area (backfill program), and non-mined area along Alico Road.

In 2010, the Future Land Use designation of the subject property was changed via Ordinance 10-40 from "Density Reduction/Ground Water Resource" to "University Community" Area 9 to allow the rezoning in 2014.

Resolution Z-17-014, which rezoned this property from COP-PD to MPD was amended by 11 administrative amendments (ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019 ADD2021-00068, ADD2021-00107, and ADD2021-00198A).

This Zoning amendment, if approved, will rescind and replace Resolution Z-17-014 and all 11 subsequent administrative amendments listed above. The conditions and deviations attached as Attachment "C" codify the conditions and deviations approved by these listed resolutions.

This request will add 40 acres to the development that was originally donated to the FGCU as required by Ordinance 10-40 (attached) and was not a part of the original rezoning applications. The request will rezone the parcel to MPD for residential development. The original approval contained enough residential units that this amendment is not requesting any additional residential units, rather, the development parameters are being modified to reduce the maximum number of residential dwellings to be developed in this development.

CHARACTER OF THE AREA

The area is one of the fastest growing areas in Lee County and the development patterns in the area are being influenced by Florida Gulf Coast University and Southwest Florida International Airport. The area is being developed with residential, commercial retail, office, hotel, industrial, and research and development uses, very similar to what is being requested under this application.

To the north, across Alico Road, there is a large development known as Florida Gulf Coast Technology. This 727-acre mixed use development is approved for 240 hotel rooms; 650,000 square feet of retail floor area; 400,000 square feet of office floor area, including medical office; and 3,897,000 square feet of industrial floor area. To the east of Florida Gulf Coast Technology there is a large parcel zoned AG-2. To the east of the AG-2 zoned land there is a 240 acre site known as FGCU Innovation Hub, approved for 240,000 commercial retail and 960,000 square feet of industrial uses.

To the east there is a 2,960.03 acre parcel rezoned Mixed Use Planned Development (MPD) (Z-15-021, Wildblue), entitled for a maximum of 1,006 dwelling units and 40,000 square feet of commercial development. There is also a large lake to the northeast of this project that was donated to the County as a part of the Wildblue rezoning in 2015.

To the south and west this property abuts a Mixed Use Planned Development known as Miromar Lakes MPD, approved for 2,600 residential units (1,900 multiple-family, and 700 single-family), 450 hotel rooms, 250,000 square feet of retail commercial, and 340,000 square feet of office, 40,000 square feet of Research and Development.

Further to the west, across Ben Hill Griffin Pkwy, is Gulf Coast Town Center MPD (approved for 1,566,000 square feet of retail commercial, 270,000 square feet of office, 250 hotel rooms, and 600 units residential multiple-family) and University Plaza (approved for office, retail, and hotel/motel use).

To the north of Gulf Coast Town Center, there is a development known as University Plaza and across Alico Road, there is another development known as Jetway Tradeport MPD approved for 75,000 square feet of office, 120,000 square feet of commercial retail, 300 hotel rooms, 29,000 square feet of industrial uses.

The land uses and activities allowed under this Mixed Use Planned Development are very similar in nature to the uses proposed or approved in the area.

ANALYSIS

The applicant is proposing to rezone 40 acres from AG-2 to MPD to be included in the CenterPlace MPD. This is the land that was donated to the FGCU per Lee Plan Policy 18.1.16, Number 17, which required such a donation. This parcel is located on the east side of the original MPD and was not included in the rezoning actions. This Lee Plan Policy is no longer in the Lee Plan.

This Mixed Use Planned Development (MPD), if approved, will allow the development of the site with up to 1,654 dwelling units; 200,000 sq. ft. of retail; 110,000 sq. ft. of office; 20,000 sq ft of research & development; 10,000 sq. ft. of medical office; and 250 hotel/motel rooms.

The original approval of this planned Development via Z-17-014 allowed 1,950 residential dwelling units, with a cap of 25 percent or a maximum of 487 units for single family or zero-lot line dwellings. Recent approval of a Comprehensive Plan amendment (CPA2021-00002) removed this cap, allowing the applicant to build more single-family dwellings. As a part of this application, the applicant is proposing to increase the maximum allowable number of single family and zero-lot line dwellings from 487 to 800 units and to reduce the overall number of residential dwelling units from 1,950 to 1,654. The applicant has provided a trip generation study showing that the proposed reduction in overall number of units and increase in the number of single family and zero-lot line dwellings will have no impact on trip generation for the development (Attachment "I").

The CenterPlace development donated land for the future County Road 951 from Alico Road to the terminus of the property to the south.

This property is located in the University Community District of the Future land Use Map. University Community District Area 9, where this property is located had a cap of 25% on single family dwelling units for residential uses. A recent Comprehensive Plan amendment (CPA2021-00002) removed the 25% cap for Area 9.

Lee Plan:

The property is within the University Community (Policy 1.1.9) Future Land Use category. The proposed amendment is appropriate with the Future Land Use designation of the site in the context of the changes occurring and the growth of Florida Gulf Coast University. The approved

densities and intensities, as well as the mix of uses in the already approved MPD, are in keeping with the University Community Future Land Use category. The proposed amendment will add 40 acres to the site without any changes to the density or intensity of the MPD. The existing MPD contains 70± acres of wetlands (highly disturbed with varying degrees of exotic vegetation). The applicant is required to obtain all necessary State and Federal Permits for any activity within the wetlands.

The proposed amendment promotes contiguous growth patterns, contains urban sprawl and minimizes the costs of services. Adequate public services exist, and sewer and water are available to the site. The property has direct frontage on Alico Road through the existing MPD, which is a major east-west arterial road (Objective 2.2).

This amendment will add a 40 acre parcel into the existing MPD. The existing MPD, as approved and being developed, will provide a variety of housing options, including housing for students. Commercial portions of this development will provide employment opportunities for students and others. The requested zoning amendment, as conditioned, is CONSISTENT with Goal 15, Policies 15.1.1, 15.1.2, and 15.1.3 of the Lee Plan.

Ordinance 10-40 allocated 1,950 residential units for this parcel, known as University Community Area 9. The proposed amendment will not increase that number. The development has dedicated right-of-way for the County Road 951 extension (AKA FGCU Lake Parkway). The requested zoning amendment, as conditioned, is CONSISTENT with Policies 15.1.4, and 15.1.5 of the Lee Plan.

This is a Mixed Use Planned Development that will complement the University Community. Most of the surrounding properties are either developed or entitled with a similar mix of uses. Residential uses are proposed where this site abuts an established residential area of adjacent development. The requested zoning amendment, as conditioned, is CONSISTENT with Policy 15.1.7 of the Lee Plan.

During the original rezoning of CenterPlace MPD, the applicant met at several occasions with the University. As required by the Lee Plan at the time of the original rezoning, a donation of 40 acres was completed by the applicant. The requested zoning amendment seeks to add the 40 acres previously donated to the University, as conditioned, is CONSISTENT with Policy 15.1.11 of the Lee Plan.

This development was designed in compliance with the requirements of Policy 15.1.16. Density, intensity, number of residential dwelling units, type of uses, etc. are designed to comply with the requirement of this Policy. The required 40 acre parcel of land has been donated to the University. Streets will have sidewalks on both sides. Bike paths will be provided throughout the development. In 2009, a Certificate of Compliance was issued for Lake Bank Reclamation for this site indicating substantial compliance with the Development Order plans approved for this site in 1998. The requested zoning amendment, as conditioned, is CONSISTENT with Policy 15.1.16 of the Lee Plan.

The project will complement the existing character of the neighborhood. This project's residential component, CONSISTENT with Policy 135.9.5, will be adjacent to the residentially-zoned area and the commercial component will mostly be in the Town Center area.

The University Community Future Land Use category, as provided for in Lee Plan Policy 15.1.16, outlines those uses determined to be generally associated with proposed mixed use

developments in Area 9 (CenterPlace) that will "enhance and support the University." These uses include: Residential, Retail, Office/Research/Development, and Hotel.

The approved mix of uses will provide employment and shopping opportunities to the students of the University and the mix of housing types will provide housing opportunity to the students and employees of the University.

Furthermore, the proposed mix of uses and housing types are appropriate at the proposed location. The development, as amended, continues to qualify as "Associated Support Development" to FGCU, as required by Lee Plan Policy 15.1.16 requiring such a finding.

Urban Services:

Public transportation: LeeTran Bus Route 60 travels along Alico Road to Ben Hill Griffin Parkway to Florida Gulf Coast University. Currently this bus route does not travel east of Ben Hill Griffin Parkway, along Alico Road.

Fire protection is provided by San Carlos Park Fire District, located at 19591 Ben Hill Griffin Parkway, 3 miles from the subject property. This fire station also contains an EMS substation.

Sheriff's station is located at 1770-754 Ben C Pratt/Six Mile Cypress, within four miles of the subject property.

South Lee County Regional Library, on Three Oaks Parkway, is within 4 miles of the proposed project.

Three Oaks Elementary School, located on Cypress View Drive, Three Oaks Middle School located to the north of the project on Three Oaks Pkwy, and Estero High School located on Williams Road, are the closest public schools to this site.

This development will have direct access to FGCU, with shopping and employment opportunities located within and within short distances of this site (Lee Plan Policy 2.2).

Water and sewer services from Lee County Utilities are available to the site and the site will be connected to those services. There is a 24-inch water main and a proposed 18 inch sewer line on Alico Road with adequate capacity adjacent to this property (Lee Plan Standards 4.1 and 4.2).

Estero Regional Park is approximately 8 miles from the development; and Three Oaks Community Park is within 4 mile of this site.

ENVIRONMENTAL

Environmental Zoning staff has reviewed this request and recommended approval.

TRANSPORTATION

A waiver of requirement for Transportation Impact Statement was approved for this project, as the previously approved Planned Development for this site was more intensive and generated more traffic than what is anticipated under this new request (see Attachment "I").

NATURAL RESOURCES

Natural Resources staff has reviewed this request and has recommended approval.

FINDING AND CONCLUSION

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by the Land Development Code Section 34-145(d)4, staff offers the following findings and conclusions

- a) Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Goal 15, Objective 2.2, Policies 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.7, 15.1.11, 15.1.6 and 135.9.5;
- b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- c) Is compatible with existing and planned uses in the surrounding area;
- d) Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;
- e) Will not adversely affect environmentally critical or sensitive areas and natural resources;
- f) Will be served by urban services, defined in the Lee Plan;
- g) The proposed mix of uses is appropriate at the proposed location;
- h) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- i) The approved Deviations will
 - 1) Enhance the achievement of the objectives of the planned development; and
 - 2) Preserve and promotes the general intent of this Code to protect the public health, safety and welfare.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: surrounding zoning, future land use and aerial photograph
- C. Recommended Conditions, Development Regulations and Deviation
- D. Master Concept Plan
- E. Resolution Z-17-014 and Administrative Amendments
- F. CPA2021-00002 (Ord. 22-04)

- G. CPA2016-00011 (Ord.17-10)
- H. CPA 2009-00001 (Ord. 10-40)
- I. Traffic Study
- J. Water Quality Monitoring Program
- K. Emergent Vegetation Monitoring program
- L. Shoreline Location Monitoring Program
- M. Sign Code Deviation Exhibit (Deviation 6)
- N. Utility Lines Deviation Exhibit (Deviation 9)
- O. Deviation Exhibit for Deviations 7 through 13
- P. Dead-end Road Deviation Exhibit (Deviation 16)
- Q. Application and Applicant's Narrative
- R. Legal Description

cc: Applicant
County Attorney
Zoning File

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

Case Number: DCI2021-00042

Project Name: CenterPlace

Hearing Examiner Date: June 09, 2022

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 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.

ELIZABETH WORKMAN, Environmental Planner, Senior, Zoning Section, 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, and environmental 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, Engineer, Senior, Development Services Section, 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.

ATTACHMENT A

BRANDON DUNN, Planner, Principal, Planning Section, 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 and comprehensive 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.

REBECCA SWEIGERT, Planner, Principal, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

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NICOLAS DeFILIPPO, Planner, Planning Section, 1500 Monroe Street, Fort Myers, FL. 33901

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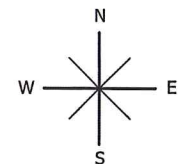
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Zoning

 Subject Property

 City Limits

ATTACHMENT B



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Feet

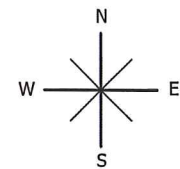


DCI2021-00042

Aerial

 Subject Property

 City Limits



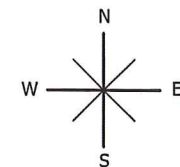
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DCI2021-00042

Future Land Use

-  Subject Property
-  Urban Community
-  Suburban
-  Industrial
-  Public Facilities
-  University Community
-  General Interchange
-  University Village Interchange
-  Industrial Commercial Interchange
-  Tradeport
-  Density Reduction/Groundwater Resource
-  Conservation Lands - Upland
-  Wetlands
-  Conservation Lands - Wetland
-  City Limits



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DCI2021-00042, CenterPlace MPD
Conditions and Deviations

A. Conditions:

1. Master Concept Plan/Development Parameters

The development of this project must be consistent with the two page Master Concept Plan entitled "CenterPlace Master Concept Plan," stamped received May 6, 2022, 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.

This MPD zoning approval authorizes the development of up to 1,654 dwelling units (including a combined maximum of 800 dwelling units allocated for single family and zero-lot line); 200,000 square feet of retail; 110,000 square feet of office; 20,000 square feet of research & development; 10,000 square feet of medical office; and 250 hotel/motel rooms.

This Amendment will rescind and replace Resolution Z-17-014, and the following Administrative Amendments: ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019 ADD2021-00068, ADD2021-00107, and ADD2021-00198A

2. Uses and Site Development Regulations

The following Limits apply to the project and uses:

a. Schedule of Uses

Single Family Residential (R-SF) Tracts

Accessory Uses and Structures
Administrative Offices
Dwelling Units
 Live-work
 Single Family, detached
 Two family, attached
 Zero Lot Line
Entrance gates and gatehouses
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Excess Spoil Removal
Fences, walls
Home Occupation
Models: Model home
Parking Lot, Accessory

Real Estate Sales Office- limited to sales of lots, homes or units within the development
Recreation Facilities – Personal and Private, on-site
Residential accessory uses, including boat docks
Signs
Temporary Uses, limited to temporary contractor's office and equipment storage shed

Multi-Family Residential (R-MF) Tracts

Accessory uses and Structures
Administrative Offices
Assisted Living Facility, Subject to Condition 15
Boat slips
Boat Ramp
Continuing Care Facilities, Subject to Condition 15
Dwelling Units
 Single Family, detached
 Live Work
 Multiple family building
 Townhouse
 Two Family, attached
 Zero Lot Line
Entrance gates and gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Excess Spoil Removal
Fences, walls
Independent Living Facilities, Subject to Condition 15
Models:
 Display center
 Model home
 Model unit
Multi-slip docking facilities, limited to 50 wet slips for multi-family residences
Parking Lot, Accessory
Real Estate Sales Office- limited to sales of lots, homes or units within the development
Recreation Facilities-Personal and Private on-site
Residential accessory uses, including boat docks for single family residences
Signs
Temporary Uses, limited to temporary contractor's office and equipment storage shed
Timeshare Units, Subject to Condition 15

Residential Amenities Tracts

Clubs, Private
Essential Services

Essential Service Facilities, Group I
Excavation, water retention
Excess Spoil Removal
Fences, walls
Parking lot:
 Accessory
 Temporary
Real Estate Sales Office- limited to sales of lots, homes or units within the development and must be located in the clubhouse, amenity or model unit sites.
Recreation Facilities, Private on-site
Temporary Uses, limited to temporary contractor's office and equipment storage shed

Beach Club Main Amenity and Beach Club Satellite Amenity Tracts

Clubs, Private
Accessory uses, including but not limited to:
 Boat dock, limited to Fifty (50) boat slips
 Boat ramp
 Consumption on premises subject to Condition 8
 Dry Boat Storage, limited to Fifty (50) slips
 Fishing pier
 Food and beverage service, limited
 Personal services
 Rental or leasing establishment, Group I, (limited to beach chairs, umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doo's and other similar personal water craft)
Excess Spoil Removal
Parking lot, Accessory
Real Estate Sales Office- limited to sales of lots, homes or units within the development and must be located in the clubhouse amenity
Recreation Facilities, Private On-Site
Rental or Leasing Establishments, Group II limited to:
 Appliances
 Bicycles
 Costumes
 Furniture
 Movies, videotapes and similar home entertainment
 Party or banquet supplies
Temporary Uses, limited to temporary contractor's office and equipment storage shed

Town Square - Commercial Tracts (C-H/R & R&D)

Accessory Uses and Structures
Administrative Offices
Auto parts store
Bait and Tackle Shop
Banks and Financial Establishments, Group I

- Bar or cocktail lounge, Subject to Condition 8
- Boat parts store
- Business Services, Group I
- Cleaning and maintenance services
- Clothing Stores, general
- Clubs, Commercial, Fraternal, Membership Organization, Private
- Cold Storage, pre-cooling, warehouse and processing plant
- Communication Facility, wireless, antenna only
- Computer and data processing services
- Consumption on Premises- accessory to a Restaurant including Outdoor Seating and Bar and Cocktail Lounge, Subject to Condition 8
- Contractors & Builders Group I, limited to:
 - Carpentering and flooring
 - Electrical contractors
 - General contractors
 - Glass and glazing
 - Operative builders
 - Painting, paperhanging and decorations
 - Plumbing, heating and air conditioning
 - Special trades
- Convenience food and beverage store, may include Self Service Fuel Pumps limited to a maximum of 16
- Cultural Facilities
- Day Care Center, child or adult
- Department Store
- Drive-through facility for any permitted use
- Drugstore, pharmacy
- Dwelling units:
 - Live Work
 - Multiple family
 - Townhouses
 - Two-family attached
- EMS, Fire or Sheriff's Station
- Essential Services
- Essential service facilities, Group I
- Excavation, water retention
- Excess Spoil Removal
- Fences, walls
- Food Stores, Group I
- Gift & Souvenir shop
- Hardware store
- Health care facilities, Group I
- Hobby, toy, and game shops
- Home Care Facility
- Hotel/Motel, Limited to 250 rooms
- Household and office furnishings, Group I, II
- Insurance companies
- Laundromat
- Laundry or Dry Cleaning, Group I
- Library
- Manufacturing of

- Apparel products, excluding marine canvas tops, tents, etc.
- Electrical machinery and equipment
- Fabricated Metal products, Group II
- Food and Kindred products, Group III limited to Malt beverages,
Wines, brandy and Brandy spirits and distilled, rectified and
blended liquors.
- Furniture and fixtures
- Leather products, Group II
- Measuring, analyzing and controlling instruments
- Novelties, jewelry, toys and signs, All groups
- Paper and allied products, Group II
- Stone, clay, glass and concrete products, Group I
- Medical Office
- Motion Picture Production Studio
- Non-Store Retailers, Group I
- Paint Glass and wallpaper
- Parcel and express services
- Parking Lot:
 - Accessory
 - Garage, Public
 - Park and Ride
 - Temporary
- Personal services, All Groups, except: Dating Services, Escort Services,
and Palm Readers, Fortunetellers or Card Readers.
- Pet Services
- Pet Shop
- Photofinishing Laboratory
- Place of Worship
- Post Office
- Printing and publishing
- Religious facilities
- Rental or Leasing Establishments, Groups I, II
 - Group I limited to:
 - Beach chairs, umbrellas and similar facilities
 - Bicycles
 - Mopeds and scooters
 - Passenger car pickup and drop-off (no maintenance,
limited storage only)
 - Group II limited to:
 - Appliances
 - Bicycles
 - Costumes
 - Furniture
 - Movies, videotapes and similar home entertainment
 - Party or banquet supplies
- Repair shops, Group I and II, excluding gunsmiths and taxidermists
- Research and development laboratories, All Groups
- Restaurant, fast food
- Restaurants, All Groups
- Retail and wholesale sales, when clearly incidental and subordinate to a
permitted principal use on the same premises

Schools, commercial
Signs
Social Services, Group I
Specialty Retail Shops, All Groups
Storage, Indoor & Open
Studios
Temporary Uses
Theatre, indoor
Used Merchandise Stores, Group I, II
Variety Store
Warehouse, High Cube, Cold Storage only
Wholesale establishments, Group III

Community Park Tract

Community Garden
Excess Spoil Removal
Farmers Market
Parking lot:
 Accessory
 Temporary
Recreation Facilities, Commercial, Group III limited to passive and active recreation & swimming pools, tennis courts and other similar activities not grouped elsewhere.
Rental or Leasing Establishments, Group III, limited to bicycles

Passive Open Space Area Tract

Interpretive centers, rain shelters, gazebos
Nature and foot trails, including boardwalks and jogging paths
Paths, boardwalks, and bridges to provide access for fishing piers, observation towers and golf cart crossings
Recreational shelters, restroom facilities, passive parks, and picnic areas
Signs
Accessory uses and structures customarily associated with the uses permitted in this district
Any other activity or use comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Passive Open Space Area.

b. Development Regulations:

Residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Setback (ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Min. Accessory Setback ⁽³⁾ (ft)	Max Building Height ⁽⁴⁾ (ft)	Max Lot Coverage (%)
Single-family	5,500	50	110	20/10 ⁽²⁾	5	10	5/0	45	55
Zero Lot Line	5,500	50	110	20 ⁽²⁾	0 and 5	10	5/0	45	55
Two-family attached	3,300	30	110	20 ⁽²⁾	0 or 5	10	5/0	45	60
Townhouse-End Unit	2,700	30	90	20	0 or 5	10	5/0	45	56
Townhouse-Interior Unit	2,250	25	90	20	0	10	5/0	45	67
Multiple-family ⁽¹⁾	6,500	65	100	20	7.5	10	5/0	65	55

(1) Building Separation for multiple-family buildings on the same lot: 15 feet

(2) Front yard setback may be reduced to 10 feet for units with side-loaded garages and for the secondary front yard setback on corner lots

(3) 0' accessory setback where rear lot lines abut platted lake maintenance easement or landscape buffer easements

(4) Maximum building height for accessory structures is 35'

Development Regulations for Tract C-1

Min. Lot Area (Acre)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Setback (ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Max. Building Height (ft)	Max. Lot Coverage (%)	Min. Building Separation (ft)	Min. Accessory Setback (ft)
16	460	460	20	7.5	10	45	55	10	5

All setbacks are measured from Tract Boundaries

Commercial/Non-residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front/Service Area Setback(ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Max Building Height (ft)	Max Lot Coverage (%)
Commercial/Non-residential (including Hotel, Research & Development, and all other uses not listed as Residential above)	10,000	100	100	25	15	25	65	55

Building Separation: 15 feet

Waterbody Setback per LDC Sec.34-2194

3. Environmental Conditions:

a. American Alligator and Wading Birds

American alligator (*Alligator mississippiensis*) and listed wading bird species management plans meeting the requirements of LDC Section 10-474 must be submitted as part of local development order. The management plans must include an informational brochure for residents on living with American alligators and wading birds as well as the importance of the preserves, lake littoral areas and beaches for providing foraging habitat. Also, the development order plans must include the location and details of signage to be located between the development and the lakes which provide warning alligators may be present and that it is dangerous and illegal to feed or harass alligators. Language concerning these requirements must also be included in any required deed restrictions.

b. Large Mammal Management Plan.

A large mammal management plan must be submitted as part of local development order approval. The management plan must include details on how the preserve within the Stewart Cypress Slough will be maintained for Florida black bear and Florida panther; educational brochures to increase awareness and safety to residents and construction precautions to contractors, recommended design of bear proof dumpsters, and any other state and/or federal permit requirements. Language concerning these requirements must also be included in any required deed restrictions.

c. Indigenous Management Plan.

The Indigenous Management Plan and Landscape Plans provided at the time of local development order must include an indigenous restoration planting plan illustrating 18.95 acres within the Community Park. The restoration planting plan must include 75 trees and 200 shrubs per acre. The plant material must be native species and in one gallon to three gallon container size. No single species may comprise more than 25% of the vegetation planted.

d. Landscape Materials.

Development Order Landscape Plans must illustrate the required landscaping for the Type D buffer (five trees per 100 linear feet and a double staggered hedge) where preserves are being utilized to meet the buffer requirements. If plant material doesn't exist, plant to meet the requirements.

The Landscape Plans provided at the time of local development order must utilize vegetation from the most current Lee County Port Authority "Recommended Compatible and Incompatible Native Landscape List" within the Perimeter B 10,000 foot Buffer.

4. Transportation and Development Services Conditions:

a. Pedestrian Friendly Design.

The developer must provide the following features on project roads in areas developed with student housing, retail, office and R&D:

- i. Traffic calming devices on project roads;
- ii. Sidewalks on both sides of project roadways;
- iii. Facilities to accommodate a shuttle service between the project and the University. (The shuttle maybe the Florida Gulf Coast University (FGCU) Eagle Express or an alternative shuttle service acceptable to the County and FGCU);
- iv. Bicycle racks to accommodate access by bicycle; and on-site facilities to accommodate Lee Tran. The number and type of facilities will be determined in collaboration with Lee Tran

- b. Storm Water Retention for CR 951. The project design must accommodate the storm water retention/detention needs for the proposed CR 951 adjacent to CenterPlace. The County will permit the roadway storm water requirements with the developer's assistance as necessary.

5. Natural Resources Conditions:

a. Storm Water Run-Off.

The project design must direct storm water runoff from development areas to lakes on the upland portion of the property to treat stormwater runoff prior to discharge into CenterLake. In addition, project design must reduce the existing sheet flow over the undeveloped southern portion of the property adjacent to CenterLake, denoted as Passive Open Space on the Master Concept Plan thereby reducing sheet flow to the shoreline and improving the stability of the existing shoreline.

The aerial extent of Group 2B fines, as well as unmapped areas directly adjacent to CenterLake as mapped in the CDM Geotechnical Analysis Report dated May 2012, must be clearly shown on drainage plans. No development including drainage improvements may be located in areas identified as the Group 2B or unmapped areas, unless the improvements are supported by a geotechnical investigation or by foundations designed and constructed to support the intended use.

b. Dewatering Activities.

A dewatering plan must be reviewed and approved by the Lee County Department of Natural Resources prior to the issuance of any development order authorizing dewatering. The dewatering plan must show that all water will be retained on the upland portion of the site.

c. Responsibility for Operation and Maintenance of Storm Water Management System.

A property owner association and/or community development district (CDD) will be created to provide for, among other things, the long-term operation and maintenance of the storm water management system. The duties of the property owner association and/or CDD will include compliance with the required monitoring programs.

d. Water Quality, Emergent Vegetation, & Shoreline Monitoring Programs.

The developer has submitted and Lee County Department of Natural Resources has reviewed and approved a lake Water Quality Monitoring Program (Attachment J), Emergent Vegetation Monitoring Program (Attachment K), and Shoreline Location Monitoring Program (Attachment L) Programs. The developer, successor or assign is required to maintain substantial compliance with the approved monitoring programs. Any future revisions to the approved monitoring programs will be subject to approval by the Division of Natural Resources.

e. Modification to the main lake is subject to the following conditions:

1. Water quality testing and emergent vegetation and shoreline monitoring must commence 30 days prior to construction. Frequency of the testing will occur in conformance with the Water Quality Monitoring program.
2. The proposed CenterLake expansions, as identified on the MCP, will be separated from CenterLake via temporary reinforced earthen plugs, or other Lee County Department of Natural Resources approved physical barriers, until such time that water quality standards of Water Quality Monitoring Program Have been met. These lake expansions shall not integrate with the existing lake until the applicable standards have been met, and verified by Lee County Division of Natural Resources.
3. A Lake Management Plan shall be submitted for review and approval by the Division of Natural Resources at the time of first Development Order submittal. The Plan shall include, but is not limited to the following information:
 - a. Best Management Practices employed during construction and operation of the facility to meet state water quality standards.
 - b. Best Management Practices for fertilizers and pesticides.
 - c. Erosion control and bank stabilization including any proposed boat slips.
 - d. Lake maintenance requirements and deep lake management for lakes exceeding 12feet BLS.
 - e. Water quality data collected so far.
 - f. Water Quality Monitoring Plan, which will document the specifics of the surface water and groundwater monitoring networks.
 - g. Wellfield protection.

6. State/Federal Permits

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

7. Tall Structures

Development must comply with Administrative Code 13-7 for tall structures including permanent buildings, antenna supporting structures, wireless communications facilities and temporary construction cranes.

8. Outdoor Seating in Conjunction with Consumption on Premises

Prior to establishing the use of consumption on premises for outdoor seating areas, including consumption on premises associated with restaurants, bars, clubhouses, recreational facilities, mixed uses, commercial uses or residential uses, the Developer must:

- a. Submit an administrative amendment and a Site Plan showing the proposed location of the use;
- b. The application must address hours of operation, outdoor entertainment (if applicable), and methods by which noise will be limited to levels consistent with the Lee County Noise Ordinance;
- c. Repeated violations of the Administrative Approval hours of operation, or other conditions of approval will result in potential code enforcement action, which may result in further restrictions on outdoor consumption on premises and/or outdoor entertainment. Specifically, if the same business has more than three (3) citations resulting in findings of violations of the Noise Control Ordinance, the business operation/property owner may be subject to a code enforcement action for violating conditions of zoning approval.
- d. This condition does not apply to indoor consumption on premises or indoor entertainment; and
- e. This condition does not prohibit Temporary Use Permits pursuant to LDC Chapter 34.

9. Amplified Sound/Noise

Outdoor entertainment using amplified sound in the Beach Club and Residential Amenity areas, within 500 feet of the shoreline of CenterLake, must be oriented to direct noise output away from residential areas in Miromar Lakes.

10. Boat Slips and Boat Ramp

The Project is limited to a maximum of:

- a. One (1) boat dock (with a maximum of two slips) per single-family lot located on any lake or canal,
- b. Fifty (50) boat slips to serve all the multi-family dwelling units,
- c. Fifty (50) boat slips to serve the community amenity,
- d. Fifty (50) slips for dry boat storage,* and

- e. Two boat ramps, with up to 20 trailer parking spaces are permitted for project residents and guests.

- * Dry boat storage structures must comply with the design standards for commercial buildings in LDC Chapter 10.

11. Boat Safety

The developer must adopt and implement a Boating Management Plan to:

- a. Assist in the protection of the public health, safety and welfare of individuals using CenterLake;
- b. Preserve water quality; and
- c. Assist in the prevention of shoreline erosion.

The developer must develop the Boating Management Plan following the study of safe operating speeds for recreational vessels and carrying capacity of the existing lakes. A copy of the Boating Management Plan must be submitted to the Lee County Department of Natural Resources with the application for the first development order for vertical development that introduces the opportunity for motorized boat use on CenterLake.

12. Open Space Activities

The areas labeled as "Passive Open Space" on the Master Concept Plan are limited to passive recreational activities. Passive Open Space areas may not be used for concerts or similar uses.

13. Lighting

- a. Height Limitations: Light poles within 50 foot of the shoreline of CenterLake may not exceed 12 feet in height. Recreational field lights may not exceed 25 feet in height.
- b. Photometric Analysis: The developer must conduct a photometric analysis to confirm there is no light spillage on adjacent native areas, or property beyond the CenterPlace project boundary. The photometric design analysis must demonstrate no more than zero-foot-candles of light at the CenterPlace project boundary. Measurements must be taken at 30 foot intervals.
- c. Prohibition: Permanent lighting is prohibited in areas labeled as Passive Open Space

14. Existing Berm

The developer must retain the portion of the existing berm within the Passive Open Space area, as depicted on the Master Concept Plan.

15. Residential Density

Timeshare, Independent Living Facilities, Assisted Living Facilities, Continuing Care Facilities, Healthcare Facilities Group I, and similar uses are subject to density limitations of 1,654 residential dwelling units allowed for this development and the density equivalency of the Land Development Code.

16. Airport Noise Zone Notification

As required By LDC Sec. 34-1104(a)(4), the applicant must provide a formal notification by recording a Notice in the Official County Records that the property is within a particular Airport Noise Zone and may be subject to aircraft noise and overflights.

B. Deviation:

Deviation #1 was originally approved by Z-17-014 and is being amended to account for the newly added 40-acre tract.

Deviation #1 from the LDC Section 10-415(b)(1)(a), which requires large developments to meet 50% of the open space requirement through on-site preservation of existing native vegetation, to allow 12.2 acres of indigenous vegetation with 1.3 acres of indigenous credits (total of 13.5 acres).

This deviation is APPROVED, SUBJECT TO Condition 3(c). The referenced condition requires the developer to submit plan for managing indigenous vegetation and landscaping as well as an 18.95-acre indigenous planting plan for the restoration of impacted vegetation within the Community Park.

The following 16 deviations were previously approved via Administrative Approvals:

Deviation #2 from LDC Section 10-416(d)(3), which requires a 15-foot wide Type “B” buffer between single-family and multi-family residential uses, to allow for no buffer between single-family and multi-family use areas internal to the MPD (Approved via ADD2017-00170).

Deviation #3 from LDC Section 34-2194(b), which requires a minimum 25-foot setback between buildings and structures and bodies of water; to allow for a 0-foot setback between private on-site and off-site recreational facilities and internal natural and artificial bodies of water. This deviation is in conjunction with Deviation 5 below, and is limited to 20% of each individual lake’s shoreline (Approved via ADD2017-00170).

Deviation #4 from LDC Section 10-418(2)(d)(3), which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants, to allow for native trees to be substituted for 100% of the required herbaceous plants within the 10,000’ FAA Wildlife Non-Enhancement Radius as shown on the MCP. Trees utilized to satisfy the 100% conversion must be native; may be located within common elements of the MPD, and may count toward the overall general tree count required for the MPD (Approved via ADD2017-00170).

Deviation #5 from LDC Section 10-328(a), which requires a 20-foot wide lake maintenance easement on both sides of lakes greater than 50 feet in width, to allow for no lake maintenance easement where bulkhead is proposed along the lake shoreline per LDC Section 10-418(3). This deviation is in conjunction with Deviation 3 above, and is intended for private on-site and off-site recreational facilities only (Approved via ADD2017-00170).

Deviation #6 from LDC Section 30-152(2)(d)(2), which limits the residential development identification signs to 10 feet in height and 105 square feet in area; to allow a maximum main entrance identification sign height of 14 feet and a maximum sign area of 250 square feet (Attachment “M” approved via ADD2018-10042).

Deviation #7 from LDC Section 10-416(d)1, which states that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to eliminate the south Type "D" Buffer required for commercial use to right-of-way use (Approved via ADD2019-00078, see Attachment "O").

Deviation #8 from LDC Section 34-2015(2)c, which states that stacking of vehicles will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it, to allow stacking of vehicles for the multi-family site with associated garages for buildings 2, 3, 4, 5, 7, 9, 10, 13, 15 & 16 (Approved via ADD2019-00078, see Attachment "O").

Deviation #9 from LDC Section 10-384(c)2, which requires that water mains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height must be no less than ten inches in diameter, to allow an 8 inch main for 110 feet where the second external connection is made at the north entrance (Subject to Attachment "N" approved via ADD2019-00078).

Deviation #10 from LDC Section 10-261(a) solid waste facilities provision of container spaces, which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow 550 SF space for recyclable materials and trash compactor (Approved via ADD2019-00078, see Attachment "O").

Deviation #11 from LDC Section 10-296 (e)5. ii. & iii, which requires that a 6-foot planting strip is required between the sidewalk and the travel lane along a residential urban local street, to allow no planting strip between the sidewalk and travel lane where on-street parking exists (Approved via ADD2019-00078, see Attachment "O").

Deviation #12 from the Administrative Amendment (PD) ADD2017-00170, Residential Property Development Regulations Table which requires a minimum front setback or street easement setback for a multi-family development to be 20 feet, to allow for a setback from the easement that ranges from 1.67 feet to 9.33 feet for only buildings 2, 3, 4, and 5 (Approved via ADD2019-00078, see Attachment "O").

Deviation #13 from LDC Section 10-416(d)1 which requires that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use to eliminate the required 15 foot Type "D" Buffer between the access road/residential urban local street and the adjacent residential buildings 2, 3, 4 & 5 (Approved via ADD2019-00078, see Attachment "O").

Deviation #14 from LDC Section 34-2020(a) to reduce the number of parking spaces by up to 10 percent by providing two golf cart parking spaces for one automobile parking space on the Beach Club Main and Satellite Tracts (Approved via ADD2019-00098).

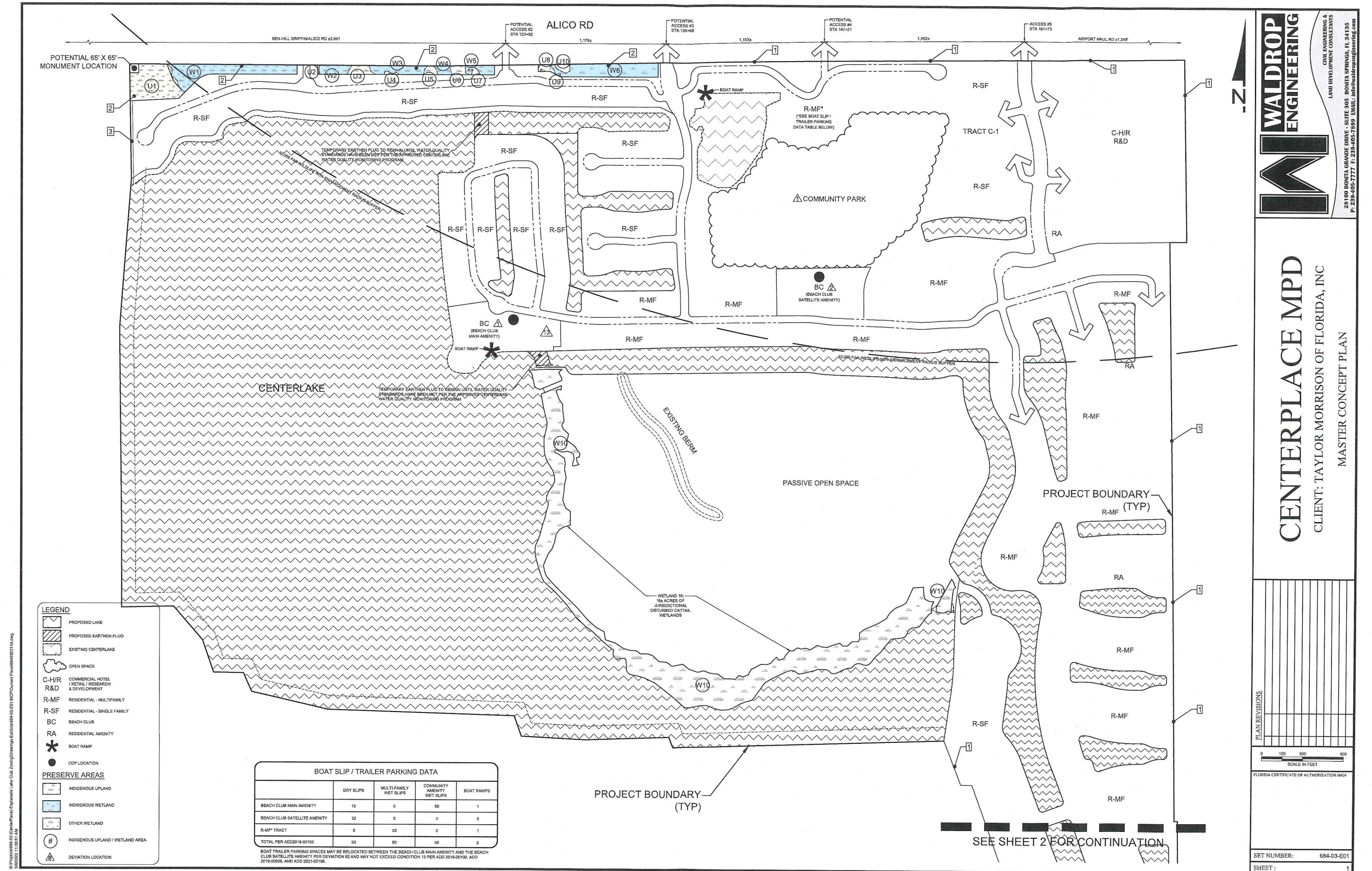
Deviation #15 from LDC Section 34-2015, which requires all parking spaces to be provided on the same premises as principal use, to allow a maximum of 13 boat trailer parking spaces for the Beach Club Main Amenity Tract to be placed on the Beach Club Satellite Amenity Tract (Approved via ADD2019-00098).

Deviation #16 from LDC Section 10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow no turnaround at the dead-end of Sacra

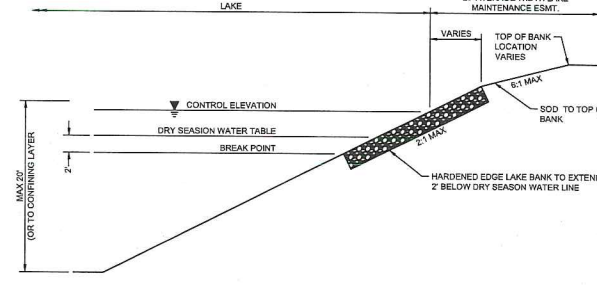
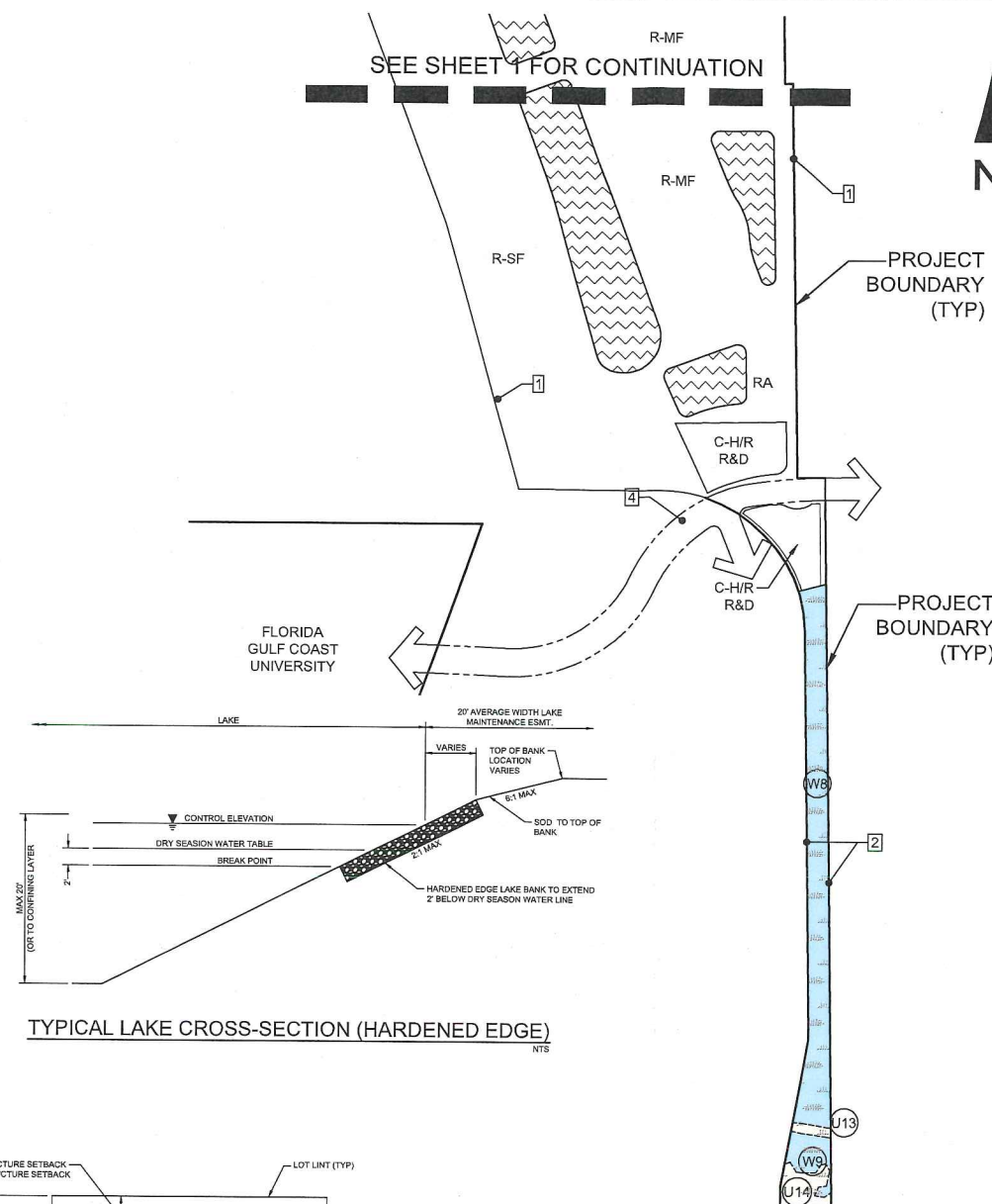
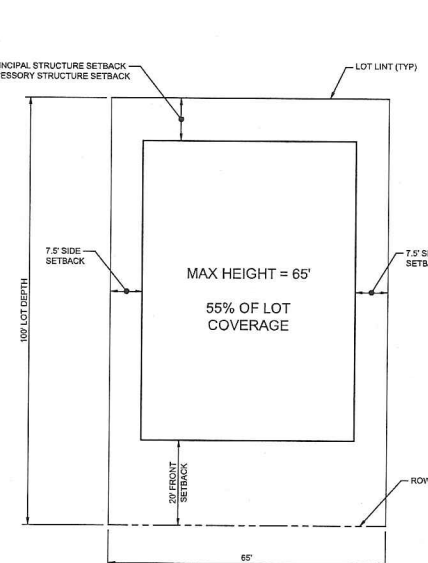
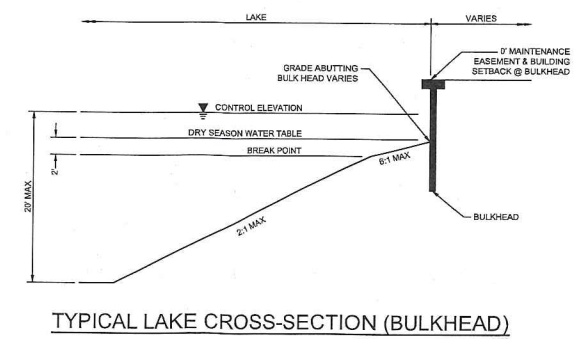
Place and Caravita Court as depicted on the Esplanade Lake Club – Dead End Street (Attachment “P” approved via ADD2021-00019).

Deviation #17 from LDC Section 10-285 which requires a minimum connection separation of 125 feet for local roadways, to allow for a minimum connection separation of 84 feet between the access to the Beach Club Main Amenity and Canal Grande Drive (Approved via ADD2021-00068).

Additional info dated 05-06-2022



LEGEND	
	PROPOSED LAKE
	PROPOSED EARTHEN PLUG
	EXISTING CENTERLAKE
	OPEN SPACE
C-H/R	COMMERCIAL HOTEL
R&D	RETAIL / RESEARCH & DEVELOPMENT
R-MF	RESIDENTIAL - MULTIFAMILY
R-SF	RESIDENTIAL - SINGLE FAMILY
BC	BEACH CLUB
RA	RESIDENTIAL AMENITY
	BOAT RAMP
	COP LOCATION
PRESERVE AREAS	
	INDIGENOUS UPLAND
	INDIGENOUS WETLAND
	OTHER WETLAND
	INDIGENOUS UPLAND / WETLAND AREA
	DEVIATION LOCATION



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

WHEREAS, Morris-Depew Associates, LLC, filed an application on behalf of the property owner, Alico West Fund, LLC c/o Don Schrotenboer as President, to rezone a 886± acre parcel from Compact Community Planned Development (Compact PD) to Mixed-Use Planned Development (MPD) in reference to Centerplace; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner was advertised and held on June 8, 2017; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2016-00017 and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on August 16, 2017 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone 886± acres from Compact PD to MPD, to allow development of up to 1,950 dwelling units; 200,000 sq. ft. retail; 110,000 sq. ft. office; 20,000 sq. ft. research and development; 10,000 sq. ft. medical office; and 250 hotel/motel rooms.

The property is located in the University Community and Wetlands Future Land Use Categories and is legally described in attached Exhibit A. 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. Master Concept Plan/Development Parameters

Development of this project must be consistent with the two-page Master Concept Plan (MCP) entitled "CenterPlace Master Concept Plan," stamped received May 10, 2017, except as modified by the conditions below and attached hereto as Exhibit C. Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

This MPD zoning approval authorizes the development of up to 1,950 dwelling units (including combined maximum of 487 dwelling units allocated for single-family and two-family attached); 200,000 sq. ft. retail; 110,000 sq. ft. office; 20,000 sq. ft. research & development; 10,000 sq. ft. medical office; and 250 hotel/motel rooms.

2. Permitted Uses and Site Development Regulations

a. Schedule of Permitted Uses

Single-Family Residential Tracts (R-SF)

Accessory Uses and Structures

Dwelling Units:

Live-work

Single-family, detached

Two-family, attached

Entrance Gates and Gatehouses

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Excess Spoil Removal

Fences, walls

Home Occupation

Models: Model home

Real Estate Sales Office, limited to sales of lots, homes or units within the development

Recreation Facilities, personal

Residential Accessory Uses, including boat docks

Signs

Temporary Uses, limited to temporary contractor's office and equipment storage shed

Multi-Family Residential Tracts (R-MF)

Accessory Uses and Structures

Assisted Living Facility, subject to Condition 19.

Continuing Care Facilities, subject to Condition 19.

Dwelling Units:

Single-family, detached

Live Work

Multiple family building

Townhouse

Two-family, attached

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Excess Spoil Removal

Fences, Walls

Independent Living Facilities, subject to Condition 19.

Models:

Display Center

Model Home

Model Unit

Multi-Slip Docking Facilities, limited to 50 wet slips for multi-family residences

Real Estate Sales Office, limited to sale of lots, homes and units within the development

Recreation Facilities, personal

Residential Accessory Uses, including boat docks for single-family residences

Signs

Temporary Uses, limited to temporary contractor's office and equipment storage shed

Timeshare Units, subject to Condition 19.

Residential Amenities Tracts

Clubs, private

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Excess Spoil Removal

Fences, Walls

Parking lot:

Accessory (limited to the amenity center)

Temporary

Real Estate Sales Office - limited to sale of lots, homes and units within the development and sales office must be located in the clubhouse, amenity or model unit sites.

Recreation Facilities, private on-site

Temporary Uses, limited to temporary contractor's office and equipment storage shed

Beach Club Tract

Clubs, private

Accessory Uses, including, but not limited to:

Boat Dock, limited to 50 boat slips

Boat Ramp

Consumption on Premises, *subject to* Condition 12 for outdoor seating

Dry Boat Storage, limited to 50 slips

Fishing Pier

Food and Beverage Service

Locker Rooms

Personal Services

Pro Shop

Rental or Leasing Establishment, Group I, (limited to beach chairs, umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doo's and other similar personal water craft)

Excess Spoil Removal
Parking lot, Accessory
Real Estate Sales Office- limited to sale of lots, homes and units within the development and sales office must be located in the clubhouse, amenity or model unit sites.
Recreation Facilities, private on-site
Rental or Leasing Establishments, Group II
Group II limited to:
Appliances
Bicycles
Costumes
Furniture
Movies, videotapes and similar home entertainment
Party or banquet supplies
Temporary Uses, limited to temporary contractor's office and equipment storage shed

Town Square - Commercial Tracts (C-H/R & R&D)

Accessory Uses and Structures
Administrative Offices
Auto Parts Store
Bait and Tackle Shop
Banks and Financial Establishments, Group I
Bar or Cocktail Lounge, *subject to* Condition 12
Boat Parts Store
Business Services, Group I
Cleaning and Maintenance Services
Clothing Stores, general
Clubs, Commercial, Fraternal, Membership Organization, private
Cold Storage, Pre-Cooling, Warehouse and Processing Plant
Communication Facility, antenna only
Computer and Data Processing Service
Consumption on Premises, accessory to a Restaurant including Outdoor Seating and Bar and Cocktail Lounge, *subject to* Condition 12
Contractors & Builders Group I, limited to:
Carpentering and Flooring
Electrical Contractors
General Contractors
Glass and Glazing
Operative Builders
Painting, Paperhanging and Decorations
Plumbing, Heating and Air-Conditioning
Special Trades
Convenience Food and Beverage Store, may include Self Service Fuel Pumps limited to a maximum of 16
Cultural Facilities
Day Care Center, child or adult
Department Store
Drive-Through facility for any permitted use

Drugstore, pharmacy
EMS, Fire or Sheriff's Office
Essential Services
Essential Service Facilities, Group I
Excavation, water retention
Excess Spoil Removal
Fences, Walls
Food Stores, Group I
Gift & Souvenir shop
Hardware Store
Health Care Facilities, Group I
Hobby, Toy, and Game Shops
Home Care Facility
Hotel/Motel, limited to 250 rooms
Household and Office Furnishings, Groups I, II
Insurance Companies
Laundromat
Laundry or Dry Cleaning, Group I
Library
Manufacturing of
 Apparel products, excluding marine canvas tops, tents, etc.
 Electrical Machinery and Equipment
 Fabricated Metal Products, Group II
 Food and Kindred Products, Group III
 limited to malt beverages, wines, brandy and brandy spirits and
 distilled, rectified and blended liquors.
 Furniture and Fixtures
 Leather Products, Group II
 Measuring, analyzing and controlling instruments
 Novelties, jewelry, toys and signs, all groups
 Paper and Allied Products, Group II
 Stone, clay, glass and concrete products, Group I
Medical Office
Motion Picture Production Studio
Non-Store Retailers, Group I
Paint Glass and Wallpaper
Parcel and Express Services
Parking Lot:
 Accessory
 Garage, Public
 Park and Ride
 Temporary
Personal Services, All Groups, except: Dating Services, Escort Services, and
 Palm Readers, Fortunetellers or Card Readers
Pet Services
Pet Shop
Photofinishing Laboratory
Place of Worship
Post Office
Printing and Publishing

Religious Facilities

Rental or Leasing Establishments, Groups I, II

Group I limited to:

Beach Chairs, umbrellas and similar facilities

Bicycles

Mopeds and Scooters

Passenger Car, pickup and drop-off (no maintenance, limited storage only)

Group II limited to:

Appliances

Bicycles

Costumes

Furniture

Movies, videotapes and similar home entertainment

Party or banquet supplies

Repair Shops, Groups I and II, excluding gunsmiths and taxidermists

Research and Development Laboratories, all groups

Restaurant, fast food

Restaurants, all groups including outdoor seating and consumption on premise

Retail and Wholesale Sales, when clearly incidental and subordinate to a permitted principal use on the same premises

Schools, commercial

Signs

Social Services, Group I

Specialty Retail Shops, all groups

Storage, Indoor & Open

Studios

Temporary Uses, such as Farmers' Market, etc. (with temporary use permit)

Theatre, indoor

Used Merchandise Stores, Groups I, II

Variety Store

Warehouse, high cube, cold storage only

Wholesale Establishments, Group III

Community Park Tract

Community Garden

Excess Spoil Removal

Farmers' Market

Parking lot:

Accessory

Temporary

Recreation Facilities, Commercial, Group III, limited to passive and active recreation & swimming pools, tennis courts and other similar activities not grouped elsewhere

Rental or Leasing Establishments, Group III limited to bicycles

Passive Open Space Area Tract

Interpretive Centers, rain shelters, gazebos

Nature and foot trails, including boardwalks and jogging paths
 Paths, boardwalks, and bridges to provide access for fishing piers, observation towers and golf cart crossings
 Recreational Shelters, restroom facilities, passive parks, and picnic areas
 Signs
 Accessory Uses and Structures, customarily associated with the uses permitted in this district
 Activities and uses comparable to the foregoing uses when the Director of the Department of Community Development determines they are compatible in the Passive Open Space Area

b. Development Regulations:

Residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Setback (ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Max Building Height (ft)	Max Lot Coverage (%)
Single-family	5,500	50	110	20	5	10	45	55
Two-family attached	2,700	30	90	20	0 or 5	10	45	56
Townhouse-End Unit	2,700	30	90	20	0 or 5	10	45	56
Townhouse-Interior Unit	2,250	25	90	20	0	10	45	67
Multiple-family	6,500	65	100	20	7.5	10	65	55

Building Separation for multiple-family buildings on the same lot: 15 feet

Commercial/Non-residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front/Service Area Setback(ft.)	Min. Side Setback (ft.)	Min. Rear Setback (ft.)	Max Building Height (ft.)	Max Lot Coverage (%)
Commercial/Non-residential (includes Hotel, Research & Development, and other uses not listed as Residential above)	10,000	100	100	25	15	25	65	55

Building Separation: 15 feet

3. Environmental:

a. American Alligator and Wading Birds

The developer must submit American alligator (*Alligator mississippiensis*) and listed wading bird species management plans with the development order application. The management plans must include an informational brochure for residents on living with American alligators and wading birds as well as the importance of the preserves, lake littoral areas and beaches for providing foraging habitat.

Development order plans must include the location and details of signage located between development areas and lakes warning of the presence of alligators. Sign content must warn that it is dangerous and illegal to feed or harass alligators. The developer must also include these warnings in deed restrictions.

b. Large Mammal Management Plan

The developer must submit a large mammal management plan with the development order application. The management plan must include details on how the preserve within the Stewart Cypress Slough will be maintained for Florida black bear and Florida panther. The management plan must also include educational brochures to increase awareness and safety of residents, construction precautions to contractors, recommended design of bear proof dumpsters, and State/Federal permit requirements. The developer must incorporate similar warnings/notices in the property association documents and deed restrictions.

c. Indigenous Management Plan

The developer must submit an Indigenous Management Plan and Landscape Plan with the development order application illustrating a 10.95-acre indigenous restoration planting plan within the Community Park. The restoration planting plan must include 75 trees and 200 shrubs per acre. Plant material must consist of native species in one to three-gallon container sizes. No single species may comprise more than 25% of the planted vegetation.

d. Landscape Materials

Development order landscape plans must illustrate code required landscaping for the Type D buffer (5 trees per 100 linear feet and a double staggered hedge) where preserves are utilized to satisfy buffer requirements. If plant material does not exist, the developer must install plants to meet requirements.

The development order landscape plans must utilize vegetation from the most current Lee County Port Authority "Recommended Compatible and Incompatible Native Landscape List" within the Perimeter B 10,000-foot Buffer.

4. Transportation and Development Services:

a. Pedestrian Friendly Design

The developer must provide the following features on project roads in areas developed with student housing, retail, office, and R & D:

- i. Traffic calming devices;
- ii. Sidewalks on both sides of road;
- iii. Facilities to accommodate a shuttle service to the University. (The shuttle may be the Florida Gulf Coast University (FGCU) Eagle Express or an alternative shuttle service acceptable to the County and FGCU);
- iv. Bicycle racks and facilities to accommodate Lee Tran. The number and type of facilities will be determined in collaboration with Lee Tran.

b. Storm Water Retention for CR 951

The project design must accommodate the storm water retention/detention needs for proposed CR 951 adjacent to CenterPlace. The County will permit the roadway with the developer's assistance as necessary.

5. Natural Resources:

a. Storm Water Run-Off

The project design must direct storm water runoff from development areas to lakes on the upland portion of the property to treat storm water runoff prior to discharge into CenterLake. In addition, project design must reduce the existing sheet flow over the undeveloped southern portion of the property adjacent to CenterLake* thereby reducing sheet flow to the shoreline and improving the stability of the shoreline. (*Area denoted as Passive Open Space on the MCP.)

Drainage plans must show the aerial extent of Group 2B fines and the unmapped areas adjacent to CenterLake as mapped in the CDM Geotechnical Analysis Report dated May 2012. Development, including drainage improvements, may not be located in areas identified as the Group 2B or unmapped areas, unless the improvements are supported by a geotechnical investigation or by foundations designed and constructed to support the intended use.

b. Dewatering Activities

The developer must submit a dewatering plan with all development order applications proposing dewatering activity. The dewatering plan must retain all water on the upland portion of the site.

The Division of Natural Resources must review and approve the dewatering plan prior to the issuance of the development order authorizing dewatering.

c. Responsibility for Operation and Maintenance of Storm Water Management System

The developer must establish a property owners' association or community development district (CDD) to assume responsibility for long-term operation and maintenance of the storm water management system including compliance with required monitoring programs.

d. Water Quality, Emergent Vegetation, & Shoreline Monitoring Programs

The County Division of Natural Resources has approved the developer's Water Quality, Emergent Vegetation and Shoreline Monitoring Programs. (Exhibits D, E, and F, respectively) The developer and its successors and assigns must remain in substantial compliance with these approved programs. Revisions to the approved programs require further review and approval by the Division of Natural Resources.

6. Vehicular/Pedestrian Impacts

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

7. Lee Plan Consistency

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

8. Concurrency

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

9. State/Federal Permits

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

10. Tall Structures

Development must comply with LDC §34-1010 for tall structures including permanent buildings, antenna supporting structures, wireless communications facilities and temporary construction cranes.

11. Outdoor Seating in Conjunction with Consumption on Premises

Prior to establishing the use of consumption on premises for outdoor seating areas, associated with restaurants, bars, clubhouses, recreational facilities, mixed uses, commercial uses or residential uses, the developer must:

- a. Submit an administrative amendment and a Site Plan showing the proposed location of the use;
- b. The application for the administrative amendment must address hours of operation, outdoor entertainment (if applicable), and methods by which noise will be limited to levels consistent with the Lee County Noise Ordinance;
- c. Repeated violations of the hours of operation, or other conditions of administrative approval will result in potential code enforcement action, which may result in further restrictions on outdoor consumption on premises and outdoor entertainment. Specifically, if the same business has more than three (3) citations resulting in findings of violations of the Noise Control Ordinance, the business operation/property owner may be subject to a code enforcement action for violating conditions of zoning approval.
- d. This condition does not apply to indoor consumption on premises or indoor entertainment; and
- e. This condition does not prohibit Temporary Use Permits pursuant to LDC Chapter 34.

12. Amplified Sound/Noise

Outdoor entertainment using amplified sound in the Beach Club and Residential Amenity areas, within 500 feet of the shoreline of CenterLake, must be oriented to direct noise output away from residential areas in Miromar Lakes.

13. Boat Slips and Boat Ramp

The Project is limited to a maximum of:

- a. One boat dock per single-family lot (with a maximum of two slips) located on an existing lake,
- b. 50 boat slips to serve all multi-family dwelling units,
- c. 50 boat slips to serve the community amenity,
- d. 50 slips for dry boat storage, * and
- e. One boat ramp, with up to 20 trailer parking spaces for residents and guests.

*Dry boat storage structures must comply with the design standards for commercial buildings in LDC Chapter 10.

14. Boat Safety

The developer must adopt and implement a Boating Management Plan to:

- a. Protect the health, safety and welfare of the users of CenterLake;
- b. Preserve water quality; and
- c. Assist in the prevention of shoreline erosion.

The developer must develop the Boating Management Plan following the study of safe operating speeds for recreational vessels and carrying capacity of existing lakes. The developer must submit the Boating Management Plan to the Division of Natural Resources with the first development order application for vertical development that introduces the opportunity for motorized boat use.

15. Open Space Activities

The areas labeled as "Passive Open Space" on the MCP are limited to passive recreational activities. Passive Open Space areas may not be used for concerts or similar uses.

16. Lighting

- a. Height Limitations: Light poles within 50 feet of the CenterLake shoreline may not exceed 12 feet in height. Recreational field lights may not exceed 25 feet in height.
- b. Photometric Analysis: The developer must conduct a photometric analysis to confirm there is no light spillage on adjacent native areas, or property beyond the CenterPlace project boundary. The photometric design analysis must demonstrate no more than zero-foot-candles of light at the CenterPlace project boundary. Measurements must be taken at 30 foot intervals.
- c. Prohibition: Permanent lighting is prohibited in areas labeled as Passive Open Space.

17. FGCU Connection

The road connecting to FGCU must be pedestrian-friendly and multi-modal, with multi-use paths and bike lanes.

18. Existing Berm

The developer must retain the portion of the existing berm in the Passive Open Space area consistent with the MCP.

19. Residential Density

Timeshare, Independent Living Facilities, Assisted Living Facilities, Continuing Care Facilities, Healthcare Facilities Group I, and similar uses are subject to density cap of 1,950 dwelling units using the density equivalencies of the LDC.

20. Noise Zone Notification

The developer must include a disclosure statement on recorded plats and in association documents acknowledging the potential for noise from airport operations. These disclosures should take the form set out in LDC §34-1004.

21. Excavation Bank Slopes of Retention/Detention Areas

Excavation bank slopes of retention/detention ponds in the Airport Wildlife Hazard Protection Zone must be constructed using 4:1 side slopes with riprap or minimal littoral zones.

SECTION C. DEVIATION:

1. Deviation seeks relief from the LDC §10-415(b)(1)a, which requires large developments to meet 50% of the open space requirement through on-site preservation of existing native vegetation, to allow 15.3 acres of existing indigenous open space to remain. The MCP reflects 15.3 acres of indigenous vegetation with 1.5 acres of indigenous credits (total of 16.8 acres). This deviation is APPROVED, SUBJECT TO Condition 3(c). The referenced condition requires the developer to submit plan for managing indigenous vegetation and landscaping as well as a 10.95-acre indigenous planting plan for the restoration of impacted vegetation within the Community Park.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Water Quality Monitoring Program
- Exhibit E: Emergent Vegetation Monitoring Program
- Exhibit F: Shoreline Location Monitoring Program

SECTION E. FINDINGS AND CONCLUSIONS:

The Hearing Examiner makes the following findings and conclusions based on the testimony and evidence in the record:

1. As conditioned herein, the proposed Mixed Use Planned Development:
 - a. Complies with the Lee Plan. See, Lee Plan Vision Statement Paragraph 13 (San Carlos Community), Lee Plan Goals 2, 4, 5, 6, 8, 18, 61, 77, 114, 115, 117, Objectives 2.2, 2.12, 5.1, 8.2, 47.2, 128.4, 128.5, 128.6 and Policies 1.1.9, 1.5.1, 2.12.1, 4.1.1, 4.1.2, 5.1.7, 6.1.3, 18.1.4, 18.1.16, 128.4.2, 135.9.7, 158.3.5.

- b. Complies with the LDC and other county regulations. See, LDC Chapters 14, 26, and 34.
 - c. Is compatible with existing and planned uses in the surrounding University Community, Tradeport and DR/GR areas. See, Lee Plan Policies 2.1.2, 2.2.1, 5.1.5, 5.1.7, 6.1.4, 18.1.11, 47.6.4, 135.1.9, 135.9.5; LDC §§ 34-411(c) and (i), 34-1012(a)(10).
 - d. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goals 77, 107, 115, Objectives 60.5, 61.2, 77.1, 77.2, 77.3, 117.2; Policies 10.1.2, 18.1.9, 18.1.16, 60.5.1, 60.5.2, 115.1.3; Standard 11.4, and LDC §§ 10-474, 34-411(g) and (h).
 - e. Will be served by urban services. See, Lee Plan Glossary, Maps 6, 7, Goal 2, Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3, 6.1.4, 135.9.7 and Standards 11.1 and 11.2; LDC §34-411(d).
2. The MCP reflects sufficient access to support the proposed intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Policies 4.1.2, 6.1.3, 18.1.5, 18.1.16, 38.1.6, 38.1.8, 39.1.1; LDC §34-411(d) and (e).
 3. The proposed mix of uses is appropriate at the proposed location, and qualifies as "Associated Support Development" to FGCU. See, Lee Plan Glossary, Goal 18, Objective 128.5, and Policies 1.1.9, 2.1.1, 5.1.3, 6.1.1, 18.1.2, 18.1.7, 18.1.16, 128.6.13, and 135.1.9.
 4. The recommended conditions are sufficient to protect the public interest and reasonably related to the impacts expected from the development. See, Lee Plan Goal 115, Objectives 47.2, 128.5, 128.6, Policies 5.1.5, 5.2.2, 6.1.1.e, 18.1.5, 18.1.7, 18.1.9, 38.1.8, 47.6.4, 115.1.1, 115.1.2, 115.1.3, 128.5.2, 135.9.6; Lee Plan Standard 11.3; See *also*, LDC Chapters 14, 26, and 34;
 5. As conditioned herein, the deviation:
 - a. Enhances the objectives of the planned development; and
 - b. Preserves and promotes the intent of the LDC to protect the public health, safety and welfare. See, §34-377(b)(4)

SECTION F. SCRIVENER'S ERRORS

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

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

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

DULY PASSED AND ADOPTED this 16th day of August, 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melissa Butler
Deputy Clerk



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Cecil L. Pendergrass
John Manning, Chair Commissioner Cecil L. Pendergrass
Lee County Board of County Commissioners
District 2

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

DESCRIPTION

Applicant's Legal Checked
by CSJ 9/28/16

Parcel in
Sections 11, 12 and 13, Township 46 South, Range 25 East
and Sections 7 and 18, Township 46 South, Range 26 East
Lee County, Florida

A tract or parcel of land lying in Sections 11, 12 and 13, Township 46 South, Range 25 East and Sections 7 and 18, Township 46 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

Commencing at the Northeast corner of said Section 11 run N89°43'01"W along the North line of the Northeast Quarter (NE 1/4) of said Section 11 for 2,244.43 feet to an intersection with the Northerly prolongation of the Easterly line of lands described in deed recorded in Official Records Book 3165, at Page 1800, Lee County Records; thence run S01°00'21"E along said Northerly prolongation and continuing along said Easterly line of lands for 125.03 feet to an intersection with the South right of way line of Alico Road, being 125 feet South as measured perpendicular to the center line thereof, as described in a deed recorded in Instrument No. 2015000025953, Lee County Records and the POINT OF BEGINNING. From said Point of Beginning run along said South right of way line following four (4) courses: S89°43'01"E for 2,243.03 feet; N88°58'52"E for 2,674.00 feet; N89°27'22"E for 2,597.29 feet and N88°59'33"E for 180.15 feet to an intersection with the East line of the West 180 feet of said Section 7, also being the West right of way line of proposed County Road 951, (150 feet wide right of way), as described in deed recorded in Instrument No. 2015000048505, Lee County Records; thence run along said West right of way line following two (2) courses: S00°50'47"E for 4,807.23 feet and S00°50'47"E for 4,721.36 feet to an intersection with the North line of the South 890.43 feet of said Section 18; thence run S89°23'43"W along said North line for 180.00 feet to an intersection with the West line of the Southwest Quarter (SW 1/4) of said Section 18; thence run N00°50'47"W for 66.66 feet; thence run N09°57'20"E for 533.57 feet; thence run N00°50'47"W for 1,447.68 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the left of radius 500.00 feet (delta 71°42'20") (chord bearing N36°41'57"W) (chord 585.70 feet) for 625.75 feet; thence run N25°27'56"W along a non-tangent line for 198.92 feet to a point of curvature; thence run Northwesterly along an arc of a curve to the right of radius 5,050.00 feet (delta 05°24'07") (chord bearing N22°45'52"W) (chord 475.96 feet) for 476.13 feet to a point of tangency; thence run N20°03'48"W for 1,285.37 feet to a point of curvature; thence run Northerly along an arc of a curve to the right of radius 2,150.00 feet (delta 35°48'07") (chord bearing N02°09'45"W) (chord 1,321.71 feet) for 1,343.46 feet; thence run S89°09'13"W along a non-tangent line for 563.00 feet to a point on a

DESCRIPTION (CONTINUED)

non-tangent curve; thence run Southerly along an arc of a curve to the left of radius 2,000.00 feet (delta $06^{\circ}22'28''$) (chord bearing $S04^{\circ}16'59''W$) (chord 222.39 feet) for 222.51 to a point of tangency; thence run $S01^{\circ}05'46''W$ for 292.24 feet to a point of curvature; thence run Southerly along an arc of a curve to the right of radius 2,000.00 feet (delta $06^{\circ}33'04''$) (chord bearing $S04^{\circ}22'18''W$) (chord 228.56 feet) for 228.68 feet to a point of tangency; thence run $S07^{\circ}38'50''W$ for 351.57 feet to an intersection with the Northerly line of lands described in deed recorded in Official Records Book 3345, at Page 815, Lee County Records; thence run $S88^{\circ}10'32''W$ along the Northerly line of said lands and continuing along the westerly prolongation thereof for 1,980.90 feet to an intersection with the Northerly line of said lands described in deed recorded in Official Records Book 3165, at Page 1800, Lee County Records; thence run along the Northerly and Easterly line of said lands the following fifteen (15) courses: $N21^{\circ}30'12''W$ for 81.17 feet; $S88^{\circ}02'24''W$ for 612.22 feet; $N87^{\circ}09'14''W$ for 469.81 feet; $N19^{\circ}42'33''W$ for 157.74 feet; $N88^{\circ}10'13''W$ for 1,363.08 feet; $N77^{\circ}09'26''W$ for 573.01 feet; $N24^{\circ}26'51''W$ for 150.17 feet; $N88^{\circ}53'18''W$ for 216.95 feet; $N19^{\circ}01'18''W$ for 249.76 feet; $N40^{\circ}48'12''W$ for 322.81 feet; $S88^{\circ}47'46''W$ for 376.79 feet; $N00^{\circ}16'17''W$ for 606.52 feet; $N00^{\circ}39'26''W$ for 1,432.24 feet; $N04^{\circ}19'45''E$ for 1,091.78 feet and $N01^{\circ}00'21''W$ for 832.93 feet to the POINT OF BEGINNING.
Containing 886.04 acres, more or less.

Bearings and distances hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the North line of the Northeast Quarter (NE 1/4) of said Section 11 to bear $N89^{\circ}43'01''W$. (Grid/Ground Scale factor = 0.999947).

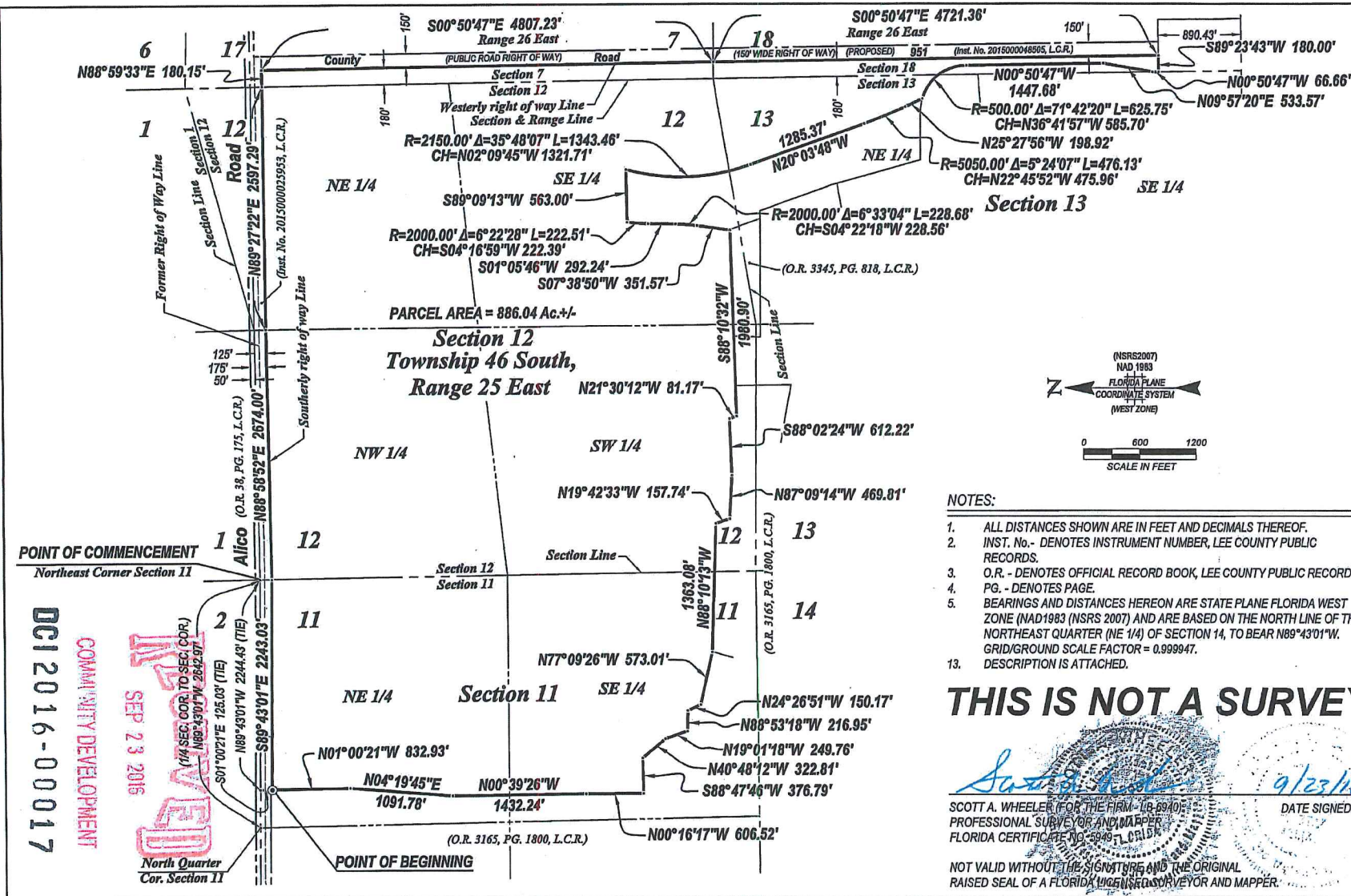

Scott A. Wheeler (For The Firm)
Professional Surveyor and Mapper
Florida Certificate No. 5949

L:\23115 - Alico West\Survey\Descriptions\23115Sko4.doc

RECEIVED
SEP 23 2016

COMMUNITY DEVELOPMENT

DCI 2016-00017



NOTES:

1. ALL DISTANCES SHOWN ARE IN FEET AND DECIMALS THEREOF.
2. INST. No. - DENOTES INSTRUMENT NUMBER, LEE COUNTY PUBLIC RECORDS.
3. O.R. - DENOTES OFFICIAL RECORD BOOK, LEE COUNTY PUBLIC RECORDS.
4. PG. - DENOTES PAGE.
5. BEARINGS AND DISTANCES HEREON ARE STATE PLANE FLORIDA WEST ZONE (NAD1983 (NSRS 2007)) AND ARE BASED ON THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 14, TO BEAR N89°43'01"W. GRID/GROUND SCALE FACTOR = 0.999947.
13. DESCRIPTION IS ATTACHED.

THIS IS NOT A SURVEY

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 59457
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL
RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DATE SIGNED: 9/23/16

Barraco
and Associates, Inc.

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - LANDSCAPE DESIGN

www.barraco.net

2271 ANDRESON BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2000
PHONE (239) 481-3170
FAX (239) 481-3185

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7883 - SURVEYING LB-6940

PREPARED FOR

PRIVATE EQUITY
GROUP, L.L.C.

12800 UNIVERSITY DRIVE
SUITE 270
FORT MYERS, FLORIDA 33907

PHONE (239) 590-8000
FAX (239) 590-8045

PROJECT DESCRIPTION

A PARCEL OF LAND IN
SECTIONS 11, 12 AND 13,
TOWNSHIP 46 SOUTH
RANGE 25 EAST AND
SECTIONS 7 AND 18,
TOWNSHIP 46 SOUTH
RANGE 26 EAST
LEE COUNTY, FLORIDA

PROJECT SURVEYOR



100% THIS SURVEY IS THE SURVEYOR'S
AND THE ORIGINAL RAISED SEAL OF A
FLORIDA LICENSED SURVEYOR AND MAPPER

FILE NUMBER: 201100000100010001

DATE: 9/23/16

LOCATION: ANDRESON BLVD. SURVEYING OFFICE

PLAT DATE: 9/23/16

PLAT BY: PETER BLAND

DATE: 9/23/16

CHANGED BY: BAW

SCALE: 1"=100'

FIELD BOOK: 11-1000

PLAN REVISIONS

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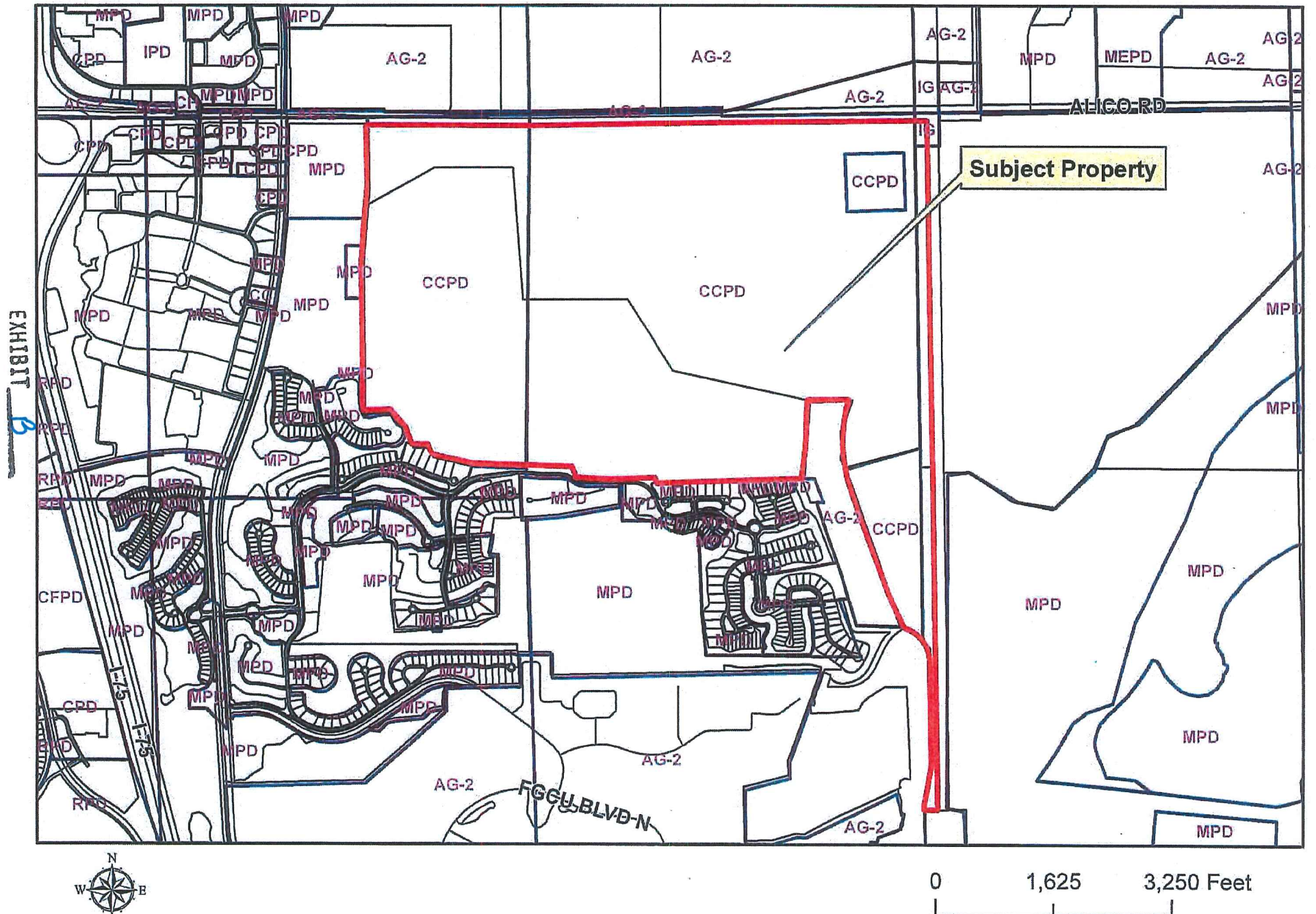
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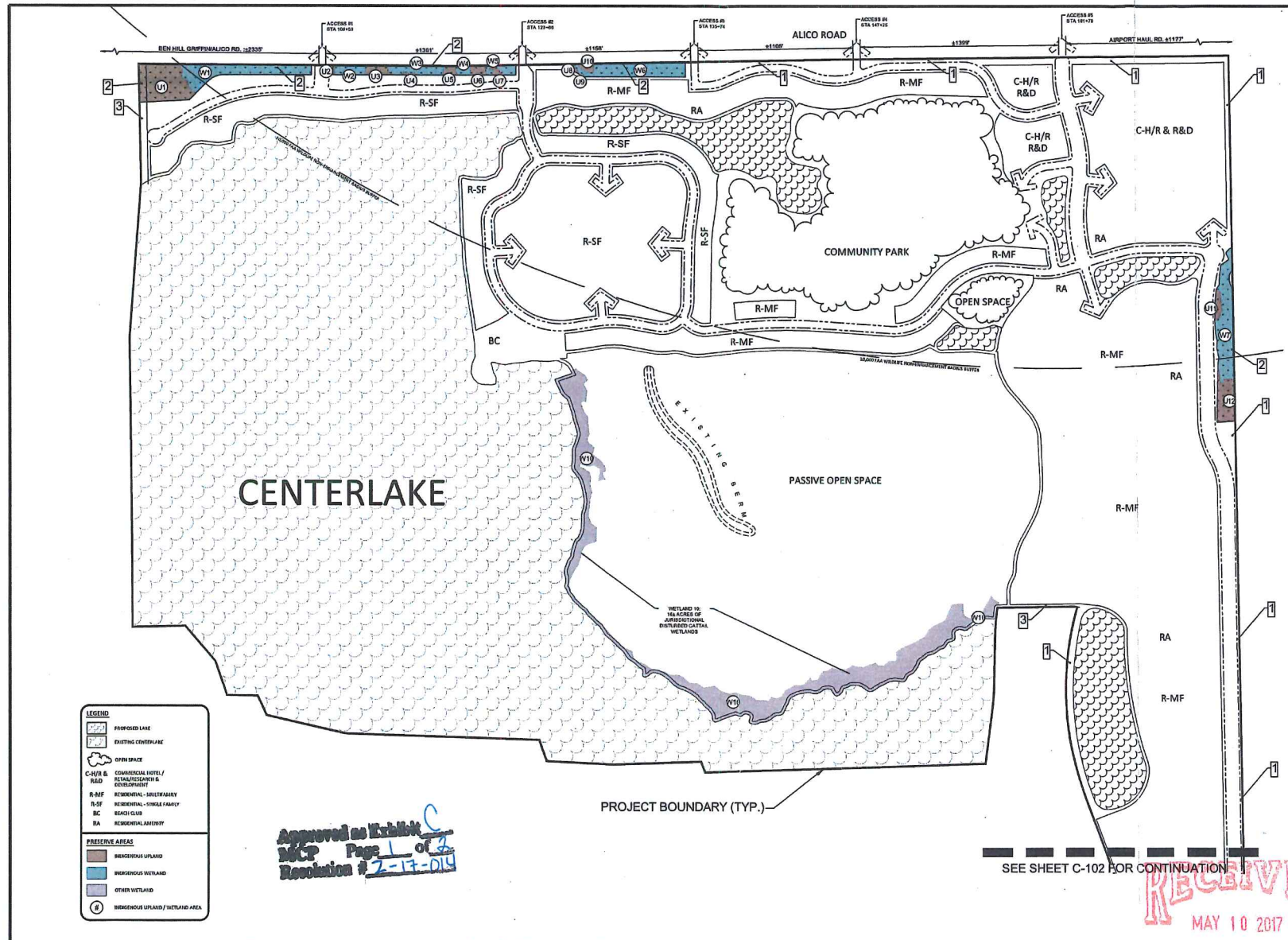
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PROJECT:

CenterPlace

LOCATION:

ACCESS TO BE DETERMINED

CLIENT:

PRIVATE EQUITY GROUP

CONSULTANT:

MORRIS DEFEW
ENGINEERS, ARCHITECTS & SURVEYORS
LANDSCAPE ARCHITECTS
P.O. BOX 4000, ALBUQUERQUE, NM 87106-0400
Tel: 505.262.0000 Fax: 505.262.0004
Toll Free: 888.537.7341

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115 South Main Street
8th Floor
Tallahassee, Florida 32301
Toll Free: 888.537.7341

Dustin
402 South Main Street
Suite 202
Tallahassee, Florida 32301
Toll Free: 888.537.7341

REVISIONS

DATE

PROJECT MANAGER: TME

DRAWING BY: ALR

JURISDICTION: LEE COUNTY

DATE: 05/02/2017

SHEET TITLE:

MASTER CONCEPT PLAN

SHEET NUMBER: C-101

SCALE 1"=300'

JOB/FILE NUMBER: 12060

DCI 2016-00017

COMMUNITY DEVELOPMENT

NOTES

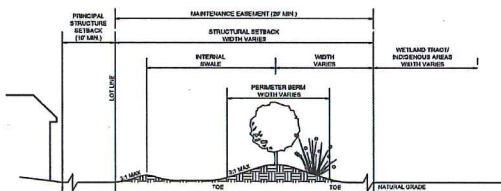
- 1) 15' TYPE "F" LANDSCAPE BUFFER.
 - 2) PRESERVE TO ACT AS BUFFER.
 - 3) 15' TYPE "F" LANDSCAPE BUFFER.
 - 4) CONNECTION TO FUTURE GOLF COURSE UNIVERSITY
- Project: Planning from Concept PD to 100% for Residential, Commercial and Research & Development.
- 1,500 Dwelling Units
200,000 SF Retail
200,000 SF Office
150,000 SF Research & Development
10,000 SF Institutional Office
- Future Land Use: University Community
Thirty (30) year physical plan from indigenous communities will be provided for the preservation.
Offices to be provided for the University.
Not a lot type from the lot.
Up to 40% dwelling units may be Single Family/Town Lot Line.

Deviation from providing 100% open space percentage as indigenous.

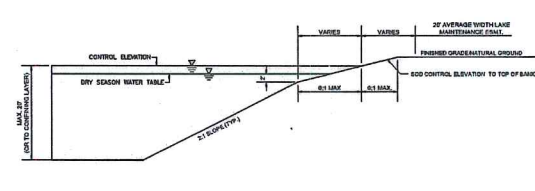
PLANNED DEVELOPMENT OPEN SPACE TABLE

Area	Approx. Acreage	Required Indigenous Preserves	Provided Indigenous Preserves			Required Open Space (30% Commercial (40% Residential)	Provided Open Space
			Base Area AC	Indigenous Upland Credit Credit %	Base Area AC		
Total Property Acreage	886.0						
Commercial Area**	49.3	0.5				13.0	3.3
Residential Area**	842.8	188.8				337.1	87.5
Lake**	340.3						
Other Open Space	230.1						234.1
Indigenous Upland							
Indigenous Upland Area - 1			2.0	150%	110%	1.3	2.0
Indigenous Upland Area - 2			0.0				0.0
Indigenous Upland Area - 3			0.2				0.2
Indigenous Upland Area - 4			0.0				0.0
Indigenous Upland Area - 5			0.1				0.1
Indigenous Upland Area - 6			0.2				0.2
Indigenous Upland Area - 7			0.1				0.1
Indigenous Upland Area - 8			0.0				0.0
Indigenous Upland Area - 9			0.0				0.0
Indigenous Upland Area - 10			0.1				0.1
Indigenous Upland Area - 11			0.2				0.2
Indigenous Upland Area - 12			0.0				0.0
Indigenous Upland Area - 13			0.1	110%	110%	0.3	0.1
Indigenous Upland Area - 14			0.1	110%	110%	0.3	0.1
Wetland							
Wetland Area - 1			1.9				1.9
Wetland Area - 2			0.3				0.3
Wetland Area - 3			0.5				0.5
Wetland Area - 4			0.2				0.2
Wetland Area - 5			0.3				0.3
Wetland Area - 6			1.5				1.5
Wetland Area - 7			2.0				2.0
Wetland Area - 8			3.7				3.7
Wetland Area - 9			0.5				0.5
Wetland Area - 10			0.5				0.5
Sub-Total	175.0		15.3			350.1	365.0
Total							

* TWENTY FIVE PERCENT (25%) OF OPEN SPACE MAY BE COMPOSED OF LAKE AREA. THE MINIMUM AMOUNT OF LAKE AREA IS 87.5 ACRES.
** NO LOT TRACT OR OVERLAPPING MAY PROVIDE LESS THAN TEN PERCENT (10%) OPEN SPACE.
*** AN ADDITIONAL, MAXIMUM TEN PERCENT CREDIT WILL BE GRANTED FOR PRESERVATION ADJACENT TO A ROADWAY.

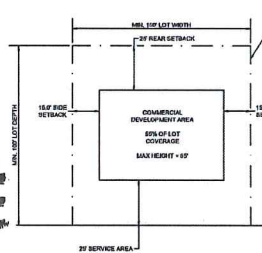


1 LOTS BORDERING INDIGENOUS AREAS

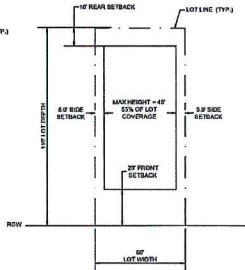


2 TYPICAL LAKE SECTION

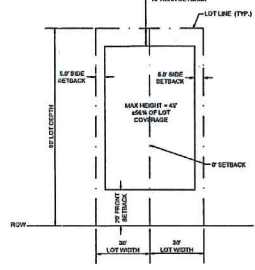
Approved as Exhibit
DCP Page 2 of 2
Resolution # Z-13-014



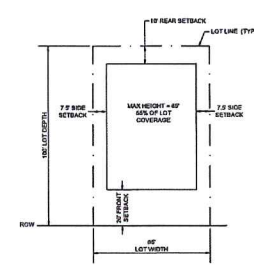
3 TYPICAL COMMERCIAL LOT



4 TYPICAL SINGLE FAMILY LOT

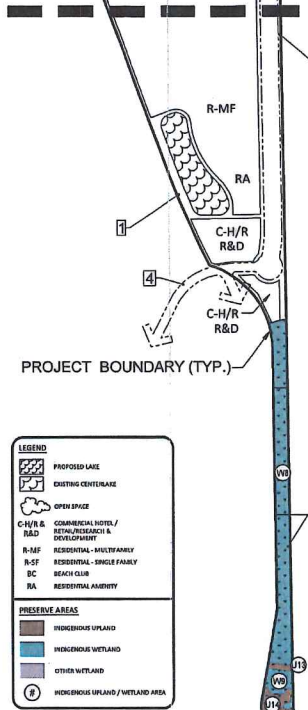


5 TYPICAL TWO FAMILY ATTACHED OR TOWNHOUSE



6 TYPICAL MULTI-FAMILY

SEE SHEET C-101 FOR CONTINUATION



LEGEND

PROPOSED LAKE
EXISTING CENTERLINE
OPEN SPACE
C-H/R & R&D
COMMERCIAL HOTEL / RETAIL/RESEARCH & DEVELOPMENT
R-MF
RESIDENTIAL - SINGLE FAMILY
R-SF
RESIDENTIAL - SINGLE FAMILY
DC
SEASONAL
RA
RESIDENTIAL AUTHORITY

PRESERVE AREAS

INDIGENOUS UPLAND
INDIGENOUS WETLAND
OTHER WETLAND
INDIGENOUS UPLAND / WETLAND AREA

PROJECT:

CenterPlace

LOCATION:

ACCESS TO BE DETERMINED

CLIENT:

PRIVATE EQUITY GROUP

CONSULTANT:

MORRIS DEPEW

ENGINEER, PLANNERS & SURVEYORS
LANDSCAPE ARCHITECTS
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Devin
410 South Main Street
Suite 100
Tulsa, OK 74103
Tel: 918.581.1000 Fax: 918.581.1001

REVISIONS

DATE

PROJECT MANAGER: TME

DRAWING BY: ALR

JURISDICTION: LEE COUNTY

DATE: 05/02/2017

SHEET TITLE: MASTER CONCEPT PLAN & DEVIATION NOTES

SHEET NUMBER: C-102

JOB/FILE NUMBER: 12060

RECEIVED
MAY
COMMUNITY DEVELOPMENT

DCI 2016-00017

CenterPlace

Water Quality Monitoring Program (CenterLake)

March 31, 2016

Goal: To prevent turbidity and excessive pollutants from active CenterPlace construction area(s) and operation of CenterPlace Water Management system from flowing to Lake 5 and entering Lake 6.

1. Establish background conditions:

- a. Utilize available turbidity level information obtained in CenterLake since 2013 to establish a baseline turbidity level for Lake 5/6 and baseline turbidity levels immediately upstream and downstream of the existing control structure (CS-6) at TP(1) and TP(2).
- b. Obtain additional turbidity readings monthly until the beginning of construction.
- c. If necessary, adjust baseline turbidity levels utilizing additional information obtained above. Baseline turbidity level to be established based on this data prior to construction.
- d. Obtain background (Nitrogen, Phosphorus, % Dissolved Oxygen saturation) in treatment lakes at completion of first two stormwater treatment lakes TP(9) and TP(10) and at each control structure location TP(5), TP(6), TP(7) and TP(8), at the time of each control structure certification.

2. Monitoring during construction:

- a. Prepare a Water Quality Monitoring Program Map (WQMPPM) which will be used to record data collection.
 - i. Include testing point locations, background turbidity, Nitrogen, Phosphorus and % Dissolved Oxygen saturation levels as available.
 - ii. Delineate location of fine grain soils from previously mapped areas within CenterPlace.
 - iii. Delineate 500 foot offset from CenterLake shoreline control elevation.
- b. Obtain daily turbidity readings at locations designated on the WQMPPM anytime there is active construction in fine areas. Readings to be obtained at test point locations within 1,000 feet of active construction as shown on the WQMPPM and record.
- c. Obtain daily turbidity readings at locations designated on the WQMPPM anytime there is construction within the 500 foot offset from CenterLake shoreline control. Readings to be obtained at test point locations within 1,000 feet of active construction as shown on the WQMPPM and record.
- d. In any instance when turbidity is greater than 29 NTU's above benchmark levels in CenterLake immediately notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109. If the developer's engineer and LCDNR conclude turbidity is caused by CenterPlace, construction activity must cease until the causation is corrected or additional proper BMP's are installed and turbidity is returned to background levels. The developer must also notify the Miromar Lakes Community Development District (CDD) Manager outlining proposed remedial actions to be implemented if the development's engineer and LCDNR conclude excess turbidity is the result of CenterPlace activities.
- e. Discharge from the CenterPlace surface water management system to Lake 5/6 may only occur through permitted and certified control structures established in ERP #36-03568-P-05. No discharge from construction area(s) is permitted to Lake 5/6. Immediately notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-

8109 of any stormwater discharge from an active CenterPlace construction site to Lake 5/6.

3. Monitoring during Water Management System Operation

- a. Begin turbidity, total phosphorus, total nitrogen, and % Dissolved Oxygen saturation monitoring at each CenterPlace control structure discharge to CenterLake immediately upon certification of each control structure TP(5), TP(6), TP(7) and TP(8) and at the first two CenterPlace treatment lakes construction TP(9) and TP(10).
- b. Monitor water quality levels immediately upstream and downstream of the each active control structure monthly and after any 1" rainfall within 24 hours.
- c. Within four weeks of the beginning of CenterPlace construction water quality samples shall be collected from TP(1) and TP(2) at the center of the water column. Water samples will be analyzed for total phosphorus, total nitrogen, temperature, specific conductance, pH, turbidity, and dissolved oxygen and % Dissolved Oxygen saturation.
- d. Water quality samples will be collected from TP(5), TP(6), TP(7), TP(8), TP(9) and TP(10) at two separate depths (5-feet below surface and 5-feet above bottom depth) from the Lake on a quarterly basis. Water samples will be analyzed for total phosphorus, total nitrogen, and % Dissolved Oxygen saturation. Water quality samples shall also be collected at testing points locations immediately upstream and downstream of CS-6 at TP(1) and TP(2) (only when active discharge from Lake 5/6) and at the two connection points between Lake 5/6 at TP(3) and TP(4). Water samples to be analyzed for total phosphorus, total nitrogen, temperature, specific conductance, pH, turbidity, dissolved oxygen and % dissolved oxygen saturation. Parameters and test methods are summarized below.

SURFACE WATER

Parameter	Lab or Field	Units	Method
Total Phosphorus	Lab	mg/L as P	EPA 365.4
Total Nitrogen	Lab	mg/L	EPA 351.2/353.2
Temperature	Field	C	EPA 170.1
Specific Conductance	Field	mhos/cm	EPA 120.1
pH	Field	pH units	EPA 150.1
Turbidity	Field	NTU	EPA 180.1
Dissolved Oxygen, electrode and % saturation	Field	mg/L & %	EPA 360.1

- e. Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective 7/30/2014. Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) using approved test methods and quality assurance requirements (i.e. blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 QA Rules.
- f. Results of water sampling will be compared to applicable FDEP target levels, if listed. Parameters that do not have numeric target levels will be evaluated for trends. The surface water and groundwater laboratory results will undergo statistical analyses to aid in evaluating trends. Statistical methods to be used include determination of standard deviations, linear regressions, and calculation of confidence intervals. Once a sufficient data population of sample analyses has been compiled, these statistical tools will be employed to assist in analyzing the data to identify trends and aid in identifying potential

concerns. Results of analysis and trend analysis when developed will be provided to LCDNR in the quarterly sampling report submittal. In addition, if parameters exceed listed FDEP numeric target levels (DO, turbidity, specific conductance, and pH) during sample collection, the sample results will be confirmed in the field. If the parameters still exceed the listed target level, the Director of LCDNR will be notified within 48 hours.

- g. Water Quality Monitoring may cease for each individual CenterPlace control structure 5 years after certification if during those 5 years after each certification no readings result in a turbidity level greater than 29 NTU's above background levels. Should excess levels be recorded during the 5 year monitoring period, monitoring may only cease 2 years after the date of the excess recording. All requirements of all monitoring programs shall cease 5 years after final certification of the entire surface water management system.

4. Operational Contingency Plan

- a. Action required if at any time turbidity in CenterLake is recorded at or above 29 NTU's above background levels.
 - i. Deploy floating turbidity barriers at TP(3) and TP(4) shown on WQMPM immediately.
 - ii. Determine cause of turbidity and if due to CenterPlace operation take immediate corrective action using appropriate BMP's.
 - iii. Remove floating turbidity barriers after correcting source of turbidity, employing appropriate BMP and determine that turbidity levels have returned to baseline levels.
- b. Action required if water quality parameters exceed normal treatment levels.
 - i. Water quality changes in pH, DO, specific conductance, temperature, phosphorus, and nitrogen can occur from a wide range of sources, including local weather conditions, onsite activities, and offsite activities. Therefore, water quality degradation will be addressed by conducting an investigation into the potential cause of the water quality change.
 - ii. Should field parameters exceed listed FDEP target levels, the samples will be recollected in the field and the values confirmed. If exceedances are confirmed, the Director of LCDNR will be notified.
 - iii. Should trends increase above statistical confidence levels for parameters with non-numeric target levels, the Director of LCDNR will be notified within 48 hours.
 - iv. If exceedances of field parameters are confirmed and/or trends of parameters with non-numeric target levels increase above statistical limits, investigate potential causes of exceedances. The investigation will include review of nearby atmospheric data, and inspections for potential onsite and adjacent site activities that could have resulted in change in water quality. The investigation will confirm if onsite activities are suspected of causing the water quality change. If onsite activities are suspected to have contributed to the change in water quality, the Developer will provide the Director of LCDNR with a corrective action plan. The Developer will provide status updates and results of the evaluation of potential causes of water quality changes.

5. Monitoring Requirements for Excess Soil Removal Plan (Site Development Plan for CenterPlace Master Earthwork):

- a. This monitoring plan may be utilized if an Excess Soil Removal Plan includes a temporary Stormwater Management System designed to fully retain all stormwater runoff from the

disturbed site utilizing a perimeter berm to be constructed as the first activity of the Excess Soil Removal Plan.

- b. Monitoring for the Excess Soil Removal Plan will initially include all testing required above until such time as the perimeter berm defining the temporary retention system is completed and stabilized.
- c. After completion and stabilization of the berm, monitoring shall include monthly inspections of the berm between the months of May and October, inclusive.
- d. The Monitoring shall remain in place until a Lee County Certificate of Completion from the Excess Soil Removal Plan is approved within the Excess Soil Removal area and construction of such improvements begin.

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FL Certificate of Authorization No. 7995
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Fort Myers, Florida 33901

CenterPlace
Turbidity (CenterLake)

Test Location	Date	Turbidity (NTU)	Date	Turbidity (NTU)	Date	Turbidity (NTU)	Date	Turbidity (NTU)
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								

Water Quality Data Control Structure CS-6

[illegible][illegible]

CenterPlace
Water Quality Data CenterLake

Testing Point 3 (TP3)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

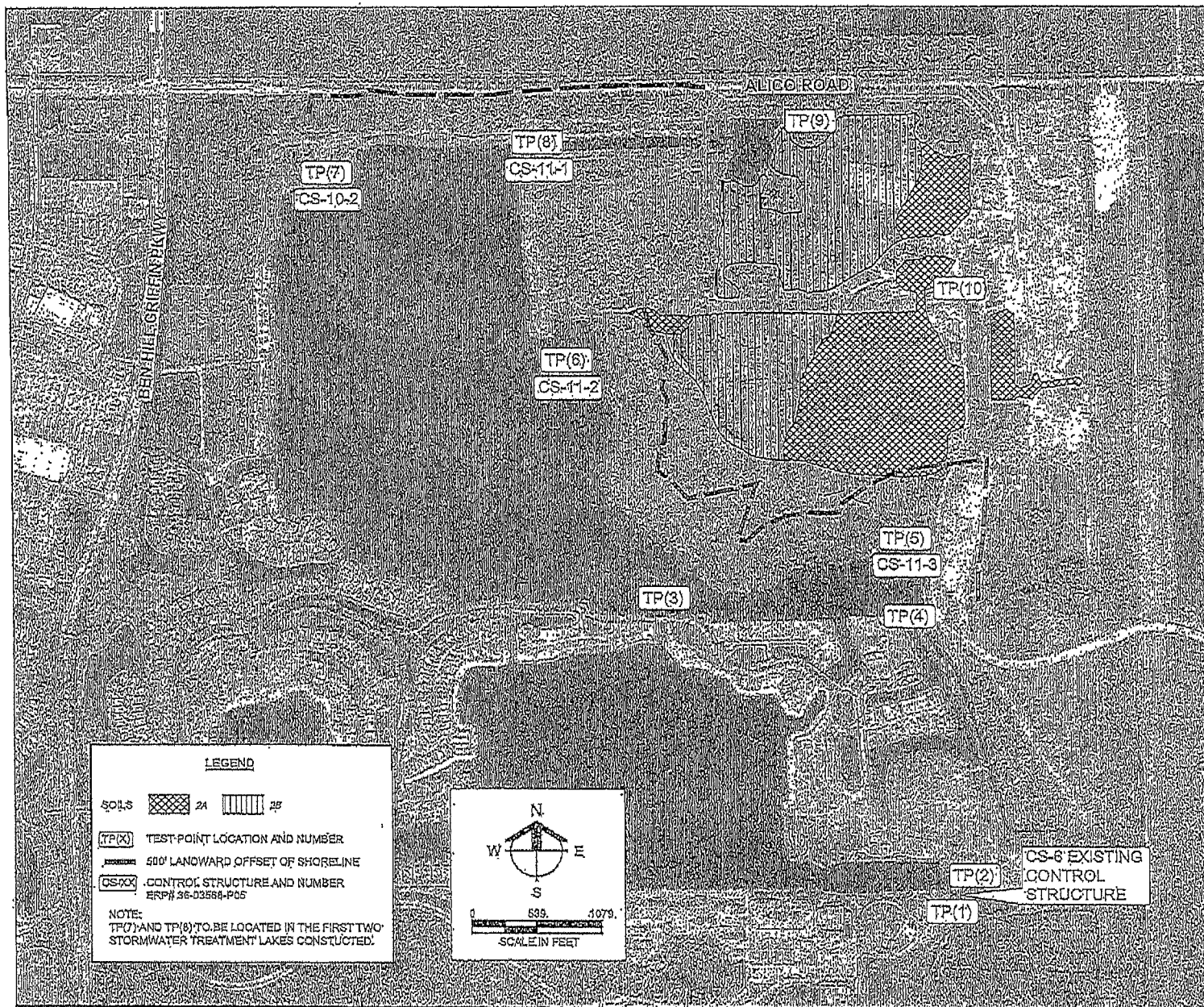
Testing Point 4 (TP4)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 5 (TP5)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 6 (TP6)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

[illegible][illegible]

[illegible][illegible]



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 LAND PLANNING - CLIMATE DESIGN
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 FORT MYERS, FLORIDA 33907
 PHONE (239) 451-4100
 FAX (239) 451-4100
 FLORIDA CERTIFICATE OF AUTHORIZATION
 ENGINEERING - SURVEYING 134246

PRIVATE EQUITY GROUP, L.L.C.
 1200 UNIVERSITY DRIVE
 SUITE 270
 FORT MYERS, FLORIDA 33907
 PHONE (239) 555-8008
 FAX (239) 555-8008

PROJECT DESCRIPTION

CenterPlace

PART OF SECTIONS 11, 12, & 13
 TOWNSHIP 46 SOUTH, RANGE 27 EAST
 LEE COUNTY, FLORIDA

PROPERTY OWNED BY BARRACO AND ASSOCIATES, INC. FOR THE PROJECT. ALL RIGHTS RESERVED. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM BARRACO AND ASSOCIATES, INC.

DESIGNER	BARRACO AND ASSOCIATES, INC.
CLIENT	PRIVATE EQUITY GROUP, L.L.C.
DATE	10/15/2010
PROJECT	WATER QUALITY MONITORING PROGRAM MAP
PROJECT NO.	23115
PROJECT NAME	WATER QUALITY MONITORING PROGRAM MAP

CenterPlace

Emergent Vegetation Monitoring Program (CenterLake)

March 31, 2016

Goal: To maintain the existing emergent vegetation (line and density) which serves as a shoreline buffer in order to avoid shoreline erosion.

1. Establish Baseline

- a. Establish limits and density of existing emergent vegetation based on 3 most recent available aerial photographs.
- b. Superimpose 3 emergent vegetation lines as established above and determine common line to be used as historic baseline, noting any areas of low density.
- c. Establish fixed points in the field (anchor with float marker or PVC pipe) along the current emergent vegetation line, at 500 foot intervals.
- d. Prepare an Emergent Vegetation Baseline Map to identify existing baseline emergent vegetation (line and density) including field marker locations with point coordinates.

2. Monitor Schedule

- a. Compare emergent vegetation baseline map with new aerial photographs as they become available.
- b. Inspect emergent vegetation markers at 6 month intervals and record any deviation in location of emergent vegetation. Inspection to begin within four weeks of commencement of construction within the CenterPlace project.
- c. Investigate any apparent movement in emergent vegetation greater than 10 feet horizontal from baseline data.
- d. Investigate any apparent decrease in vegetation density area greater than 5% of the existing emergent vegetation area.

3. Contingency Plan

- a. In event of a change in the emergent vegetation line or density as established above immediately (within 24 hours) notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109 and consult with project Environmental Consultant.
- b. Determine cause of emergent vegetation movement.
 - i. Document cause.
 - ii. If movement of emergent vegetation is determined to be caused by CenterPlace construction activity, as determined by the developer's Environmental Consultant, employ additional appropriate BMP's relative to construction activity.
 - iii. Monitor monthly until determination is made that the cause of emergent vegetation movement is remediated.
- c. Replacement of lost emergent vegetation

- i. If more than 25% of emergent vegetation (linear measurement from baseline to shoreline) or 10% of density area is lost due to CenterPlace construction activity or operation of the CenterPlace surface water management system address as recommended by the CenterPlace Environmental Consultant.

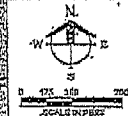
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FL Certificate of Authorization No. 7995
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2271 McGregor Boulevard, Suite 100
Fort Myers, Florida 33901

CenterPlace

Emergent Vegetation Monitoring Program (CenterLake)

Point#	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

Vegetation Density Notes (Date and qualitative analysis):



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FOR DESIGN, CONSTRUCTION, OR OPERATION
OF A PROJECT, THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSE.

PRIVATE EQUITY GROUP, L.L.C.

1011 MONROE BLVD., SUITE 100
PORT ST. LOUIS, FL 32680

PROJECT: EMERGENT VEGETATION MONITORING MAP

DATE: 10/15/2015

CenterPlace

1011 MONROE BLVD., SUITE 100
PORT ST. LOUIS, FL 32680

THIS PLAN IS PRELIMINARY AND INTENDED FOR CONSTRUCTION PURPOSES ONLY. ANY CHANGES TO THE PLAN SHALL BE MADE BY THE ENGINEER. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

NOT FOR CONSTRUCTION

DATE: 10/15/2015
BY: [Signature]
CHECKED BY: [Signature]
APPROVED BY: [Signature]

PROJECT: EMERGENT VEGETATION MONITORING MAP

DATE: 10/15/2015

CenterPlace

Shoreline Location Monitoring Program (CenterLake)

March 31, 2016

Goal: To maintain the location of the existing shoreline during construction and operation of the CenterPlace water management system.

1. Establish Baseline

- a. Establish characteristics of the CenterPlace shoreline based on 3 most recent available aerial photographs.
- b. Superimpose shoreline as established above and determine common line to be used as baseline.
- c. Establish shoreline fixed points in the field 1) along the shoreline control elevation 18.0 NGVD contour and 2) 20' landward of the 18.0' contour at 500 foot intervals and record point coordinates on Shoreline Location Monitoring Map.

2. Monitor Schedule

- a. Inspect each shoreline elevation marker at 6 month intervals. Inspection to begin within four weeks of commencement of construction within the CenterPlace project.
- b. Record any apparent change in shoreline elevation.

3. Contingency Plan

- a. In the event of a vertical change in the shoreline line established above, greater than or equal to 0.30' investigate cause. Immediately, (within 24 hours) notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109.
- b. Determine cause of shoreline movement;
 - i. Document cause
 - ii. If the Director of LCDNR and the Developer's Engineer conclude shoreline movement was caused by construction or operation of the CenterPlace surface water management system, employ additional BMP's to mitigate shoreline movement.
 - iii. Monitor weekly until determination is made that cause of shoreline movement is remediated.
- c. The developer must notify the Miromar Lakes CDD Manager in the event shoreline mitigation is warranted as a result of construction or operation of the CenterPlace water management system.

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CenterPlace

Shoreline Location Monitoring Data (CenterLake)

Date	18' Contour Point#	Δ (Ft)	20' Landward Point #	Δ (Ft)
	1		1-20	
	2		2-20	
	3		3-20	
	4		4-20	
	5		5-20	
	6		6-20	
	7		7-20	
	8		8-20	
	9		9-20	
	10		10-20	
	11		11-20	
	12		12-20	
	13		13-20	
	14		14-20	
	15		15-20	
	16		16-20	
	17		17-20	
	18		18-20	

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00139

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Don Schrotenboer representing Alico West Fund, LLC filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace MPD to amend the schedule of uses to allow residential uses within the Town Square-Commercial (C-H/R & R&D) Tracts, allow zero lot line on all Tracts allowing residential uses, amend the development regulations to include regulations for zero lot line units, and modify Section B, condition #1 of Resolution Z-17-014 by replacing “two-family attached” with “zero lot line units” on property located in Southeast Lee County, described more particularly as:

LEGAL DESCRIPTION: In Sections 07, 11, 12, 13 and 18, Township 46 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT “A”

WHEREAS, the property was originally rezoned in resolution number Z-17-014; and

WHEREAS, the subject property is located in the University Community and Wetlands Future Land Use Categories as designated by the Lee 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 applicant is requesting to amend condition #1 of Section B of the resolution Z-17-014 to replace “two-family attached” with “zero lot line units”; and

WHEREAS, the proposed change will allow the zoning resolution to be consistent with the Lee Plan Policy 18.1.16.11 (CPA2016-00011); and

WHEREAS, the applicant is proposing to allow zero lot line on Residential R-SF and R-MF and on Town Square-Commercial C-H/R & R&D Tracts; and

WHEREAS, the applicant is also requesting to modify the schedule of uses to allow residential uses on “Town Square-Commercial” Tracts (C-H/R & R&D); and

WHEREAS, this request will allow residential uses within the Town Square-Commercial Tracts (C-H/R & R&D), creating a more integrated mixed use development by transferring some of the residential density from other development tracts to the C-H/R & R&D Tracts, while keeping the same number of dwelling units approved for this development; 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 Mixed Use Planned Development is **APPROVED** is subject to the following conditions:

1. **The original Master Concept Plan approved by Resolution Z-17-014 will remain in full force and effect.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **The second paragraph of Section B (Conditions) #1 of Resolution Z-17-014 is hereby amended to read as follows:**

This MPD zoning approval authorizes the development of up to 1,950 dwelling units (including combined maximum of 487 dwelling units allocated for single-family and zero-lot line units); 200,000 sq. ft. retail; 110,000 sq. ft. office; 20,000 sq. ft. research and development; 10,000 sq. ft. medical office; and 250 hotel/motel rooms.

4. **The schedule of uses is hereby amended to include Zero Lot Line under dwelling units in the R-SF and R-MF development Tracts. Furthermore, the schedule of uses for Town Square-Commercial Tracts (C-H/R & R&D) is hereby amended to include the following additional uses:**

Dwelling Units:

Live Work

Multiple family building

Townhouses

Two-family, attached

5. **No more than 1,651 residential dwelling units may be approved by Development Order prior to issuance of a Certificate of Compliance for a minimum of 50,000 square feet of commercial floor area.**
6. **Development Regulations are hereby revised to include development regulations for zero lot line. The revised Development Regulations are attached hereto as Exhibit "B".**

7. **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 10/9/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

Attachments: Exhibit "A": STRAP Numbers
Exhibit "B": Development Regulations

REVIEWED
ADD2017-00139
Mike Laskowski, Planning
Technician
Lee County - DCD Planning
8/25/2017

EXHIBIT A

CASE NUMBER: ADD2017-00139

STRAP NUMBERS:

- 07-46-26-00-00001.0050
- 11-46-25-00-00001.0000
- 12-46-25-00-00001.0000
- 13-46-25-00-00001.0070
- 11-46-25-00-00001.0070
- 12-46-25-00-00001.0050
- 18-46-26-00-00001.0010

EXHIBIT B

Development Regulations

Residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front Setback (ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Max Building Height (ft)	Max Lot Coverage (%)
Single-family	5,500	50	110	20	5	10	45	55
Zero Lot Line	5,500	50	110	20	0 and 10	10	45	65
Two-family attached	3,300	30	110	20	0 or 5	10	45	60
Townhouse-End Unit	2,700	30	90	20	0 or 5	10	45	56
Townhouse-Interior Unit	2,250	25	90	20	0	10	45	67
Multiple-family	6,500	65	100	20	7.5	10	65	55

Building Separation for multiple-family buildings on the same lot: 15 feet

Commercial/Non-residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft)	Min. Lot Depth (ft)	Min. Front/Service Area Setback(ft)	Min. Side Setback (ft)	Min. Rear Setback (ft)	Max Building Height (ft)	Max Lot Coverage (%)
Commercial/Non-residential (including Hotel, Research & Development, and all other uses not listed as Residential above)	10,000	100	100	25	15	25	65	55

Building Separation: 15 feet

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00170

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida, Inc. filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace Mixed Use Planned Development to:

- a. Revise the Master Concept Plan;
- b. Revise the development regulations and schedule of uses for Single-Family and Multi-Family Residential Tracts; and
- c. Request the following additional four deviations:
 1. Deviation from Land Development Code Section 10-416(d)(3), which requires a 15-foot wide Type "B" buffer between single-family and multi-family residential uses, to allow for no buffer between single-family and multi-family use areas internal to the MPD.
 2. Deviation from Land Development Code Section 34-2194(b), which requires a minimum 25-foot setback between buildings and structures and bodies of water; to allow for a 0-foot setback between private on-site and off-site recreational facilities and internal natural and artificial bodies of water. This deviation is in conjunction with deviation 4 below, and is limited to 20% of each individual lake's shoreline.
 3. Deviation from Land Development Code Section 10-418(2)(d)(3), which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants, to allow for native trees to be substituted for 100% of the required herbaceous plants within the 10'000' FAA Wildlife Non-Enhancement Radius Page 2 of 2 Buffer as shown on the MCP. Trees utilized to satisfy the 100% conversion must be native; may be located within common elements of the MPD, and may count toward the overall general tree count required for the MPD.
 4. Deviation from Land Development Code Section 10-328(a), which requires a 20-foot wide lake maintenance easement on both sides of lakes greater than 50 feet in width, to allow for no lake maintenance easement where bulkhead is proposed along the lake shoreline per LDC Section 10-418(3). This deviation is in conjunction with deviation 2 above, and is intended for private on-site and off-site recreational facilities only.

on property located at the South side of Alico Road about 0.9 mile East of Ben Hill Griffin Parkway, SE Lee County Planning Community, described more particularly as:

LEGAL DESCRIPTION: In Section 07 & 11, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-17-014 (with subsequent amendment in case number ADD2014-00139); and

WHEREAS, the subject property is located in the University Community & Wetlands Future Land Use Category as designated by the Lee 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 applicant wishes to modify the Master Concept Plan by adding several small lakes and modify the contour of the existing lake to provide for more waterfront residential lots; and

WHEREAS, the applicant proposes to amend the schedule of uses for this project to include the following three additional uses in the schedule of uses for the Single-Family and Multi-Family Residential Tracts: *1-Administrative Offices, 2-Parking Lot, Accessory and 3-Recreational Facilities, Private, on-site*; and to include the following additional use in the schedule of uses for the Single-Family Residential Tract: *Temporary Uses, limited to temporary contractor's office and equipment storage shed*; and

WHEREAS, the applicant is requesting 4 additional deviation in conjunction with the revised Master Concept Plan; and

WHEREAS, this request was reviewed by the Division of Natural Resources, Section of Development Services and Environmental staff of Section of Zoning and was recommended for approval; 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 Mixed Use Planned Development to:

- a. Revise the Master Concept Plan;
- b. Revise the development regulations and schedule of uses for Single-Family and Multi-Family Residential Tracts; and
- c. grant four additional deviations:
 1. Deviation from Land Development Code Section 10-416(d)(3), which requires a 15-foot wide Type "B" buffer between single-family and multi-family residential uses, to allow for no buffer between single-family and multi-family use areas internal to the MPD.
 2. Deviation from Land Development Code Section 34-2194(b), which requires a minimum 25-foot setback between buildings and structures and bodies of water; to allow for a 0-foot setback between private on-site and off-site recreational facilities and internal natural and artificial bodies of water. This deviation is in conjunction with deviation 4 below, and is limited to 20% of each individual lake's shoreline.
 3. Deviation from Land Development Code Section 10-418(2)(d)(3), which allows native wetland trees to be substituted for up to 25% of the total number of herbaceous plants, to allow for native trees to be substituted for 100% of the required herbaceous plants within the 10'000' FAA Wildlife Non-Enhancement Radius Page 2 of 2 Buffer as shown on the MCP. Trees utilized to satisfy the 100% conversion must be native; may be located within common elements of the MPD, and may count toward the overall general tree count required for the MPD.
 4. Deviation from Land Development Code Section 10-328(a), which requires a 20-foot wide lake maintenance easement on both sides of lakes greater than 50 feet in width, to allow for no lake maintenance easement where bulkhead is proposed along the lake shoreline per LDC Section 10-418(3). This deviation is in conjunction with deviation 2 above, and is intended for private on-site and off-site recreational facilities only.

is **APPROVED** subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated 02/23/2018. Master Concept Plan for ADD2017-00170 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

3. Residential Property Development Regulations is hereby amended and a copy of the revised regulations is attached hereto as Exhibit "C".
4. The schedule of uses is hereby amended to include:
 - Administrative Offices (Single-Family and Multi-Family Tracts)
 - Parking Lot, Accessory (Single-Family and Multi-Family Tracts)
 - Recreational Facilities, Private, on-site (Single-Family and Multi-Family Tracts)
 - Temporary Uses, limited to temporary contractor's office and equipment storage shed (Single-Family Tract)
5. Water quality testing and emergent vegetation and shoreline monitoring must commence 30 days prior to construction. Frequency of the testing will occur in conformance with the Water Quality Monitoring program attached as Appendix D to Resolution Z-17-04.
6. The proposed CenterLake expansions, as identified on the MCP, will be separated from CenterLake via temporary reinforced earthen plugs, or other Lee County Department of Natural Resources approved physical barriers, until such time that water quality standards have been met per Resolution Number Z-17-014 Appendix D, the approved "Water Quality Monitoring Program (CenterLake)". These lake expansions shall not integrate with the existing lake until the applicable standards have been met, and verified by Lee County Division of Natural Resources.
7. A Lake Management Plan shall be submitted for review and approval by the Division of Natural Resources at the time of first Development Order submittal. The Plan shall include, but is not limited to the following information:
 - a) Best Management Practices employed during construction and operation of the facility to meet state water quality standards.
 - b) Best Management Practices for fertilizers and pesticides.
 - c) Erosion control and bank stabilization including any proposed boat slips.
 - d) Lake maintenance requirements and deep lake management for lakes exceeding 12 feet BLS.
 - e) Water quality data collected so far.
 - f) Water Quality Monitoring Plan, which will document the specifics of the surface water and groundwater monitoring networks.

g) Wellfield protection.

- 8. 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 4/2/2018 by

Audra Ennis, Zoning Manager
Lee County Community Development

Attachments: **Exhibit "A" STRAP numbers**
 Exhibit "B" Master Concept Plan
 Exhibit "C" Residential Property Development Regulations

EXHIBIT A

CASE NUMBER: ADD2017-00170

STRAP NUMBER

- 07-46-26-00-00001.0050
- 11-46-25-00-00001.0000
- 12-46-25-00-00001.0000
- 13-46-25-00-00001.0070
- 11-46-25-00-00001.0170
- 12-46-25-00-00001.0050
- 18-46-26-00-00001.0010

REVIEWED
ADD2017-00170
Daniel Munt, Planning
Technician (GIS)
Lee County DCD
1/16/2018



CENTERPLACE MPD
CLIENT: TAYLOR MORRISON OF FLORIDA, INC
MASTER CONCEPT PLAN

NOTES

- 1" TYPE 'W' LANDSCAPE BUFFER
- PRESERVE TO ADJ AS BUFFER
- 1" TYPE 'W' BUFFER
- CONNECTION TO FLORIDA GULF COAST UNIVERSITY

REQUEST: HEADLAND FROM COMPACT PD TO MAPS FOR RESIDENTIAL, COMMERCIAL, AND RECREATION DEVELOPMENT

1,000 DRAINAGE UNITS
200 ROOM HOTEL
20,000 SF RETAIL
10,000 SF OFFICE
20,000 SF RESEARCH & DEVELOPMENT
10,000 SF AERIAL OFFICE

FUTURE LAND USE: UNIVERSITY COMMUNITY

THAT FACT (2) HANGING STRUCTURE SETBACK FROM INDIGENOUS COMMUNITIES WILL BE PROVIDED FOR THE PROTECTION OF LOT LINES TO BE PROVIDED BY LEE COUNTY UTILITIES

NOT ON A LEE TRAIL ROUTE

UP TO 10' EXISTING WIDE MAY BE SINGLE-FAMILY ZERO LOT LINE

DEVIATION FROM PREVIOUS SETS OPEN SPACE PERCENTAGE AS INDICATED

PLANNED DEVELOPMENT OPEN SPACE TABLE									
AREA	APPROX. ACREAGE	REQUIRED INDIGENOUS PRESERVE	PROVIDED INDIGENOUS PRESERVE			REQUIRED OPEN SPACE		TOTAL OPEN SPACE	TOTAL OPEN SPACE (TOTAL PRESERVATION)
			BASE AREA (AC)	CHURCH N. (AC)	CHURCH S. (AC)	20% COMMERCIAL (AC)	10% RESIDENTIAL (AC)		
TOTAL PROPERTY ACRES:	188.9								
COMMERCIAL AREA**	43.2	8.6				13.9	13.9		
RESIDENTIAL AREA**	84.8	16.9				20.7	20.7		
LANDS	360.3								
OTHER OPEN SPACE AREAS	250.9								
INDIGENOUS UPLAND									
INDIGENOUS UPLAND AREA - 1			1.9	150.5	110.0	1.2	3.0		
INDIGENOUS UPLAND AREA - 2			0.0				0.0		
INDIGENOUS UPLAND AREA - 3			0.0				0.0		
INDIGENOUS UPLAND AREA - 4			0.0				0.0		
INDIGENOUS UPLAND AREA - 5			0.0				0.0		
INDIGENOUS UPLAND AREA - 6			0.1				0.1		
INDIGENOUS UPLAND AREA - 7			0.1				0.1		
INDIGENOUS UPLAND AREA - 8			0.0				0.0		
INDIGENOUS UPLAND AREA - 9			0.0				0.0		
INDIGENOUS UPLAND AREA - 10			0.0				0.0		
INDIGENOUS UPLAND AREA - 11			0.0				0.0		
INDIGENOUS UPLAND AREA - 12			0.0	110.0	110.0	0.2	0.0		
INDIGENOUS UPLAND AREA - 13			0.0				0.0		
INDIGENOUS UPLAND AREA - 14			0.0	110.0	110.0	0.1	0.0		
WETLAND									
WETLAND AREA - 1			0.0				0.0		
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Residential Property Development Regulations

Land Use	Min. Lot Area (sf)	Min. Lot Width (ft.)	Min. Lot Depth (ft.)	Min. Front Setback (ft.)	Min. Side Setback (ft.)	Min. Rear Setback (ft.)	Min. Accessory Setback ⁽³⁾ (ft.)	Max. Building Height ⁽⁴⁾ (ft.)	Max. Lot Coverage %
Single-Family	4,000	40	100	20/10 ⁽²⁾	5	10	5/0	45	55
Zero Lot Line	4,000	40	100	20	0 and 10	10	5/0	45	65
Two-Family attached	2,700	30	90	20	0 or 5	10	5/0	45	60
Townhouse-End Unit	2,700	30	90	20	0 or 5	10	5/0	45	56
Townhouse-Interior Unit	2,250	25	90	20	0	10	5/0	45	67
Multiple-Family ⁽¹⁾	6,500	65	100	20	7.5	10	5/0	65	55

(1) Building Separation for multiple-family buildings on the same lot: 15 feet

(2) Front yard setback may be reduced to 10 feet for units with side-loaded garages and for the secondary front yard setback on corner lots

(3) 0' accessory setback where rear lot lines abut platted lake maintenance easement or landscape buffer easements

(4) Maximum building height for accessory structures is 35'

ADMINISTRATIVE AMENDMENT (PD) ADD2018-10042

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida, Inc. filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace Mixed Use Planned Development (aka Esplanade Lake Club) to request the following additional deviation:

A request to deviate from the Land Development Code (LDC) Section 30-152(2)(d)(2) which limits the residential development identification signs to 10 feet in height and 105 square feet in area; to allow a maximum main entrance identification sign height of 14 feet and a maximum sign area of 250 square feet.

on property located south of Alico Road, In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-17-014 (with subsequent amendments in case numbers ADD2017-00139, ADD2017-00170 and ADD20178-00100); and

WHEREAS, the subject property is located in the University Community and Wetlands Future Land Use Category as designated by the Lee 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, CenterPlace is a 886± acre Mixed Use development approved for up to 1,950 residential dwelling units, and commercial uses; and

WHEREAS, the applicant intends to develop the residential portion of the Mixed Use Planned Development; and

WHEREAS, the applicant is proposing to install the development logo on a separate wall located behind the wall supporting the sign; and

WHEREAS, placing the logo at the same height as the sign will be hidden behind the wall supporting the sign; and

WHEREAS, the requested sign height variance is only applicable to the logo; and

WHEREAS, Land Development Code Section 30-91(b) states: *"When a single sign structure is used to support two or more signs, or unconnected elements of a single sign, the surface area shall comprise the square footage within the perimeter of a regular geometric form enclosing the outer edges of all the separate signs or sign elements"*; and

WHEREAS, measuring the sign area as specified in LDC Sec. 30-91(b) will include a large blank area in the geometric form enclosing the outer edges of all the sign elements; 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 of a sign deviation for an amendment to Mixed Use Planned Development is **APPROVED subject to the following conditions:**

1. **The sign must be in substantial compliance as to the size, height, design and location shown on the attached 4-page sign plan attached hereto as Exhibit "B".**
2. **This deviation grants approval to one such sign only for the entire development. All other signs must comply with the requirement of the LDC Chapter 30, unless a separate deviation is granted.**
3. **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 9/10/2018 by

Audra Ennis, Zoning Manager
Lee County Community Development

Attachments: Exhibit "A" STRAP Number
Exhibit "B" Sign Plan (4 pages)

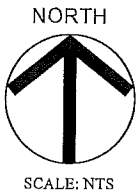
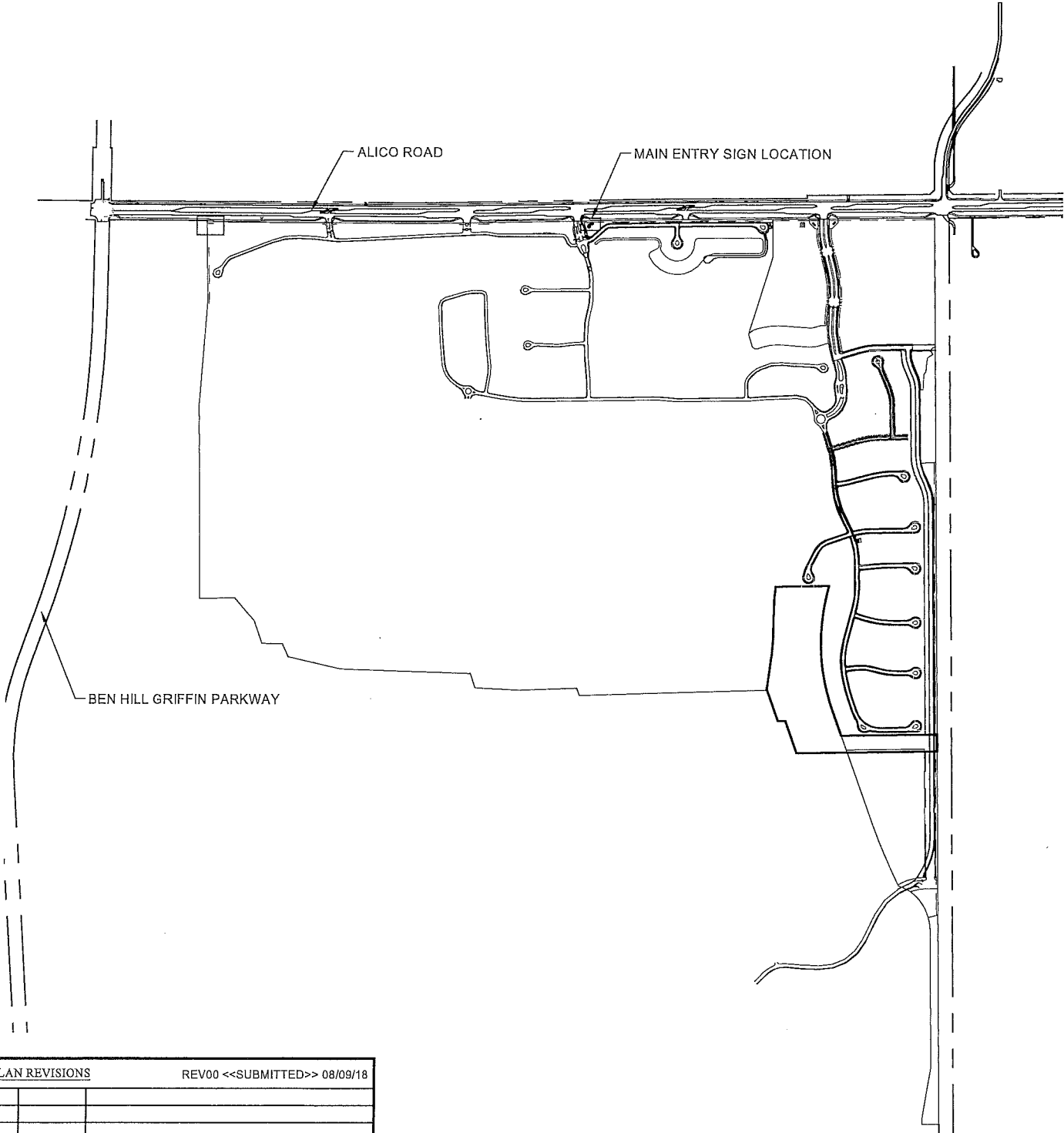
EXHIBIT A

CASE NUMBER: ADD2018-10042

STRAP NUMBER

12-46-25-00-00001.0060

REVIEWED
ADD2018-10042
Daniel Munt, Planner
Lee County DCD
8/23/2018



PLAN REVISIONS		REV00 <<SUBMITTED>> 08/09/18

CENTERPLACE (ESPLANADE LAKE CLUB) MAIN ENTRY SIGN EXHIBIT ONE

PREPARED FOR:
TAYLOR MORRISON OF FLORIDA, INC.
551 NORTH CATTLEMEN ROAD - SUITE 200
SARASOTA, FLORIDA 34232

SECTION: 11, 12 & 13
TOWNSHIP: 46S
RANGE: 25E
LEE COUNTY, FLORIDA
FILE NAME: 68403E04.dwg
SHEET: 1 OF 2

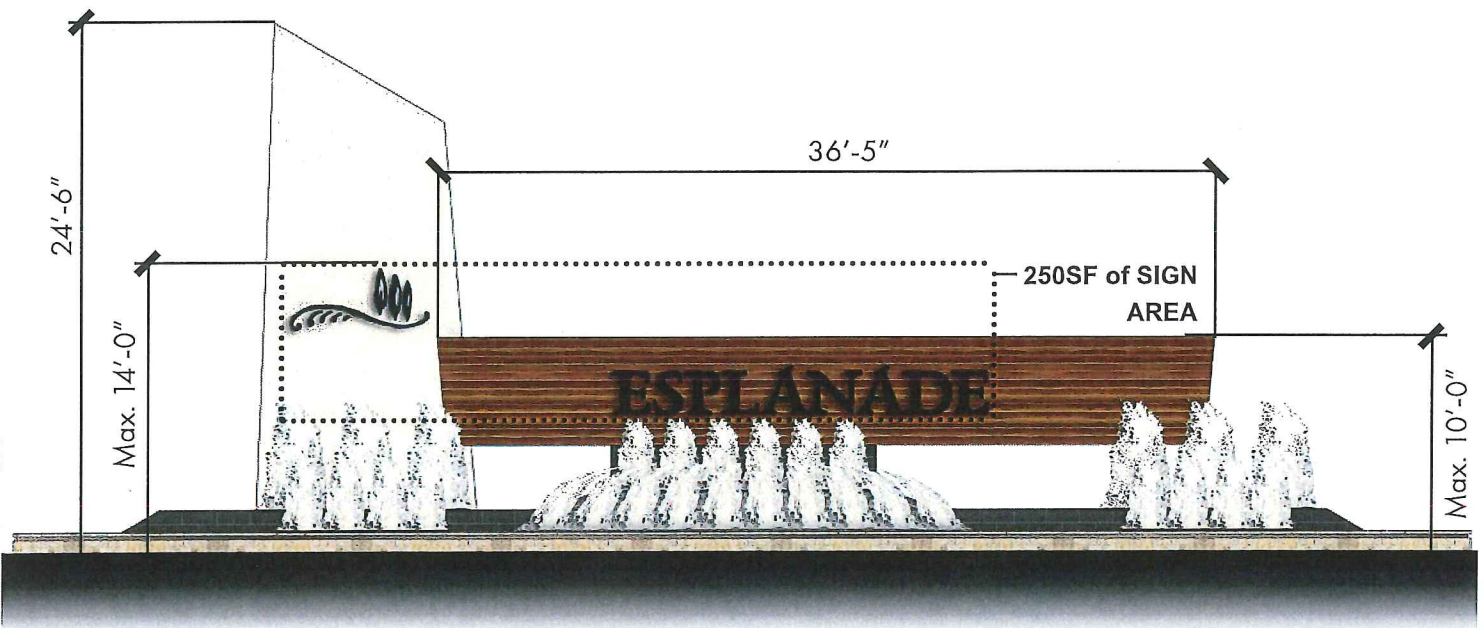
FLORIDA CERTIFICATE OF AUTHORIZATION #5636

**WALDROP**
ENGINEERING

CIVIL ENGINEERING | PLANNING | LANDSCAPE ARCHITECTURE

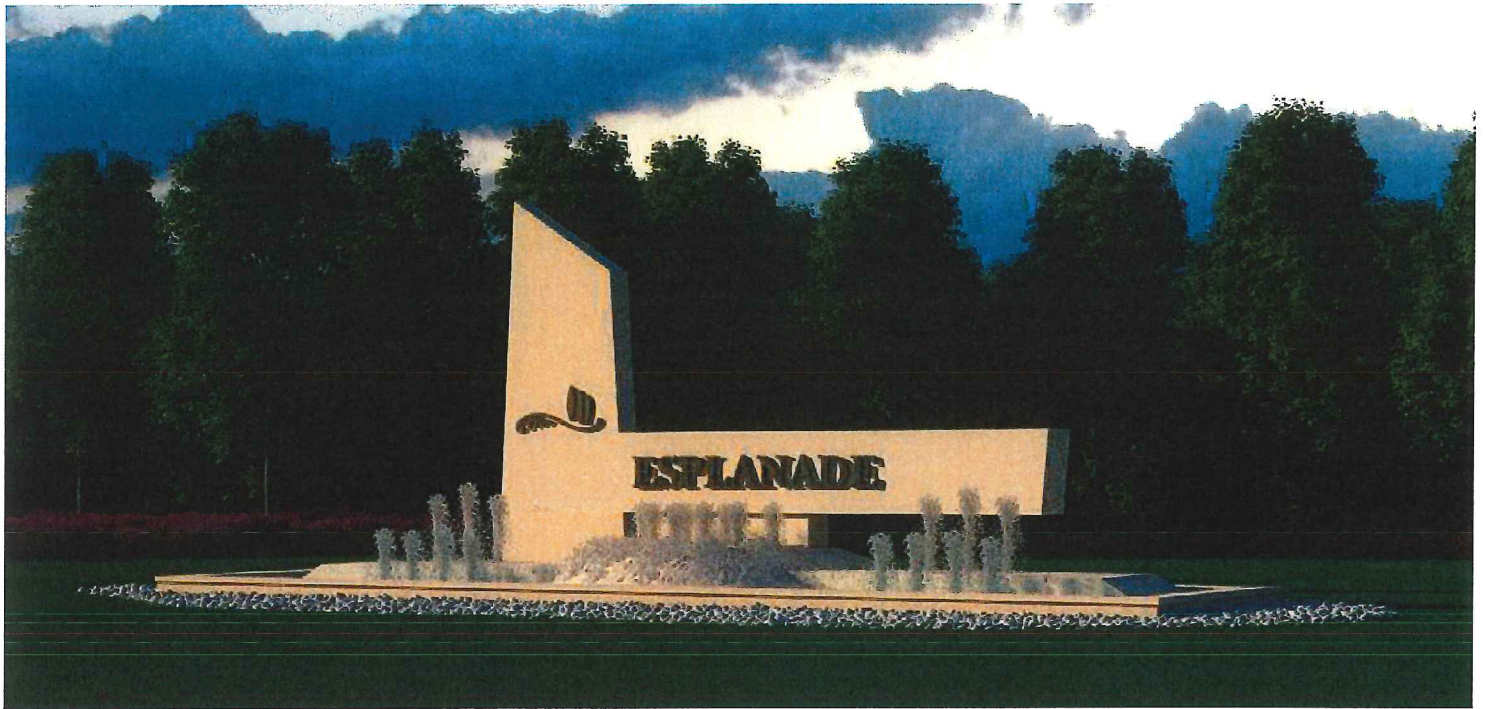
28100 BONITA GRANDE DRIVE - SUITE 305
BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7898
EMAIL: info@waldropengineering.com

B:\Projects\684-03 (CenterPlace) Administrative Amendment\Drawings-Exhibits\684-03-E04 - Signage Deviation Exhibit\Current Plans\68403E04.dwg

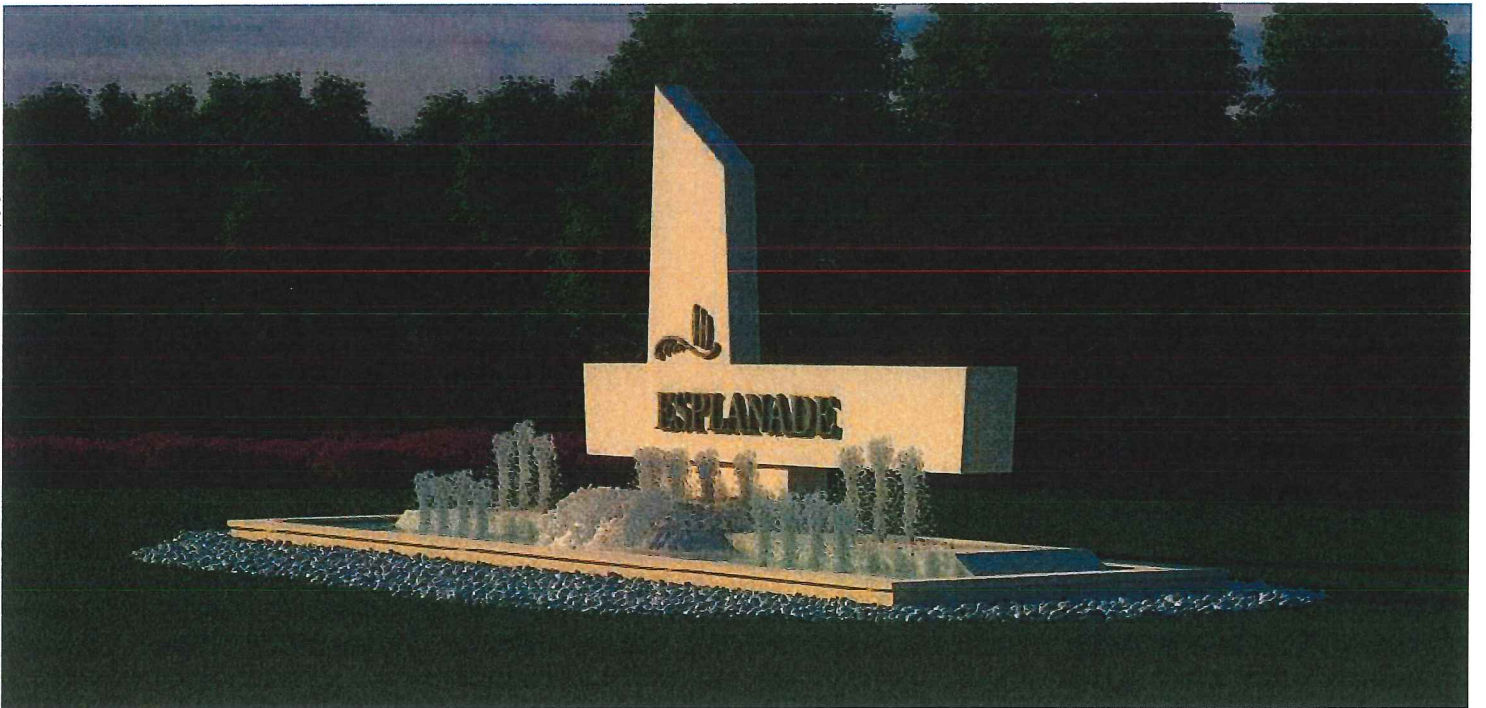


ENTRY SIGN
1/2" = 1'-0"

August 16, 2018 9:15 AM B:\Project\0844201\CenterPlace\Main Entry Sign\Main Entry Sign.dwg (User: jk) (Plot: 1/2" = 1'-0")

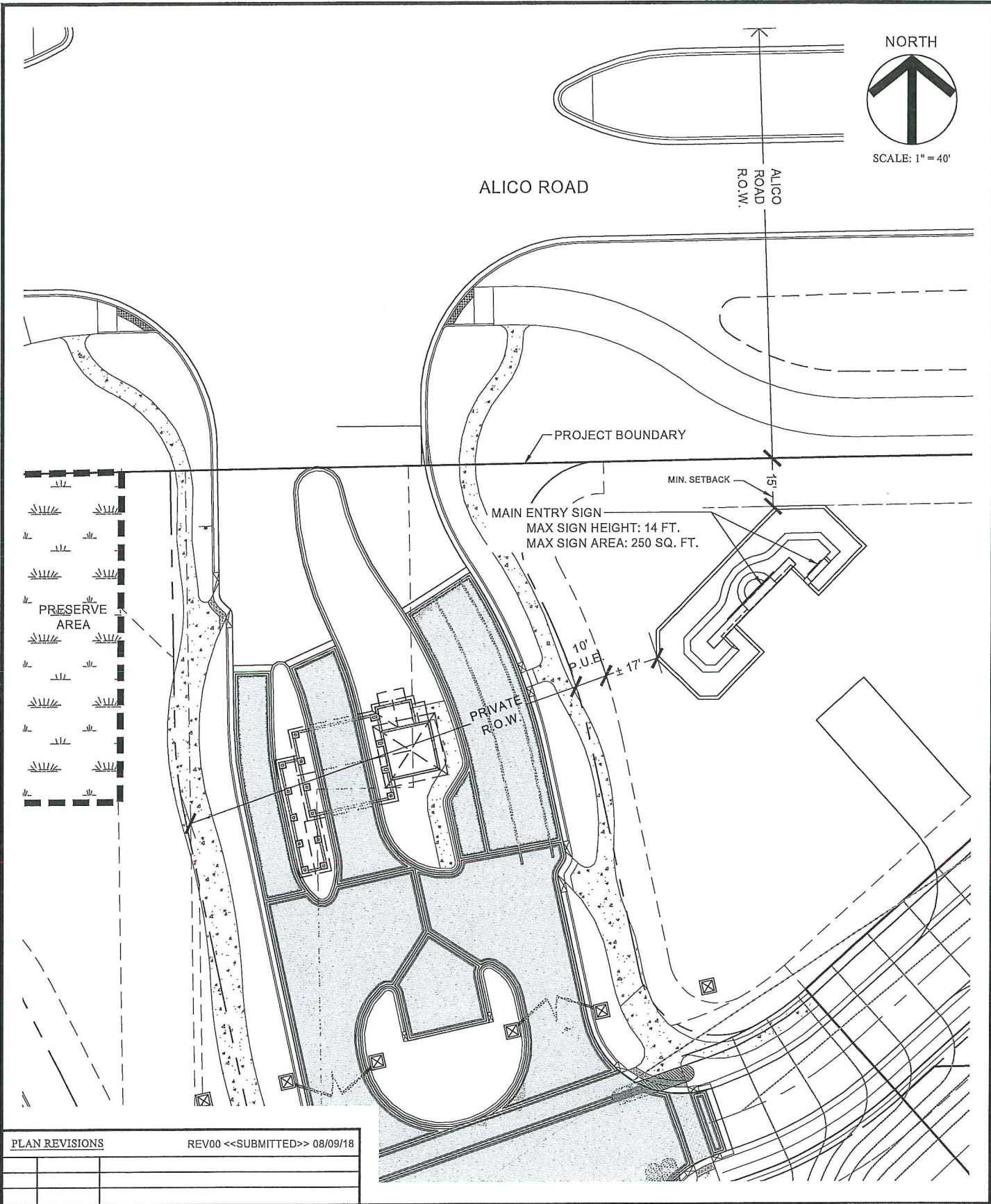


ENTRY MONUMENT VIEW FROM ALICO ROAD



ENTRY MONUMENT VIEW FROM ENTRY DRIVE

B:\Projects\684-03 (CenterPlace) Administrative Amendment\Drawings-Exhibits\684-03-E04 - Signage Deviation Exhibit\Current Plans\68403E04.dwg



CENTERPLACE (ESPLANADE LAKE CLUB)		MAIN ENTRY SIGN EXHIBIT ONE	
PREPARED FOR: TAYLOR MORRISON OF FLORIDA, INC. 551 NORTH CATTLEMEN ROAD - SUITE 200 SARASOTA, FLORIDA 34232		SECTION: TOWNSHIP: RANGE: 11, 12 & 13 46S 25E LEE COUNTY, FLORIDA	FLORIDA CERTIFICATE OF AUTHORIZATION #8636
FILE NAME: 68403E04.dwg SHEET: 2 OF 2		EXHIBIT "B"	

WALDROP
ENGINEERING
CIVIL ENGINEERING | PLANNING | LANDSCAPE ARCHITECTURE
28100 BONITA GRANDE DRIVE - SUITE 305
BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899
EMAIL: info@waldropengineering.com

ADMINISTRATIVE AMENDMENT (PD) ADD2018-00100

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida, Inc., filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace Mixed Use Planned Development to revise Condition 13 of Resolution Z-17-014 on property located off of Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Section 11, Township 46 South, Range 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in resolution number Z-17-014 (with subsequent amendments in case numbers ADD2017-00139, ADD2017-00170); and

WHEREAS, the subject property is located in the University Commons and Wetlands Future Land Use Category as designated by the Lee 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, ADD2017-00170 modified the Master Concept Plan by changing the contour of the existing lake and creating several interconnected bodies of water; and

WHEREAS, condition 13 of Resolution Z-17-014 contains language allowing boat docks for single family residences on "existing lake" only; and

WHEREAS, the original MCP did not propose any new lakes and just depicted the existing lake that existed on the site at the time of rezoning; and

WHEREAS, a clarification of the condition was necessary to allow docks along the modified lake's shore, as well as, the canals and other bodies of water depicted on the revised MCP of ADD2017-00170; 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 Mixed Use Planned Development to revise Condition 13 of Resolution Z-17-014 is **APPROVED** subject to the following conditions:

1. **Condition #13 of Resolution Z-17-014 is hereby rescinded and is replaced with the following condition:**

13. Boat Slips and Boat Ramp.

The Project is limited to a maximum of:

- a) **One (1) boat dock (with a maximum of two slips) per single-family residence fronting on any lake or canal,**
- b) **Fifty (50) boat slips to serve all multi-family dwelling units,**
- c) **Fifty (50) boat slips to serve the community amenity,**
- d) **Fifty (50) dry boat storage* slips, and**
- e) **One boat ramp, with up to 20 trailer parking spaces for residents and guests.**

***Dry boat storage structures must comply with the design standards for commercial buildings in LDC Chapter 10.**

2. **The terms, conditions and Master Concept Plan of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **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 7/6/2018 by

Audra Ennis, Zoning Manager
Lee County Community Development

Attachment: Exhibit "A" STRAP Numbers

EXHIBIT A

CASE NUMBER: ADD2018-00100

STRAP NUMBERS

07-46-26-00-00001.0050

11-46-25-00-00001.0000

12-46-25-00-00001.0000

13-46-25-00-00001.0070

11-46-25-00-00001.0170

12-46-25-00-00001.0050

18-46-26-00-00001.0010

REVIEWED
ADD2018-00100
Daniel Munt, Planner
Lee County DCD
6/4/2018

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00078

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Alico West Fund, LLC an application for an administrative amendment to a Mixed Use Planned Development known as CenterPlace, for a project within that development known as Center Place Apartments, to add the following new deviations (numbered 6 through 11):

Deviation 6 from LDC Section 10-416(d)1 which states that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to eliminate the south Type "D" Buffer (required for commercial use to right-of-way use).

Deviation 7 from LDC Section 34-2015(2)c which states that stacking of vehicles will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it; to allow stacking of vehicles for the multi-family site with associated garages for buildings 2, 3, 4, 5, 7, 9, 10, 13, 15 & 16.

Deviation 8 from LDC Section 10-384(c)2 which requires that water mains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height must be no less than ten inches in diameter, to allow an 8 inch main for 110 feet where the second external connection is made at the north entrance.

Deviation 9 from LDC Section 10-261(a) solid waste facilities provision of container spaces which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow 550 SF space for recyclable materials and trash compactor.

Deviation 10 from LDC Section 10-296 (e)5. ii. & iii. which requires that a 6-foot planting strip is required between the sidewalk and the travel lane along a residential urban local street, to allow no planting strip between the sidewalk and travel lane where on-street parking exists.

Deviation 11 from the Administrative Amendment (PD) ADD2017-00170 Residential Property Development Regulations Table which requires a minimum front setback or street easement setback for a multi-family development to be 20 feet, to allow for a setback from the easement that ranges from 1.67 feet to 9.33 feet for only buildings 2, 3, 4, and 5, as shown in the attached exhibit.

Deviation 12 from LDC Section 10-416(d)1 which requires that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use to eliminate the required 15

foot Type “D” Buffer between the access road/residential urban local street and the adjacent residential buildings 2, 3, 4 & 5.

WHEREAS the property is located off Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT “A”

WHEREAS, the property was originally rezoned in Resolution Number Z-17-014 (with subsequent amendments in ADD2017-00139, ADD2017-00170 and ADD2018-00100); and

WHEREAS, the subject property is located in the University Commons Future Land Use Category as designated by the Lee 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 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, the reduced street setbacks sought in Deviation 11 are limited to four buildings (Buildings 2, 3, 4, and 5) and these buildings front on the public access easement connecting with Center Place Boulevard with the buildings/units provided rear access and rear access garages; and

WHEREAS, the Fire Marshall for San Carlos Park, after meeting with County staff and representatives from Center Place, and communications with the plan reviewer for this project (Brad Johnston) and Brent Addison (Banks Engineering) accepts the deviation for approximately 110 feet of 8 inch water main (including an 8 inch backflow device) to connect the two 10 inch water mains creating the required external looping (Exhibit B); and

WHEREAS, in accordance with LDC Section 34-174(j) it is found the amendment: does not propose an increase in height, density or intensity of the development; does not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; does not result in a reduction of total open space; does not decrease the amount of indigenous native vegetation preservation or open space areas below the amount required by the Code; does not reduce the required external buffer or landscaping areas; is not expected to adversely impact surrounding land uses; and is consistent with all applicable provisions of the Lee Plan and land development regulations in effect at the time of the requested amendment.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to Mixed Use Planned Development to add the following **Deviations is APPROVED, subject to the following conditions:**

Deviations

Deviation 6 from LDC Section 10-416(d)1 which states that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to eliminate the south Type "D" Buffer (required for commercial use to right-of-way use).

Deviation 7 from LDC Section 34-2015(2)c which states that stacking of vehicles will be permitted only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it; to allow stacking of vehicles for the multi-family site with associated garages for buildings 2, 3, 4, 5, 7, 9, 10, 13, 15 & 16.

Deviation 8 from LDC Section 10-384(c)2 which requires that water mains for all commercial buildings and for residential buildings with more than six dwelling units per building or more than two stories in height must be no less than ten inches in diameter, to allow an 8 inch main for 110 feet where the second external connection is made at the north entrance.

Deviation 9 from LDC Section 10-261(a) solid waste facilities provision of container spaces which requires 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow 550 SF space for recyclable materials and trash compactor.

Deviation 10 from LDC Section 10-296 (e)5. ii. & iii. which requires that a 6-foot planting strip is required between the sidewalk and the travel lane along a residential urban local street, to allow no planting strip between the sidewalk and travel lane where on-street parking exists.

Deviation 11 from the Administrative Amendment (PD) ADD2017-00170 Residential Property Development Regulations Table which requires a minimum front setback or street easement setback for a multi-family development to be 20 feet, to allow for a setback from the easement that ranges from 1.67 feet to 9.33 feet for only buildings 2, 3, 4, and 5, as shown in the attached exhibit.

Deviation 12 from LDC Section 10-416(d)1 which requires that a buffering area is required along the entire perimeter of the proposed development whenever the proposed development abuts a different use to eliminate the required 15 foot Type "D" Buffer between the access road/residential urban local street and the adjacent residential buildings 2, 3, 4 & 5.

Conditions

1. The terms and conditions of the original zoning resolutions, as amended, remain in full force and effect, except as amended by this action.
2. The approval of this administrative amendment is limited to Parcel 2 described and depicted in Exhibit A, and further limited to the area located south of the commercial area depicted in Exhibit C. (Parcel 1 has been excluded from this action.)
3. Deviations 6, 7, and 9 through 12 are hereby approved.
4. Deviation 8 is hereby approved subject to Exhibit B.
5. The Deviations will only be effective in the locations depicted in Exhibit C.
6. 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 10/17/2019

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits

- A. Legal Description
- B. Deviation 8 design
- C. Site Plan showing Location of Deviations

Exhibit A

REVIEWED
ADD2019-00078
Daniel Munt, Planner
Lee County DCD
6/20/2019



Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTION 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

PARCEL 1

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE S 00°26'28" E ALONG THE WEST LINE OF SAID FRACTION FOR 125.01 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD (WIDTH VARIES) AS DESCRIBED IN INSTRUMENT NUMBER 2015000025953 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE N 89°27'22" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 1,066.17 FEET TO THE **POINT OF BEGINNING** OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 89°27'22" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 462.23 FEET TO **POINT "A"** AND THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET; THENCE S 00°32'38" E FOR 108.42 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 550.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'58" FOR 134.86 FEET; THENCE S 14°35'36" E FOR 18.47 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET; THENCE S 14°35'36" E FOR 93.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, TO WHICH POINT A RADIAL LINE BEARS N 14°35'36" W; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET; THENCE S 14°35'36" E FOR 121.56 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 950.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°16'32" FOR 253.28 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°51'07" FOR 40.08 FEET; THENCE S 05°07'00" W FOR 93.04 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, TO WHICH POINT A RADIAL LINE BEARS N 05°07'01" E; THENCE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°36'27" FOR 39.97 FEET; THENCE S 06°43'28" W FOR 25.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,250.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 06°19'14" FOR 137.89 FEET; THENCE S 73°25'35" W FOR 145.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 135.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°59'28" FOR 49.46 FEET; THENCE N 85°34'57" W FOR 257.22 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 815.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°37'55" FOR 336.15 FEET; THENCE N 72°44'09" W FOR 38.36 FEET; THENCE N 17°15'51" E FOR 779.97 FEET; THENCE N 00°32'38" W FOR 408.17 FEET TO THE **POINT OF BEGINNING**.

SHEET 1 OF 3

• **SERVING THE STATE OF FLORIDA** •

REVIEWED
ADD2019-00078
Daniel Munt, Planner
Lee County DCD
6/20/2019

AND

PARCEL 2

COMMENCING AT SAID POINT "A"; THENCE N 89°27'22" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 150.00 FEET TO THE POINT OF BEGINNING OF A PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N 89°27'22" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 919.62 FEET; THENCE N 88°59'33" E ALONG SAID SOUTH RIGHT-OF-WAY LINE FOR 180.15 FEET TO AN INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF PROPOSED COUNTY ROAD 951 (WIDTH VARIES) AS DESCRIBED IN INSTRUMENT NUMBER 2015000048505 OF SAID PUBLIC RECORDS; THENCE S 00°50'47" E ALONG SAID WEST RIGHT-OF-WAY LINE FOR 1,329.44 FEET; THENCE S 89°09'13" W FOR 613.05 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 775.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°43'39" FOR 212.73 FEET; THENCE S 73°25'35" W FOR 165.41 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 92°32'50" FOR 40.38 FEET TO THE BEGINNING OF A COMPOUND CURVE TO THE RIGHT HAVING A RADIUS OF 1,150.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 20°45'03" FOR 416.50 FEET; THENCE N 06°43'28" E FOR 29.43 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°23'32" FOR 38.57 FEET; THENCE S 84°53'00" E FOR 0.70 FEET; THENCE N 06°43'28" E FOR 16.34 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 1,075.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 04°05'13" FOR 76.68 FEET; THENCE N 84°53'00" W FOR 1.37 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 86°11'11" FOR 37.61 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 1,050.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°53'47" FOR 291.32 FEET; THENCE N 14°35'36" W FOR 121.56 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET; THENCE N 14°35'36" W FOR 93.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, TO WHICH POINT A RADIAL LINE BEARS S 14°35'36" E; THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET; THENCE N 14°35'36" W FOR 18.47 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 450.00 FEET; THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°02'58" FOR 110.34 FEET; THENCE N 00°32'38" W FOR 108.42 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" FOR 39.27 FEET TO THE POINT OF BEGINNING.

GROSS LAND AREA CONTAINS: 48.65 ACRES, MORE OR LESS.

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

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF ALICE ROAD BEARS N 89°27'22" E. THE SCALE FACTOR IS 0.999947.

DESCRIPTION PREPARED: 12-07-2018.

DESCRIPTION REVISED: 2-05-2019


 RICHARD M. RITZ
 REGISTERED LAND SURVEYOR
 FLORIDA CERTIFICATION NO. 4009
 DATE SIGNED 2-05-2019



Digitally signed by
 Richard M. Ritz, R.L.S.
 #4009 State of Florida
 using an SHA-1
 authentication code.
 Printed copies of this
 document are not
 considered signed and
 sealed and the SHA-1
 authentication code
 must be verified on any
 electronic copies.
 Date: 2019.02.05 10:37:17
 -05'00'

S:\Jobs\83xx\8322\Surveying\Descriptions\8322P BNDY LGL.doc
 S:\Jobs\83xx\8322\Surveying\Descriptions\8322P BNDY SKT.dwg

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10511 SIX MILE CYPRESS PARKWAY, SUITE 101
FT. MYERS, FLORIDA 33966
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ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM



ACREAGE SUMMARY

PARCEL 1 CONTAINS: 16.174 ACRES, MORE OR LESS
PARCEL 2 CONTAINS: 32.474 ACRES, MORE OR LESS
GROSS AREA CONTAINS: 48.648 ACRES, MORE OR LESS

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°26'28" E	125.01'
L2	S 00°32'38" E	108.42'
L3	S 14°35'36" E	18.47'
L4	S 14°35'36" E	93.00'
L5	S 14°35'36" E	121.56'
L6	S 05°07'00" W	93.04'
L7	S 06°43'28" W	25.22'
L8	S 73°25'35" W	145.42'
L9	N 72°44'09" W	38.36'
L10	N 89°27'22" E	150.00'

LINE TABLE

LINE	BEARING	DISTANCE
L11	N 88°59'33" E	180.15'
L12	S 73°25'35" W	165.41'
L13	N 06°43'28" E	29.43'
L14	S 84°53'00" E	0.70'
L15	N 06°43'28" E	16.34'
L16	N 84°53'00" W	1.37'
L17	N 14°35'36" W	121.56'
L18	N 14°35'36" W	93.00'
L19	N 14°35'36" W	18.47'
L20	N 00°32'38" W	108.42'

SKETCH OF DESCRIPTION

OF
A TRACT OR PARCEL OF LAND LYING IN
SECTION 12, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND
SECTION 7, TOWNSHIP 46 SOUTH, RANGE 26 EAST,
LEE COUNTY, FLORIDA

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	25.00'	90°00'00"	39.27'	35.36'	S 45°32'38" E
C2	550.00'	14°02'58"	134.86'	134.53'	S 07°34'07" E
C3	25.00'	90°00'00"	39.27'	35.36'	S 30°24'24" W
C4	25.00'	90°00'00"	39.27'	35.36'	S 59°35'36" E
C5	950.00'	15°16'32"	253.28'	252.53'	S 06°57'20" E
C6	25.00'	91°51'07"	40.08'	35.92'	S 46°36'30" W
C7	25.00'	91°36'27"	39.97'	35.85'	S 39°04'45" E
C8	1250.00'	6°19'14"	137.89'	137.82'	S 03°33'51" W
C9	135.00'	20°59'28"	49.46'	49.18'	S 83°55'19" W
C10	815.00'	23°37'55"	336.15'	333.77'	S 82°36'06" W
C11	775.00'	15°43'39"	212.73'	212.07'	S 81°17'24" W
C12	25.00'	92°32'50"	40.38'	36.13'	N 60°18'00" W
C13	1150.00'	20°45'03"	416.50'	414.22'	N 03°39'04" W
C14	25.00'	88°23'32"	38.57'	34.86'	N 50°55'14" E
C15	1075.00'	4°05'13"	76.68'	76.66'	N 04°40'52" E
C16	25.00'	86°11'11"	37.61'	34.16'	N 41°47'25" W
C17	1050.00'	15°53'47"	291.32'	290.38'	N 06°38'43" W
C18	25.00'	90°00'00"	39.27'	35.36'	N 30°24'24" E
C19	25.00'	90°00'00"	39.27'	35.36'	N 59°35'36" W
C20	450.00'	14°02'58"	110.34'	110.07'	N 07°34'07" W
C21	25.00'	90°00'00"	39.27'	35.36'	N 44°27'22" E

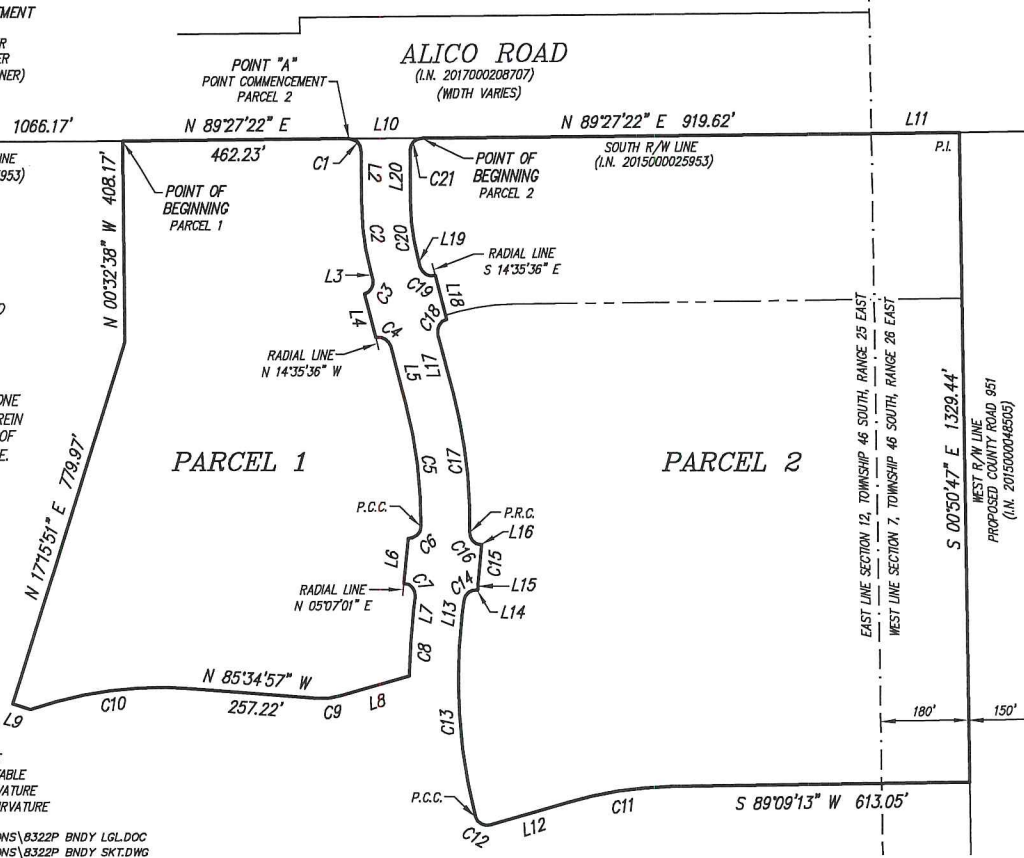
NOTES:

- 1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.
- 2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83/2011 (CORS), WHEREIN THE SOUTH RIGHT-OF-WAY LINE OF ALICO ROAD BEARS N 89°27'22" E. THE SCALE FACTOR IS 0.999947.

LEGEND:

- R/W INDICATES RIGHT-OF-WAY
I.N. INDICATES INSTRUMENT NUMBER
P.I. INDICATES POINT OF INTERSECTION
L1 INDICATES LINE 1 FROM LINE TABLE
C1 INDICATES CURVE 1 FROM CURVE TABLE
P.R.C. INDICATES POINT OF REVERSE CURVATURE
P.C.C. INDICATES POINT OF COMPOUND CURVATURE

S:\JOBS\33XX\3322\SURVEYING\DESCRIPTIONS\3322P BNDY LGL.DOC
S:\JOBS\33XX\3322\SURVEYING\DESCRIPTIONS\3322P BNDY SKT.DWG



PREPARED 12-07-2018

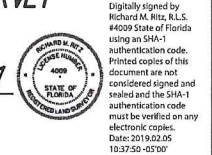
REVISED 2-05-2019

REVIEWED
ADD2019-00078 SHEET 3 OF 3
Daniel Munt, Planner
Lee County DCD
6/20/2019

SEE SHEETS 1 AND 2 OF 3 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

**THIS SKETCH OF DESCRIPTION
IS NOT A BOUNDARY SURVEY**

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



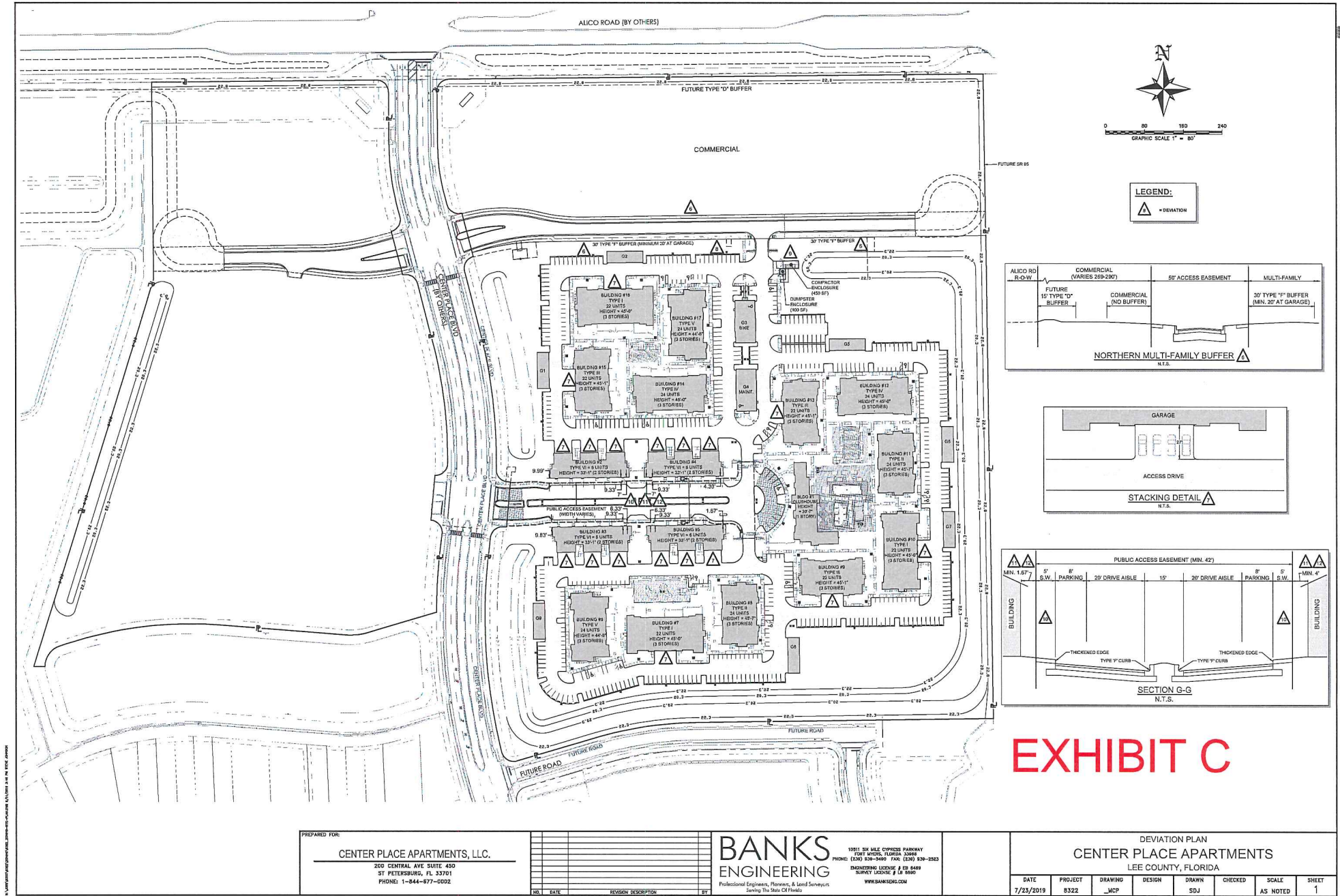


EXHIBIT C

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00098

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida c/o Jason Besse filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace MPD (aka Esplanade Lake Club) to request an additional boat ramp, amend the schedule of uses for R-MF Tract to allow Boat Slips and Boat Ramp as accessory uses and Recreational Facilities, Private On-site, and the following two deviations for the Beach Club (BC) Tracts:

1- A deviation from LDC Section 34-2020(a) to reduce the number of parking spaces by up to 10 percent by providing two golf cart parking spaces for one automobile parking space.

2- A deviation from LDC Section 34-2015, which requires all parking spaces to be provided on the same premises as principal use to allow a maximum of 13 boat trailer parking spaces for the Beach Club Main Amenity Tract to be placed on the Beach Club Satellite Amenity Tract.

on property on the south side of Alico Road, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution number Z-14-021 (with subsequent amendments in Resolution numbers Z-17-014, ADD2017-00139, ADD2018-00170, ADD2018-00100); and

WHEREAS, the subject property is located in the University Community & Wetlands Future Land Use Categories as designated by the Lee 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, LDC Section 30-2020(c)(4) allows non-residential uses, upon administrative approval, to reduce the number of parking spaces by up to 10 percent by providing two(2) golf cart parking spaces for every automobile parking space eliminated; and

WHEREAS, the site contains two Beach Club Amenities Tracts (Beach Club Main Amenities Tract, which contains a boat ramp and Beach Club satellite Amenities Tract) which are separated by about one third of a mile and are connected by a road with sidewalks; and

WHEREAS, the applicant proposes to have a maximum of 13 of the boat trailer parking on the Beach Club Amenities Satellite Tract; and

WHEREAS, the applicant proposes to amend Condition 13-e of Resolution Z-17-014 to revise the number of boat ramps allowed from one ramp to two (2), one in the Beach Club Tract and a secondary one in the R-MF Tract; and

WHEREAS, the applicant proposes to amend the schedule of use for the R-MF Tract to include Boat slips, Boat ramp and Recreational facilities, Private on-site; 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 Mixed Use Planned Development is **APPROVED** is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated 10/08/2019. Master Concept Plan for ADD2019-00098 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**
3. **The automobile parking space reduction is for a maximum of 10 percent of the required parking, provided two golf cart parking spaces are provided for each automobile parking space eliminated.**
4. **Condition 13-e of Resolution Z-17-014 is hereby amended to read as: e. *Two (2) boat ramps, with up to 20 trailer parking spaces for residents and guests.***
5. **Schedule of uses of Resolution Z-17-014 for R-MF Tract is hereby amended to include:**
 - Boat slips (subject to condition 13)***
 - Boat ramp (subject to condition 13)***
 - Recreational facilities, Private on-site***
6. **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 12/12/2019

Audra Ennis, Zoning Manager
Lee County Community Development

Attachments: Exhibit "A" STRAP Number
Exhibit "B" Master Concept Plan

EXHIBIT A

CASE NUMBER: ADD2019-00098

STRAP NUMBER

12-46-25-00-00001.0060

REVIEWED
ADD2019-00098
Daniel Munt, Planner
Lee County DCD
7/11/2019



CENTERPLACE MPD

CLIENT: TAYLOR MORRISON OF FLORIDA, INC

MASTER CONCEPT PLAN

[illegible]

A scale bar labeled "SCALE IN FEET" with markings at 0, 150, 300, and 600.

FLORIDA CERTIFICATE OF AUTHORIZATION #118M

SET NUMBER: 684-03-E01

SHEET : 1

10 15 TYPE "D" LANDSCAPE BUFFER
 11 PRESERVE TO ACT AS BUFFER
 12 15 TYPE "H" BUFFER
 13 CONNECTION TO FLORIDA GULF COAST UNIVERSITY
 REQUEST: REACHING FROM COMPACT TO MAP FOR RESIDENTIAL, COMMERCIAL, AND RECREATION DEVELOPMENT
 1.450 DOWLING AVENUE
 250 ROOM HOTEL
 200 AND SF RETAIL
 110,000 SF OFFICE
 200 SF OF RESEARCH DEVELOPMENT
 10,000 SF MEDICAL OFFICE
 FUTURE LAND USE: UNIVERSITY CAMPUS
 THEY NOT FOOT ON THIS MAP. REDUCING SETBACKS FROM COUSININGS WILL BE PROVIDED FOR FUTURE PROTECTION
 FUTURE LAND USE: RESEARCH AND LIFE SCIENCE UTILITIES
 NOT ON A LANE TRANSIT
 NOT 40 DOWLING AVENUE MAY BE SINGLE PARCELS TO LOT LINE
 A DEVIATION FROM PROVIDING SIGN, OPEN SPACE PERCENTAGE AS INGENUOUS

AREA	APPROXIMATE ACRES	REQUIRED PERCENTAGE PRESERVE	PROVIDER INDIGENOUS PRESERVE				REQUIRED OPEN SPACE (NON-INDIGENOUS PRESERVE)	PROPOSED OPEN SPACE
			BASE AREA ACRES	PROPORTION OF OPEN SPACE PROVIDED				
				CRITERIA 1	CRITERIA 2	CRITERIA 3		
TOTAL PROPERTY ACRES	346.8	0.0						
CHEMICAL AREA*	43.2	0.0					13.8	13.8
INDUSTRIAL AREA*	240.3	0.0					20.0	20.0
LARNEY	263.3	0.0					17.5	17.5
UNICEF OPEN SPACE AREAS	360.8	0.0					16.4	16.4
INDIGENOUS LAND AREA - 1			0.6	100%	110%	1.2		2.0
INDIGENOUS LAND AREA - 2			0.0					0.0
INDIGENOUS LAND AREA - 3			0.2					0.2
INDIGENOUS LAND AREA - 4			0.2					0.2
INDIGENOUS LAND AREA - 5			0.1					0.1
INDIGENOUS LAND AREA - 6			0.2					0.2
INDIGENOUS LAND AREA - 7			0.2					0.2
INDIGENOUS LAND AREA - 8			0.1					0.1
INDIGENOUS LAND AREA - 9			0.0					0.0
INDIGENOUS LAND AREA - 10			0.1					0.1
INDIGENOUS LAND AREA - 11			0.2					0.2
INDIGENOUS LAND AREA - 12			0.0					0.0
INDIGENOUS LAND AREA - 13			0.9	110%	110%	0.2		0.9
INDIGENOUS LAND AREA - 14			0.1					0.1
WETLAND			1.5		110%	0.1		0.5
WETLAND AREA - 1			0.5					0.5
WETLAND AREA - 2			0.5					0.5
WETLAND AREA - 3			0.5					0.5
WETLAND AREA - 4			0.2					0.2
WETLAND AREA - 5			0.3					0.3
WETLAND AREA - 6			1.0					1.0
WETLAND AREA - 7			0.2					0.2
WETLAND AREA - 8			0.0					0.0
WETLAND AREA - 9			0.0					0.0
WETLAND AREA - 10			0.0					0.0
WETLAND AREA - 10.01 AC OF JUNK LOGS IN OTHER OPEN SPACE			1.8				1.8	3.5
TOTAL		176.0		16.8			350.1	350.1

* PROPERTY NOT PERMITTED DUE TO OPEN SPACE MAY BE RECLASSIFIED AS OPEN SPACE, THE MAXIMUM AMOUNT OF LAND MAY BE RECLASSIFIED TO LAND AREA 8 AS ACRES.

* IF THERE IS A TOTAL PROPERTY PRESERVE PERCENTAGE OF 10% OR GREATER, THE PROPERTY WILL BE RECLASSIFIED TO LAND AREA 8.

* AN ADDITIONAL MAXIMUM TEN PERCENT CREDIT WILL BE GRANTED FOR PRESERVATION ADJACENT TO A LAKEWATER.

PROPOSED LAKE
 PROPOSED PARTHEN PLUG
 EXISTING CENTER LAKE
 OPEN SPACE
 COMMERCIAL/RETAIL /TRAIL, RESEARCH & DEVELOPMENT
 RESIDENTIAL - MALT/FAMILY
 RESIDENTIAL - SINGLE FAMILY
 BEACH CLUB
 RESIDENTIAL ANNUITY
 BOAT RAMP

PRESERVE AREAS

 INDIGENOUS UPLAND
 INDIGENOUS WETLAND
 OTHER WETLAND
 INDIGENOUS UPLAND / WETLAND AREA
 DIVERSION LOCATION

[illegible][illegible][illegible]

MIN LOT WIDTH

MIN LOT DEPTH

10' SIDE SETBACK

10' FRONT SETBACK

10' REAR SETBACK

10' SIDE SETBACK

COMMERCIAL DEVELOPMENT AREA

55% OF LOT COVERAGE

MAX HEIGHT = 65'

The diagram illustrates a lot layout with the following specifications:

- LOT LINE (STPP)**: The outer boundary of the lot.
- STRUCTURE SETBACK**: The distance from the lot line to the front of the structure.
- STRUCTURE SETBACK**: The distance from the lot line to the side of the structure.
- MAX HEIGHT = 45'**: The maximum height of the structure.
- 55% OF LOT COVERAGE**: The percentage of the lot area covered by the structure.
- LOT WIDTH**: The width of the lot.
- LOT DEPTH**: The depth of the lot.
- SETBACK**: The distance from the lot line to the back of the structure.
- SETBACK**: The distance from the lot line to the side of the structure.

Diagram illustrating a lot layout with setbacks and dimensions:

- Lot Dimensions: 100' LOT DEPTH, 100' LOT WIDTH
- Setbacks: 10' FRONT SETBACK, 10' SIDE SETBACK, 10' REAR SETBACK, 10' SIDE SETBACK
- Structure Dimensions: MAX HEIGHT = 65', 55% OF LOT COVERAGE
- Other Labels: 10' SIDE SETBACK, 10' FRONT SETBACK, 10' SIDE SETBACK, 10' REAR SETBACK, 10' SIDE SETBACK

CENTERPLACE MPD

CLIENT: TAYLOR MORRISON OF FLORIDA, INC.

MASTER CONCEPT PLAN



**WALDROP
ENGINEERING**

LARRY WALDROP, P.E.
LEAD DESIGNER / CONSULTANT

25109 SANTA GRACIA DRIVE, SUITE 300 BENICIA, CALIFORNIA, 94715
P-239-465-7777 F-239-462-7699 DIALO: larry@waldropengineering.com

[illegible]

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00148

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Waldrop Engineering, PA, on behalf of Donald R. Schrotenboer c/o Alico West Fund, LLC, filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) known as CenterPlace MPD (aka Esplanade Lake Club) to amend the Master Concept Plan (MCP) to reflect a 15-acre land donation to Lee County for construction of a future roadway affecting property located south of Alico Road and west of Airport Haul Road, described more particularly as:

LEGAL DESCRIPTION: In Sections 7 and 13, Township 46 South, Ranges 25 and 26 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-14-021 and was subsequently amended by Resolution Z-17-014, ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2019-00078 and ADD2019-00098; and

WHEREAS, the subject property is located in the University Community and Wetlands Future Land Use Categories as designated by the Lee 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 applicant is in the process of entering into a land donation agreement with the Lee County Board of County Commissioners to donate approximately 15 acres of land along the eastern portion of the subject property to facilitate the construction of a future north-south roadway; and

WHEREAS, Condition 3.(C) of the land donation agreement requires the applicant to amend the MPD zoning and the attendant MCP to reflect the 15-acre land donation to the County (see Exhibit "B"); and

WHEREAS, the applicant has filed the subject request to satisfy this condition and has submitted an amended MCP to reflect the 15-acre land donation to the County (see Exhibit "C"); 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 the CenterPlace Mixed Use Planned Development is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan entitled CenterPlace MPD, last revised October 20, 2020, a copy of which is attached hereto as Exhibit "B."**
2. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect.**
3. **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 12/29/2020

Anthony R. Rodriguez, AICP, Principal Planner, Interim Zoning Manager

List of Exhibits

Exhibit A: Legal Description

Exhibit B: Draft Land Donation Agreement

Exhibit C: Master Concept Plan

DESCRIPTION

Parcel in
Sections 7 and 18, Township 46 South, Range 26 East
Lee County, Florida

A tract or parcel of land being a portion of Tracts "F3" and "P-4" of the record plat of "ESPLANADE LAKE CLUB PHASE 1", recorded in Instrument No. 2019000189935, of the Public Records of Lee County, Florida lying in Sections 7 and 18, Township 46 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the West Quarter Corner of said Section 18 run $N00^{\circ}50'47''W$ along the West line of the of the Northwest Quarter (NW 1/4) of said Section 18 for 669.19 feet; thence run $N89^{\circ}09'13''E$ for 80.00 feet to an intersection with the East line of the West 80 feet of said Section 18 and the POINT OF BEGINNING.

From said Point of Beginning run $N00^{\circ}50'47''W$ along said East line for 1,393.41 feet; thence run $S89^{\circ}09'13''W$ for 25.00 feet to an intersection with the Westerly line of said Tract "F3"; thence run $N00^{\circ}50'47''W$ along said Westerly line and continuing along the Northerly prolongation thereof for 4,217.33 feet to an intersection with the North line of said Tract "F-3"; thence run $N89^{\circ}09'13''E$ along said North line for 125.00 feet to the Northeast corner of said Tract "F3"; thence run $S00^{\circ}50'47''E$ along the East line of the West 180 feet of said Section 7 and continuing along the East line of the West 180 feet of the said Section 18, also being the West right of way line of proposed County Road 951, (150 feet wide right of way), as described in deed recorded in in Instrument No. 2015000048505, Lee County Records, for 5,610.74 feet; thence run $S89^{\circ}09'13''W$ 100.00 feet to the POINT OF BEGINNING.

Containing 15.30 acres, more or less.

Bearings and distances hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the of the Northwest Quarter (NW 1/4) of said Section 18 to bear $N00^{\circ}50'47''W$. (Grid/Ground Scale factor = 0.999947).

REVIEWED
ADD2020-00148
Rick Burris, Principal
Planner
Lee County DCD/Planning
12/29/2020

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

Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

www.barraco.net
2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169

FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PRIVATE EQUITY GROUP, L.L.C.

12800 UNIVERSITY DRIVE
SUITE 275
FORT MYERS, FLORIDA 33907

PHONE (239) 590-9065
FAX (239) 590-9065

PROJECT DESCRIPTION

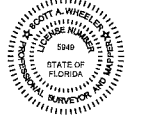
A TRACT OR PARCEL OF LAND
LYING IN THE PLAT OF

ESPLANADE LAKE CLUB PHASE 1

INST. No. 2019000189935,
LEE COUNTY RECORDS

A SUBDIVISION
LYING IN SECTIONS 11, 12 & 13,
TOWNSHIP 46 SOUTH,
RANGE 25 EAST AND
SECTIONS 7 & 18, TOWNSHIP 46 SOUTH,
RANGE 26 EAST
LEE COUNTY, FLORIDA

PROJECT SURVEYOR



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

FILE NAME	23115SK21.DWG
LAYOUT	3
LOCATION	J:\23115\DWG\SURVEYING\SKETCH
PLOT DATE	FRL 12-4-2020 - 8:47 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-04-2020
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=500'
FIELD BOOK	

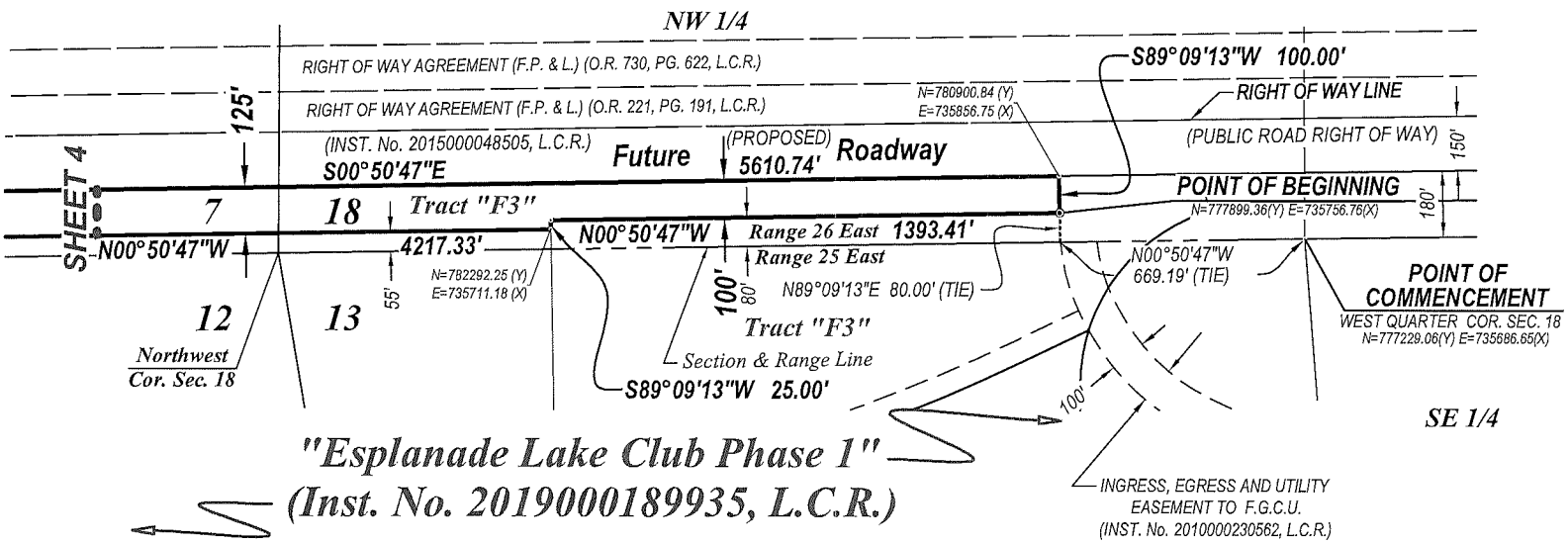
PLAN REVISIONS	

STRAP NUMBERS	

SKETCH TO
ACCOMPANY
DESCRIPTION

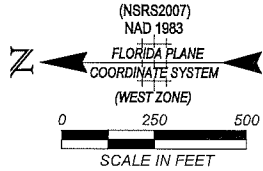
PROJECT / FILE NO.	SHEET NUMBER
23115/23292 7-46-26	3 OF 4

Section 18
Township 46 South,
Range 26 East



"Esplanade Lake Club Phase 1"
(Inst. No. 2019000189935, L.C.R.)

Section 13
Township 46 South,
Range 25 East



Barraco
and Associates, Inc.
CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING

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POST OFFICE DRAWER 2800
FORT MYERS, FLORIDA 33902-2800
PHONE (239) 461-3170
FAX (239) 461-3169
FLORIDA CERTIFICATES OF AUTHORIZATION
ENGINEERING 7995 - SURVEYING LB-6940

PREPARED FOR

PRIVATE EQUITY
GROUP, L.L.C.

12600 UNIVERSITY DRIVE
SUITE 275
FORT MYERS, FLORIDA 33907

PHONE (239) 590-9066
FAX (239) 590-9065

PROJECT DESCRIPTION

A TRACT OR PARCEL OF LAND
LYING IN THE PLAT OF

ESPLANADE LAKE
CLUB PHASE I

INST. No. 2019000189935,
LEE COUNTY RECORDS

A SUBDIVISION
LYING IN SECTIONS 11, 12 & 13,
TOWNSHIP 46 SOUTH,
RANGE 25 EAST AND
SECTIONS 7 & 18, TOWNSHIP 46 SOUTH,
RANGE 26 EAST
LEE COUNTY, FLORIDA

PROJECT SURVEYOR



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

FILE NAME	23115SK2.DWG
LAYOUT	4
LOCATION	J:\23115\BOWLSURVEY\IN\SKETCH
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PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	12-04-2020
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=500'
FIELD BOOK	

PLAN REVISIONS	

STRAP NUMBERS	

SKETCH TO
ACCOMPANY
DESCRIPTION

PROJECT / FILE NO.	SHEET NUMBER
23115/23292 7-45-26	4 OF 4

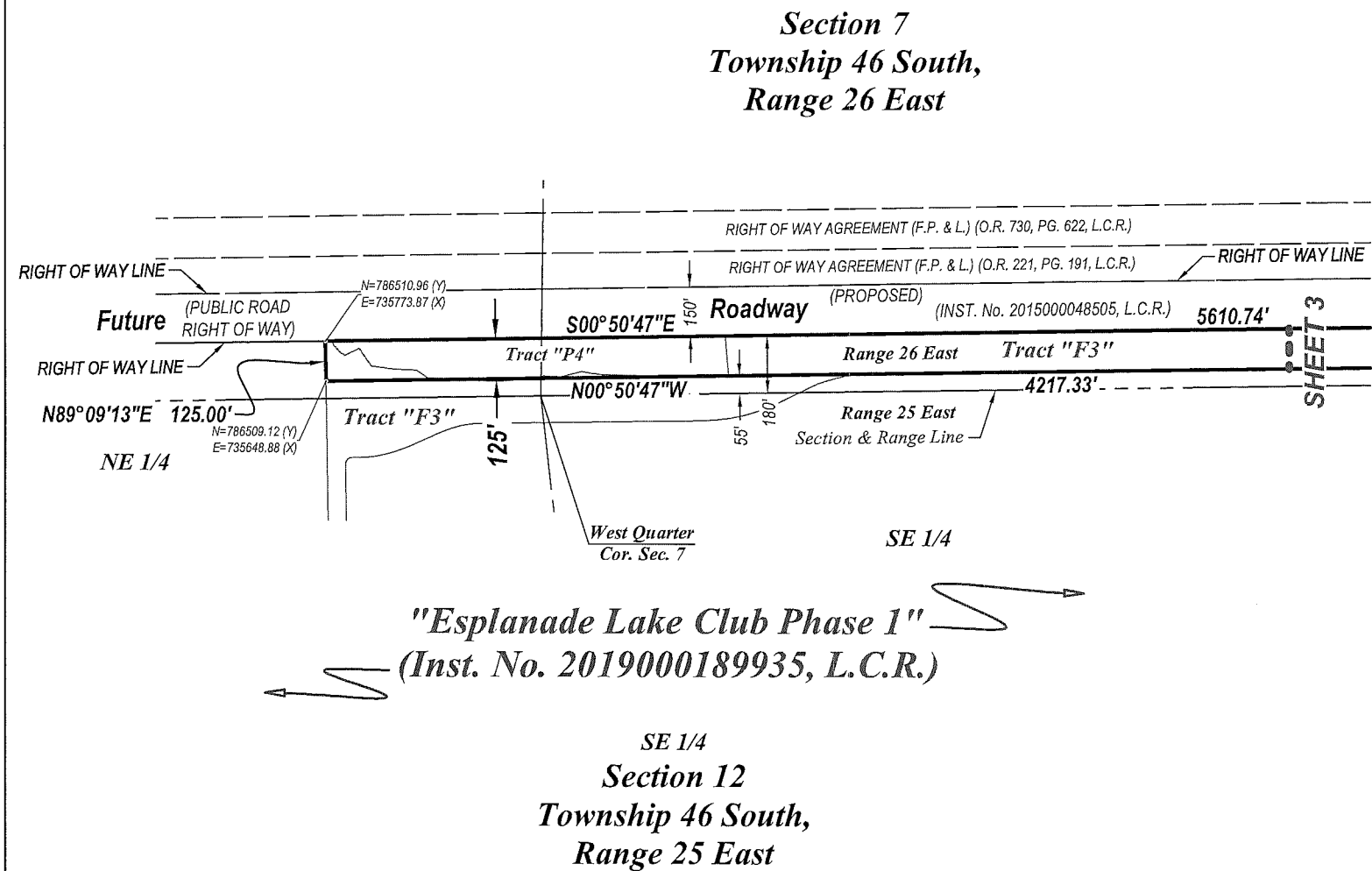
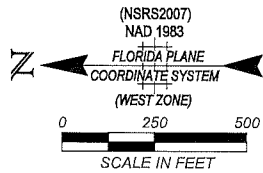


EXHIBIT B

LAND DONATION AGREEMENT

This Land Donation Agreement ("Agreement"), entered into this ____ day of _____, 2020, by and between:

LEE COUNTY, a political subdivision of the State of Florida (hereinafter, "County"), whose address for purposes of this Agreement is P.O. Box 398, Fort Myers, FL 33902-0398;

CROCKETT FUND, LLC, a Florida limited liability company (hereinafter, "Crockett"), whose address for purposes of this Agreement is 12800 University Drive, Suite 275, Fort Myers, FL 33907;

ALICO WEST FUND, LLC, a Florida limited liability company (hereinafter, "Alico West"), whose address for purposes of this Agreement is 12800 University Drive, Suite 275, Fort Myers, FL 33907; and

ESPLANADE LAKE CLUB HOMEOWNERS' ASSOCIATION, INC. (hereinafter "Esplanade"), whose address for purposes of this Agreement is 28100 Bonita Grande Drive, Suite 203, Bonita Springs, Florida 34135;

(County, Crockett, Esplanade, and Alico West being collectively referred to herein as "the Parties").

WHEREAS, Alico West is the developer of that certain development project located along the south side of Alico Road in Section 12, Township 46 South, Range 25 East, Lee County, Florida, known generally as CenterPlace; and

WHEREAS, CenterPlace was approved for development by the County pursuant to those certain Comprehensive Plan Amendments adopted by Lee County Ordinance No. 17-10 (hereinafter, "the CPA") and by that certain rezoning adopted pursuant to Lee County Zoning Resolution No. Z-17-014 (hereinafter, "the Resolution"); and

WHEREAS, pursuant to the CPA and the Resolution, Alico West is required to provide for a Multimodal Transportation Connection between CenterPlace and Florida Gulf Coast University ("FGCU"), which would provide pedestrian, bikeway, and vehicular connectivity between FGCU and CenterPlace; and

WHEREAS, the County has identified the need for a separate future north-south roadway improvement which would connect Alico Road with Estero Parkway (hereinafter, "Future Roadway"), and has partially acquired the right-of-way necessary for this improvement; and

WHEREAS, the proposed Future Roadway is aligned immediately adjacent to and east of the proposed Multimodal Transportation Connection within CenterPlace; and

WHEREAS, the Future Roadway could be designed to accommodate the same function as the Multimodal Transportation Connection if additional land area was available for such transportation facilities and related stormwater management; and

WHEREAS, the County also needs additional land to the south of CenterPlace owned by Crockett for right-of-way and surface water management purposes in order to construct the Future Roadway between Alico Road and Estero Parkway; and

WHEREAS, Alico West, Esplanade, and Crockett are willing to donate the additional land needed for the Future Roadway in order to facilitate construction of this improvement;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and benefits contained in this Agreement, the sufficiency of which is acknowledged by the Parties, the Parties do hereby agree as follows:

1. **Recitals:** The Parties acknowledge that the above recitals are true and correct, and do hereby incorporate those recitals into this Agreement by reference.

2. **Land Donations by Crockett, Alico West and Esplanade:** In accordance with the terms of this Agreement, Crockett, Esplanade, and Alico West (hereinafter collectively referred to as "the Donors") agree to donate, or cause to be donated, to the County three separate parcels of land so as to provide a continuous right-of-way for the Future Roadway between Estero Parkway and Alico Road, all as shown on the aerial map attached hereto as Exhibit "A" and incorporated herein by reference. Crockett agrees to donate, or cause to be donated, to the County that certain parcel of land legally described in Exhibit "B" (also referred to herein as "the Crockett Parcel"), attached hereto and incorporated herein by reference. Alico West agrees to donate, or cause to be donated, to the County that certain parcel of land legally described in Exhibit "C" (also referred to as the "Spine Road Parcel"), said exhibit being attached hereto and incorporated herein by reference. Esplanade agrees to donate, or cause to be donated, to the County that certain parcel of land legally described in Exhibit "D" (also referred to herein as "the Esplanade Parcel"), attached hereto and incorporated herein by reference. The parcels described in Exhibits "B," "C," and "D" are hereinafter collectively referred to as "the Donated Parcels." The donations will be made by the Donors for right-of-way purposes which the County, in its sole discretion, may use for construction and operation of roadway, bikeway and pedestrian transportation facilities, drainage related thereto, utilities, and other public purposes. The donations will be made by the Donors in accordance with the following terms and conditions:

(A) The donations will be made by special warranty deeds ("the deeds") to the County, subject to the exceptions identified in Exhibit "E" attached hereto and incorporated herein by reference (the "Permitted Exceptions").

(B) The donations will occur not later than thirty (30) days after the satisfaction by Alico West of all Contingencies identified in paragraph 3 below. The contingencies must be satisfied on or before nine (9) months after the effective date of this Agreement, which date may be extended by the Parties only in writing (the "Contingency Deadline"). In the event that all Contingencies are not satisfied on or before the Contingency Deadline, then the County may elect to either: (i) proceed with the conveyance of all of the Donated Parcels by the Donors to the County without the Contingencies being satisfied; or (ii) terminate this Agreement, whereupon the Parties will be relieved of all rights and obligations hereunder. No other remedy whatsoever, including but not limited to specific performance or partial conveyance of the Donated Parcels, will be available to the County in the event the Contingencies are not satisfied by Alico West by the Contingency Deadline.

(C) The Donors will deliver to the County Attorney the following documents not less than fifteen (15) days prior to the anticipated date of conveyance of the Donated Parcels to the County:

1. The form of the deeds.

2. Signed and sealed surveys and legal descriptions of the Donated Parcels, prepared by a Florida licensed surveyor and certified to the County. The surveys will identify any encumbrances on the Donated Parcels based upon visual inspection and the title insurance commitment provided pursuant to subparagraph 3 below.

3. ALTA Form B title insurance commitments (with Florida modifications) issued by a title insurance company authorized to do business in the State of Florida, committing to provide title insurance in an amount to be determined by the County. The commitments will be accompanied by a copy of all documents constituting exceptions to the title commitments. In the event the commitments contains exceptions (other than the Permitted Exceptions) that are unacceptable to the County or indicative of a title defect, the County will notify the Donors in writing within thirty (30) days of receipt of the commitments, identifying those items the County deems unacceptable. Within ten (10) days of receiving the County's notice, the Donors will notify the County as to whether they will pursue efforts to correct or eliminate the items the County deems unacceptable. In the event the Donors elect not to pursue efforts to correct said items, or in the event the Donors elect to attempt to correct or eliminate said items and are unable to do so within sixty (60) days of the County's notice, the County may (i) terminate this Agreement, whereupon all obligations and benefits contained herein shall be of no further force and effect; or (ii) elect to accept the Donated Parcels subject to such exceptions and proceed to closing.

(D) Conveyance of the Donated Parcels will be deemed complete upon acceptance of the deeds by the County and recording of same by the County in the Public Records of Lee County. Upon recording of the deeds by the County, the County will transmit a copy of the recorded deeds to the Donors. Within thirty (30) days of receipt of the copy of the recorded deeds, the Donors will cause the title insurance policies to be issued. Upon acceptance and recording of the deeds to the Donated Parcels by the County, the obligations of Alico West contained in Policies 18.1.5 and 18.1.16.5 of the CPA and in Condition 17 in the Resolution shall be deemed completed.

(E) Each Donor will pay for and provide (as it relates to each Donor's respective parcel):

- i. the deeds and affidavits regarding liens;
- ii. documentary stamps on the deeds;
- iii. taxes prorated through the date of closing, except that if closing occurs after October 1st of the calendar year, the full year's taxes will be paid by the Donors;
- iv. payment of partial release of mortgage fees, if any;
- v. their attorney's fees, if any;
- vi. the surveys required herein; and
- vii. recording fees for the deeds and the title insurance premium at promulgated rates for a total insured value of \$500,000.00 for all three Donated Parcels.

(F) The Donors are not entitled to cash, road impact fee credits, or any other credits or compensation whatsoever, as consideration for the Donated Parcels. The Donors shall remain responsible for any impact fees and any site-related improvements required by the Land Development Code associated with development of their remaining land, but no additional transportation mitigation will be required of the Donors or the CenterPlace project as a result of these land donations.

(G) The Donors will cause the Grantors of Instrument #2016000186921, recorded in Lee County, Florida, to revise and re-record restrictions and conditions of said subject instrument as depicted in Exhibit "F" as part of this conveyance; of the instrument's subject property or any part thereof, that is conveyed to Florida Gulf Coast University, the Board of Trustees of the Internal Improvement Trust Fund of the State of Florida or any affiliates thereto.

3. **Contingencies.** Conveyance of the Donated Parcels by the Donors is expressly contingent upon timely satisfaction by Alico West of the following contingencies:

(A) Removal of the Spine Road Parcel and the Esplanade Parcel from any application to the South Florida Water Management District ("SFWMD") for an Environmental Resource Permit ("ERP"), or any ERP issued by the SFWMD, for the CenterPlace project.

(B) Amendment of any development orders issued by the County for CenterPlace to remove any improvements shown on the Spine Road Parcel and the Esplanade Parcel.

(C) Amendment of the Mixed Use Planned Development ("MPD") zoning and Master Concept Plan ("MCP") for CenterPlace approved pursuant to the Resolution so as to (i) remove the Spine Road Parcel and Esplanade Parcel from the MPD and MCP; and (ii) modify the open space and indigenous vegetation calculations for the remainder of CenterPlace so as to reflect amended open space and indigenous vegetation requirements after removal of the Spine Road Parcel and Esplanade Parcel from the MPD and MCP. It is understood and agreed by the Parties that amendment of the CenterPlace MPD and MCP will be submitted by Alico West to the County consistent with Section 34-380(b) of the Lee County Land Development Code and that Alico West is under no obligation to pursue amendment of the MPD and MCP through a public hearing process in order to satisfy this contingency. In the event that any mitigation, compensation, or replacement is required for the open space and indigenous vegetation removed from the CenterPlace project as a result of this amendment to the MPD and MCP, Alico West may, at its option, withdraw the amendment application, whereupon the County may proceed as described in paragraph 2.(B) above. Esplanade, at no out-of-pocket cost to Esplanade, will provide the necessary authorizations and will cooperate as reasonably necessary to allow Alico West to fulfill these contingencies in a timely manner.

(D) Alico West and Esplanade agree to re-plat, at no cost to the County, that portion of the donation presently contained and coming out of Tract "F3" of the plat of Esplanade Lake Club Phase 2, as recorded in the Public Records of Lee County, Florida, on March 25, 2020, in Instrument Number 2020000075347 ("Tract "F3"). The resulting re-plat of that portion of Tract "F3" being platted for use as "Roadway, Drainage and Public Utilities"; and the removal of those portions of the 15-foot Landscape Buffer Easement located within this re-platted portion of Tract "F3", and presently dedicated to the Esplanade Lake Club Homeowners' Association, Inc. Additionally, no obligation to maintain the roadway will occur until such time as a roadway is actually constructed. If the re-plat occurs subsequent to the transfer or the real property interests from Alico West and Esplanade to the County, the County will join/participate as a signatory on the re-plat as an owner to facilitate the re-plat.

(E) **ENVIRONMENTAL AUDIT:** COUNTY may perform or have performed, at COUNTY's expense, an environmental audit of the Property. If the audit identifies environmental conditions unacceptable to the COUNTY, COUNTY may elect to accept the Property in its existing condition or COUNTY may terminate this Agreement without obligation except for such obligations which expressly survive termination of this Agreement.

Notwithstanding the foregoing, no Phase II environmental inspection or other invasive inspection or sampling of soil or materials that would require boring, digging or otherwise disturbing existing conditions at the Property, may be performed without the prior written consent of Esplanade, Crockett or Alico West, as to their respective interest in the Property, and each will have the right to accompany the County (or have its agent accompany the County) during any and all environmental inspection, sampling or testing activities.

The County will promptly repair any damage to the Property caused by such entries and agrees to be liable for money damages in tort for any injuries to or losses of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the County while acting within the scope or the official's or employee's office or employment under circumstances under which a private person would be held liable in accordance with the general laws of the State of Florida, subject to the limitations as set out in Section 768.28 Florida Statutes, as it may be amended or revised from time to time.

Additionally, the County will only utilize its own workforce or licensed and insured contractors. Any contractor so engaged must, upon the request of a property owner, provide the requesting property owner with a Certificate of Insurance naming the property owner as a third-party loss payee, on an insurance policy meeting the County's minimum insurance requirements.

The provisions of this Section will survive any termination of this Agreement.

4. **Future Roadway Costs; No Obligation to Construct.** The County will be responsible for all costs and expenses associated with the design, permitting, mitigation and construction of the Future Roadway, without any additional contribution from the Donors for the north-south Future Roadway. Nothing contained in this Agreement shall be construed as creating an obligation on the County to construct the Future Roadway or any other roadway improvement.

5. **Access from Future Roadway to CenterPlace.** As part of the design, permitting, and construction of Future Roadway, the County will provide access to Future Roadway to and from CenterPlace in accordance with all County access requirements existing at the time of application, to include the following:

(A) A right-in, right-out access approximately 300 feet south of Alico Road, identified as "Future Roadway Connection" on Exhibit "A," will be provided by the County at the time of construction of the Future Roadway.

(B) An access will be provided by the County at the time of construction of the north-south Future Roadway at the access easement to FGCU shown on Exhibit "A."

The extent of the County's obligation to design, permit and construct the accesses described in subparagraphs (A) and (B) above shall be limited to a stub-out or apron from the Future Roadway and shall not include turn-lane improvements, signalization or other site-related improvements. Nothing contained herein shall be construed as limiting the County's ability in the future to regulate or modify access to, from, and within the Future Roadway in a manner consistent with the County's Comprehensive Plan or Land Development Code, or in a manner otherwise deemed necessary by the County to protect the public health, safety, or welfare.

6. **Notices.** All notices required or permitted under this Agreement shall be in writing and shall be mailed by certified mail, return receipt requested or overnight delivery by a reputable carrier (i.e., Federal Express, DHL or UPS) to the following addresses, or to such other person or address as any Party may designate from time to time in writing. Such notice shall be deemed received five (5) business days after such notice has been deposited in via certified mail, return receipt requested or one (1) business day after such notice has been deposited with a reputable overnight carrier:

If to Alico West: Alico West Fund, LLC
c/o Private Equity Group
12800 University Drive, Suite #275
Fort Myers, FL 33907
Attn: Don Schrotenboer

with a copy to: Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe St.
Fort Myers, Florida 33901
Attn: Russell P. Schropp

If to Crockett: Crockett Fund, LLC
c/o Private Equity Group
12800 University Drive, Suite #275
Fort Myers, FL 33907
Attn: Don Schrotenboer

with a copy to: Henderson, Franklin, Starnes & Holt, P.A.
1715 Monroe St.
Fort Myers, Florida 33901
Attn: Russell P. Schropp

If to Esplanade: Esplanade Lake Club Homeowners' Association, Inc.
Attention: Barbara Kininmonth
28100 Bonita Grande Drive, Suite 203
Bonita Springs, Florida 34135

With a copy to: Taylor Morrison of Florida, Inc.
Attn: Kristy Boss, Deputy General Counsel
1211 N. Westshore Boulevard, Suite 512
Tampa, Florida 33607

With a copy to: Gray Robinson, P.A.
Attention: Stephen L. Kussner Esq. and
Johanna P. Wood, Esq.
401 E. Jackson Street, Suite 2700
Tampa, Florida 33602

If to the County: Lee County
2115 Second Street
Fort Myers, FL 33901
Attn: County Manager

with a copy to: Lee County
2115 Second Street
Fort Myers, FL 33901
Attn: Lee County Attorney

7. **Remedies.** Any material breach of this Agreement may be enforced by either Party as against the other by appropriate action in law or equity filed in a court of competent jurisdiction; provided, however, no such action may be brought until the defaulting Party has been given notice and ninety (90) days in which to cure the default. If the default cannot reasonably be cured within the ninety (90) day period, such period shall be extended if the cure is commenced within such ninety (90) days and the defaulting Party is proceeding with due diligence for such period of time reasonably required to complete such cure. In no event shall any Party be liable for consequential, punitive or speculative damages.

8. **Governing Law.** This Agreement shall be construed and interpreted according to the laws of the State of Florida, and venue with respect to any litigation between the Parties related to this Agreement shall be exclusively in Lee County, Florida.

9. **Severability.** If any part, term, or provision of this Agreement is held to be illegal, void, or unenforceable, the remaining portions or provisions of this Agreement shall not be affected or impaired, each remaining provision shall remain in full force and effect, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular part, term, or provision held to be invalid.

10. **Entire Agreement.** This Agreement embodies the whole agreement of the Parties. There are no promises, terms, conditions, or obligations other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements between the Parties, either verbal or written, regarding the subject matter of this Agreement. Notwithstanding the foregoing, the prior agreement entered into between the County and Alico West dated January 6, 2015, and entitled "Alico Road Widening from Ben Hill Griffin Parkway to Airport Haul Road" shall remain in full force and effect.

11. **Attorneys' Fees.** In the event any litigation arises in connection with this Agreement, the prevailing party in any such litigation shall be entitled to recover its reasonable attorneys' fees, at trial and on appeal, and all costs of the action from the non-prevailing party.

12. **Covenants Running with the Land; Successors and Assigns.** The obligations imposed and entitlements created pursuant to this Agreement shall run with and bind the Donated Parcels as covenants running with the land, and this Agreement shall be binding upon and enforceable by and against the Parties hereto, their personal representatives, heirs, successors, grantees, and assigns.

13. **Effective Date.** This Agreement will become effective upon full execution by all Parties.

14. **Recording of Agreement.** This Agreement will not be recorded by either Party in the Public Records of Lee County or any other county in the State of Florida.

THE BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year written below.

Crockett Fund, LLC, a Florida limited liability company

Angela Baggett
Witness #1
Angela Baggett
Print/Type Name of Witness #1

Howard Baum
Witness #2
Howard Baum
Print/Type Name of Witness #2

By: [Signature]
Print Name: Donald R. Schrotenboer
Title: President

Date: 9.2.2020

State of Florida

County of Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization this 2nd day of September, 2020 by Donald R. Schrotenboer, as President of Crockett Fund, LLC, a Florida limited liability company, on behalf of the company, who ☒ is personally known or ☐ has produced _____ as identification.

[Notary Seal]



Angela M. Baggett
Notary Public

Printed Name: Angela M. Baggett
My Commission Expires: 10-12-2021

Angela Baggett
Witness #1
Angela Baggett
Print/Type Name of Witness #1

Howard Baum
Witness #2
Howard Baum
Print/Type Name of Witness #2

Alico West Fund, LLC, a Florida limited liability company

By: [Signature]
Print Name: Donald R. Schrotenboer
Title: President

Date: 9.2.2020

State of Florida

County of Lee

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization 2nd day of September, 2020 by Donald R. Schrotenboer, as President of Alico West Fund, LLC, a Florida limited liability company, on behalf of the limited liability company, who ☒ is personally known or ☐ has produced _____ as identification.

[Notary Seal]



Angela M. Baggett
Notary Public

Printed Name: Angela M. Baggett
My Commission
Expires: 10.12.2021



Witness #1

Barbara Kinnaman

Print/Type Name of Witness #1

Linda Mendrala

Witness #2

Linda Mendrala

Print/Type Name of Witness #2

Esplanade Lake Club Homeowners Association, Inc., a Florida not-for-profit corporation

By:

Print Name:

Title: President

Date: August 15, 2020

State of Florida

County of Lee

The foregoing instrument was acknowledged before this 25 day of August, 2020 by Valerie McChesney as President of Esplanade Lake Club Homeowners Association, Inc., a Florida not-for-profit corporation, on behalf of the not-for-profit corporation, who ☒ is personally known or ☐ has produced _____ as identification.

[Notary Seal]



REBEKAH NORTON
Commission # GG 329991
Expires May 10, 2023
Bonded Thru Budget Notary Services



Notary Public

Printed Name: Rebekah Norton

My Commission

Expires: May 10, 2023

Accepted this _____ day of _____, 2020.

ATTEST:
LINDA DOGGETT, CLERK

Lee County, Florida, by its Board of
County Commissioners

By: _____
Deputy Clerk

By: _____
Print Name: _____
Its: Chairman or Vice-Chairman

Approved as to Form for the
Reliance of Lee County Only

By: _____
Office of the County Attorney

- Exhibit A: Aerial Map of Future Roadway
- Exhibit B: Sketch and Description, Crockett Parcel
- Exhibit C: Sketch and Description, Spine Road Parcel
- Exhibit D: Sketch and Description, Esplanade Parcel
- Exhibit E: Permitted Exceptions
- Exhibit F: Instrument #2016000186921 w/ mark-up revisions

A

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Civil Engineers, Land Surveyors and Planners

Parcel 3

DESCRIPTION

Parcel in
Sections 18 and 19, Township 46 South, Range 26 East,
Lee County, Florida

A tract or parcel of land lying in Sections 18 and 19, Township 46 South, Range 26 East, Lee County, Florida, being those lands as described in a deed recorded in Instrument No. 2012000163074, Lee County Records, said tract or parcel of land being more particularly described as follows:

Beginning at the Southwest corner of said Section 19 run $N00^{\circ}48'32''W$ along the West line of the Southwest Quarter (SW 1/4) of said Section 19 for 2,644.13 feet to the West Quarter corner of said Section 19; thence run $N00^{\circ}49'48''W$ along the West line of the Northwest Quarter (NW 1/4) of said Section 19 for 2,639.74 feet to the Northwest corner of said Section 19; thence run $N00^{\circ}51'06''W$ along the West line of the Southwest Quarter (SW 1/4) of said Section 18 for 890.44 feet to an intersection with the North line of the South 890.43 feet of said Section 18; thence run $N89^{\circ}23'53''E$ along said North line for 565.01 feet to an intersection with said East line of the Right of Way Agreement (Florida Power and Light Co.) as described in a deed recorded in Official Records Book 730, at Page 622, Lee County Records; thence run along the East line of said right of way the following three (3) courses: $S00^{\circ}51'06''E$ for 887.98 feet; $S00^{\circ}49'48''E$ for 2,699.95 feet and $S00^{\circ}48'32''E$ for 2,646.07 feet to an intersection with the South line of said Section 19; thence run $S89^{\circ}21'58''W$ along said South line for 565.00 feet to the POINT OF BEGINNING.

Containing 80.08 acres, more or less.

Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the Southwest Quarter (SW 1/4) of said Section 19 to bear $N00^{\circ}48'32''W$.

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

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Parcel 1

DESCRIPTION

Parcel in
Sections 7 and 18, Township 46 South, Range 26 East
Lee County, Florida

A tract or parcel of land being a portion of Tract "F3" of the record plat of "ESPLANADE LAKE CLUB PHASE 1", recorded in Instrument No. 2019000189935, of the Public Records of Lee County, Florida lying in Sections 7 and 18, Township 46 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

PARCEL A:

COMMENCING at the West Quarter Corner of said Section 18 run $N00^{\circ}50'47''W$ along the West line of the of the Northwest Quarter (NW 1/4) of said Section 18 for 669.19 feet; thence run $N89^{\circ}09'13''E$ for 80.00 feet to an intersection with the East line of the West 80 feet of said Section 18 and the POINT OF BEGINNING.

From said Point of Beginning run $N00^{\circ}50'47''W$ along said East line for 1,393.41 feet; thence run $S89^{\circ}09'13''W$ for 25.00 feet to an intersection with the Westerly line of said Tract "F3"; thence run $N00^{\circ}50'47''W$ along said Westerly line and continuing along the Northerly prolongation thereof for 2,973.79 feet to an intersection with the Southerly line of Tract "P4" of said record plat; thence run $N85^{\circ}14'35''E$ along said Southerly line for 125.29 feet to an intersection with the East line of the West 180 feet of said Section 7, also being the West right of way line of proposed County Road 951, (150 feet wide right of way), as described in deed recorded in in Instrument No. 2015000048505, Lee County Records; thence run $S00^{\circ}50'47''E$ along said West right of way line for 4,375.75 feet; thence run $S89^{\circ}09'13''W$ 100.00 feet to the POINT OF BEGINNING.

Containing 11.74 acres, more or less.

PARCEL B:

COMMENCING at the Southerly Most corner of Tract "P4" of said record plat run $N01^{\circ}09'12''E$ along the Westerly line of said Tract "P4" for 129.28 feet to an intersection with the East line of the West 55 feet of said Section 7 and the POINT OF BEGINNING.

From said Point of Beginning run $N00^{\circ}50'47''W$ along said East line for 481.37 feet to an intersection with the Westerly line of said Tract "P4"; thence run along said Westerly line the following six (6) courses: $S12^{\circ}40'42''E$ for 37.82 feet; $S03^{\circ}03'45''W$ for 54.72 feet; $S14^{\circ}11'39''E$ for 67.04 feet; $S09^{\circ}55'35''W$ for 28.36 feet; $S07^{\circ}36'01''W$ for 34.18 feet and $S01^{\circ}09'12''W$ for 263.03 feet to the POINT OF BEGINNING.

Containing 0.08 acres, more or less.

PARCEL C:

BEGINNING at the Northeast corner of said Tract "F3" run $S00^{\circ}50'47''E$ along the East line of the West 180 feet of said Section 7, also being the West right of way line of

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DESCRIPTION (CONTINUED)

proposed County Road 951, (150 feet wide right of way), as described in deed recorded in Instrument No. 2015000048505, Lee County Records, for 21.31 feet to the Northerly Most corner of Tract "P4" of said record plat; thence run along the Westerly line of said Tract "P4" the following nine (9) courses: S69°30'36"W for 14.83 feet; S47°40'13"W for 28.56 feet; S32°45'18"W for 17.84 feet; S27°03'49"E for 49.05 feet; S56°11'51"W for 66.01 feet; S08°05'36"W for 69.34 feet; S03°11'53"W for 71.43 feet; S34°36'08"W for 40.93 feet and S03°50'21"W for 79.51 feet to an intersection with the East line of the West 55 feet of said Section 7; thence run N00°50'47"W along said East line for 392.32 feet to an intersection with the North line of said Tract "F-3"; thence run N89°09'13"E along said North line for 125.00 feet to the POINT OF BEGINNING.
Containing 0.44 acres, more or less.

Parcels A, B & C together containing 12.26 Ac.

Bearings and distances hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the of the Northwest Quarter (NW 1/4) of said Section 18 to bear N00°50'47"W. (Grid/Ground Scale factor = 0.999947).

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

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DESCRIPTION

Parcel in
Section 7, Township 46 South, Range 26 East
Lee County, Florida

A tract or parcel of land being a portion of Tract "P4" of the record plat of "ESPLANADE LAKE CLUB PHASE 1", recorded in Instrument No. 2019000189935, of the Public Records of Lee County, Florida lying in Section 7, Township 46 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

BEGINNING at the Northerly Most corner of Tract "P4" of said record plat run $000^{\circ}50'47''$ E along the East line of the West 180 feet of said Section 7, also being the West right of way line of proposed County Road 951, (150 feet wide right of way), as described in deed recorded in Instrument No. 2015000048505, Lee County Records, for 1,213.68 feet to an intersection with the Southerly line of said Tract "P4"; thence run $S85^{\circ}14'35''$ W along said Southerly line for 125.29 feet to an intersection with the East line of the West 55 feet of said Section 7; thence run $N00^{\circ}50'47''$ W along said East line for 128.90 feet to an intersection with the Westerly line of said Tract "P4"; thence run along the Westerly line of said Tract "P4" the following six (6) courses: $N01^{\circ}09'12''$ E for 263.03 feet; $N07^{\circ}36'01''$ E for 34.18 feet; $N09^{\circ}55'35''$ E for 28.36 feet; $N14^{\circ}11'39''$ W for 67.04 feet; $N03^{\circ}03'45''$ E for 54.72 feet and $N12^{\circ}40'42''$ W for 37.82 feet to an intersection with said East line of the West 55 feet of Section 7; thence run $N00^{\circ}50'47''$ W along said East line for 240.95 feet to an intersection with said Westerly line of Tract "P4"; thence run along said Westerly line the following nine (9) courses: $N03^{\circ}50'21''$ E for 79.51 feet; $N34^{\circ}36'08''$ E for 40.93 feet; $N03^{\circ}11'53''$ E for 71.43 feet; $N08^{\circ}05'36''$ E for 69.34 feet; $N56^{\circ}11'51''$ E for 66.01 feet; $N27^{\circ}03'49''$ W for 49.05 feet; $N32^{\circ}45'18''$ E for 17.84 feet; $N47^{\circ}40'13''$ E for 28.56 feet and $N69^{\circ}30'36''$ E for 14.83 feet to the POINT OF BEGINNING.
Containing 3.04 acres, more or less.

Bearings and distances hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2007) and are based on the West line of the of the Northwest Quarter (NW 1/4) of said Section 7 to bear $N00^{\circ}50'47''$ W. (Grid/Ground Scale factor = 0.999947).

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

L:\23115 - Alice West\Survey\Descriptions\23115BK18.doc

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



EXHIBIT "E"

(PERMITTED EXCEPTIONS)

Spine Road Parcel (Parcel 1):

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
2. Non-Exclusive Easement Agreement recorded in Official Records Instrument Number 2006000474154 and amendment recorded in Official Records Instrument Number 2015000048461, Public Records of Lee County, Florida.
3. Terms and provisions pertaining to the Lee County Comprehensive Plan as disclosed in that certain Agreement Concerning Development recorded in Official Records Instrument Number 2011000059193, Public Records of Lee County, Florida.
4. Declaration of Restrictions recorded in Official Records Instrument Number 2013000219323 and amendment recorded in Official Records Instrument Number 2016000176561 and re-recorded in Official Records Instrument Number 2016000185520, Public Records of Lee County, Florida.
5. Access and Utility Easement and Cost-Sharing Agreement recorded in Official Records Instrument Number 2014000111813, Public Records of Lee County, Florida. (Alico West will indemnify County)
6. Recorded Notice of Environmental Resource Permit recorded in Official Records Instrument Number 2015000035324, Public Records of Lee County, Florida.
7. Terms conditions and Easements contained in that certain Special Warranty Deed to Lee County recorded in Official Records Instrument Number 2015000048505, Public Records of Lee County, Florida.
8. Access, Donation and Drainage Agreement recorded in Official Records Instrument Number 2017000157827 as affected by Warranty Deed recorded in Official Records Instrument Number 2015000025953, Public Records of Lee County, Florida.
9. Terms, covenants, conditions, easements, assessments and possible liens created by and set forth in the Cost Sharing Agreement by and between Esplanade Lake Club Homeowners Association, Inc., a Florida corporation, and Alico West Fund, LLC, recorded on June 4, 2018 in Official Records Instrument Number 2018000134997 and First Amendment recorded in Official Records Instrument Number 2019000006343, and Second Amendment recorded in Official Records Instrument Number 2019000218568, all in the Public Records of Lee County, Florida. (Alico West and Esplanade will amend to remove the Donated Parcels)

EXHIBIT "E"

10. Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Esplanade Lake Club Phase 1, recorded in Instrument Number 2019000189935, of the Public Records of Lee County, Florida. (Will be replaced with re-plat)
11. Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration of Covenants, Conditions, Restrictions and Easements for Esplanade Lake Club recorded in Official Records Instrument Number 2019000189973, and First Amendment recorded in Official Records Instrument Number 2019000206589, all in the Public Records of Lee County, Florida. (Esplanade will amend to remove the Donated Parcels)

INFORMATIONAL NOTES FOR SPINE ROAD PARCEL (PARCEL 1):

- a. Notice of Development Order Approval recorded in Official Records Instrument Number 2016000090421, Public Records of Lee County, Florida.
- b. Notice of Type E Limited Development Order Approval recorded May 14, 2018 in Official Records Instrument Number 2018000116385, Public Records of Lee County, Florida.
- c. Notice of Development Order Approval recorded in Official Records Instrument Number 2019000065922, Public Records of Lee County, Florida.

Crockett Fund, LLC Property (Parcel 2):

1. Taxes and assessments for the year 2020 and subsequent years, which are not yet due and payable.
2. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 221, Page 191, modification recorded in Official Records Book 3442 page 1432 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006000366926, Public Records of Lee County, Florida.
3. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 730, Page 622 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006000366926, Public Records of Lee County, Florida.
4. Access Easement recorded in Official Records Book 3432 page 1121, Public Records of Lee County, Florida.

EXHIBIT "E"

5. Non-Exclusive Easement Agreement recorded in Official Records Instrument Number 2006000474154 and amendment recorded in Official Records Instrument Number 2015000048461, Public Records of Lee County, Florida.
6. Notice of Environmental Resource or Surface Water Management Permit recorded in Official Records Instrument Number 2011000053510, Public Records of Lee County, Florida.
7. Declaration of Restrictions recorded in Official Records Instrument Number 2013000219323 and amendment recorded in Official Records Instrument Number 2016000176561 and re-recorded in Official Records Instrument Number 2016000185520, Public Records of Lee County, Florida.

INFORMATIONAL NOTES FOR CROCKETT PARCEL (PARCEL 2):

- a. Notice of Development Order Approval recorded in Official Records Instrument Number 2009000023384, Public Records of Lee County, Florida.

Exhibit "F" Page 1 of 7

2/13/2020

Landmark Web Official Records Search

INSTR # 2016000186921, Doc Type D, Pages 7, Recorded 08/31/2016 at 04:19 PM,
Linda Doggett, Lee County Clerk of Circuit Court, Rec. Fee \$61.00 Deputy
Clerk BOURR

This Instrument Prepared by/Record & Return to:
Edward P. Canterbury, Esq.
HENDERSON, FRANKLIN, STARNES & HOLT, P.A.
1716 Monroe St.
Fort Myers, FL 33902
239-344-1100
File Number: 27415/8

STRAP Nos. (Part of) 07-46-26-00-00001.0000, and
(Part of) 08-46-26-00-00001.0000; and
(Part of) 18-46-26-00-00001.0000

This Space for Recording

**WARRANTY DEED
(Statutory)**

THIS INDENTURE, made this 31st day of August, 2016 between ALICO EAST FUND, LLC, a Florida Limited Liability Company, whose address is 12800 University Drive, Suite 275, Fort Myers, FL 33907, GRANTOR, and LEE COUNTY, a political subdivision of the State of Florida whose address is P.O. Box 388, Ft. Myers, Florida, 33902-0388, GRANTEE;

WITNESSETH, That the GRANTOR, for and in consideration of the sum of \$10 Dollars, to it in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the GRANTEE, its successors and assigns forever, the following described land (the "Property"):

See Exhibit A attached hereto

Subject to covenants, conditions, restrictions, easements, reservations and limitations of record, if any, including but not limited to the matters set forth in Exhibit "B" and Exhibit "C" attached hereto.

The Property consists of approximately 487.35 acres. ^{AS} GRANTEE shall use approximately 479.35 acres of the Property described in Exhibit "A" solely for public park purposes, access, road right-of-way, drainage and utility right-of-way, and for no other use or purpose. GRANTEE shall use approximately 8 acres of the Property described in Exhibit "A" solely for emergency service/training purposes, including uses associated with the public safety operations by the Lee County Sheriff, Lee County EMS, San Carlos Fire Department and similar entities, and for no other use or purpose. The foregoing acreage restrictions are "floating" restrictions, meaning that the GRANTEE shall have sole discretion in determining the specific boundaries for the permitted uses within the overall Property boundary from time to time so long as the acreage delineations and use restrictions are otherwise complied with at all times. If the Property described in Exhibit "A" is used for any purpose other than the foregoing permitted uses and acreage delineations, or if the Property is used for any prohibited uses set forth in Exhibit "C" attached hereto, then title to the entire Property described in Exhibit "A" shall immediately revert to GRANTOR without the recordation of another instrument.

GRANTOR does hereby fully warrant the title to the land, and will defend the title against the lawful claims of all persons.

SIGNATURE PAGES FOLLOW

Exhibit "F" Page 2 of 7

2/13/2020

Landmark Web Official Records Search

INSTR # 2016000186921 Page Number: 2 of 7

IN WITNESS WHEREOF, GRANTOR has hereunto set its hand and seal on the date set forth above.

Signed, sealed and delivered in the presence
of two separate witnesses

Grantor:

Allico East Fund, LLC, a Florida limited liability
company

By:

Print Name: Donald Schrottenboer
Title: CEO/President

Witness #1

Print/Type Name of Witness #1

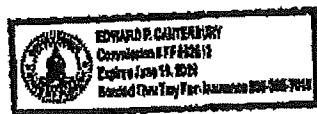
Witness #2

Print/Type Name of Witness #2

State of Florida
County of Lee

The foregoing instrument was acknowledged before me this 31st day of August, 2016 by Donald Schrottenboer, as
CEO/President of Allico East Fund, LLC, a Florida limited liability company, on behalf of the company, who [X] is
personally known or [] has produced _____ as identification.

[Notary Seal]



Notary Public

Printed Name:

My Commission Expires:

2/13/2020

Landmark Web Official Records Search

INSTR # 2016000186921 Page Number: 3 of 7

Accepted this 31st day of August, 2016.

ATTEST:
LINDA DOGGETT, CLERK

By: Linda Du
DEPUTY CLERK



02160328 v4

Grantee:

Lee County, Florida, by its Board of County Commissioners

By: [Signature]
Print Name: Frank McLean
Is: Chairman or Vice-Chairman

Approved as to form for the reliance of
Lee County Only
By: [Signature]
Office of County Attorney

Acquisition approved by the Lee County Board
of Commissioners action on Nov. 17, 2015
and accepted on behalf of the board by
Paul R. Gault on Aug. 31, 2016
in accordance with BS 2015 0630
Project WILD BLUE Parcel —

2/13/2020

Landmark Web Official Records Search

INSTR # 2016000186921 Page Number: 4 of 7



Stantec Consulting Services Inc.
3800 Colonial Blvd., Suite 100
Fort Myers FL 33906
Tel: (239) 939-1020
Fax: (239) 939-3412



LEGAL DESCRIPTION
WILDBLUE - NORTHWEST LAKE
SECTIONS 7, 8 & 18
TOWNSHIP 46 SOUTH, RANGE 26 EAST
LEE COUNTY, FLORIDA

A parcel of land lying in Sections 7, 8, and 18, Township 46 South, Range 26 East, Lee County, Florida, lying South of Alico Road, and being more particularly described as follows:

COMMENCE at the intersection of the West line of a Florida Power & Light easement (110 feet wide) as described in Official Records Book 221, page 191 of the public records of Lee County, Florida, and the maintained South right-of-way line of Alico Road (100 feet wide); thence, along said maintained South right-of-way line of Alico Road, N.88°58'33"E., 688.09 feet to the **POINT OF BEGINNING**; thence, continue, along said maintained South right-of-way line of Alico Road, N.88°59'33"E., 4644.24 feet; thence, leaving said South right of way line of Alico Road, S.01°00'27"E., 223.27 feet; thence, S.03°42'30"E., 1427.64 feet; thence, S.43°48'39"W., 3780.80 feet; thence, S.83°23'30"W., 488.41 feet; thence, S.22°12'13"W., 426.30 feet; thence, S.43°48'39"W., 800.00 feet; thence, N.78°37'05"W., 581.08 feet; thence, N.56°00'04"W., 571.79 feet; thence, N.49°04'56"W., 32.52 feet; thence, S.89°09'13"W., 352.36 feet to a point on the West line of the aforementioned Florida Power & Light easement (110 feet wide); thence, along said West line, N.00°50'47"W., 4885.03 feet to an intersection with a line lying 75.00 feet South of and parallel with the aforementioned maintained South right-of-way of Alico Road; thence, along said parallel line N.88°58'33"E., 568.30 feet; thence N.01°00'27"W., 75.00 feet to the **POINT OF BEGINNING**.

Said parcel contains 487.35 acres, more or less.

SEE ATTACHED SKETCH.

Bearings herein are based on the Florida State Plane coordinate system (North American Datum of 1983 / 1980 adjustment - NAD83/90) Florida West Zone, fixing the South right of way line of Alico Road Section 7, Township 46 South, Range 26 East, Lee County, Florida, as N.88°59'33"E. This description is not complete and valid without the attached sketch and the signature and raised seal of a Florida licensed Surveyor and Mapper.

Prepared by:
Stantec Consulting Services, Inc.
Licensed Business No. LB7668
State of Florida

John P. Maloney
Professional Surveyor No. LB4493
State of Florida

02/25/2016
Date:

Proj: 215511488 Date: February 3, 2016, Rev: 002 7/8/16
File: K:\215511488\Survey\Task_300_pds\sketch_pd_legal\documents\private_equity_g\map_alico_northwest_lake_wildblue_02_revised_20160705.dwg

Design with community in mind

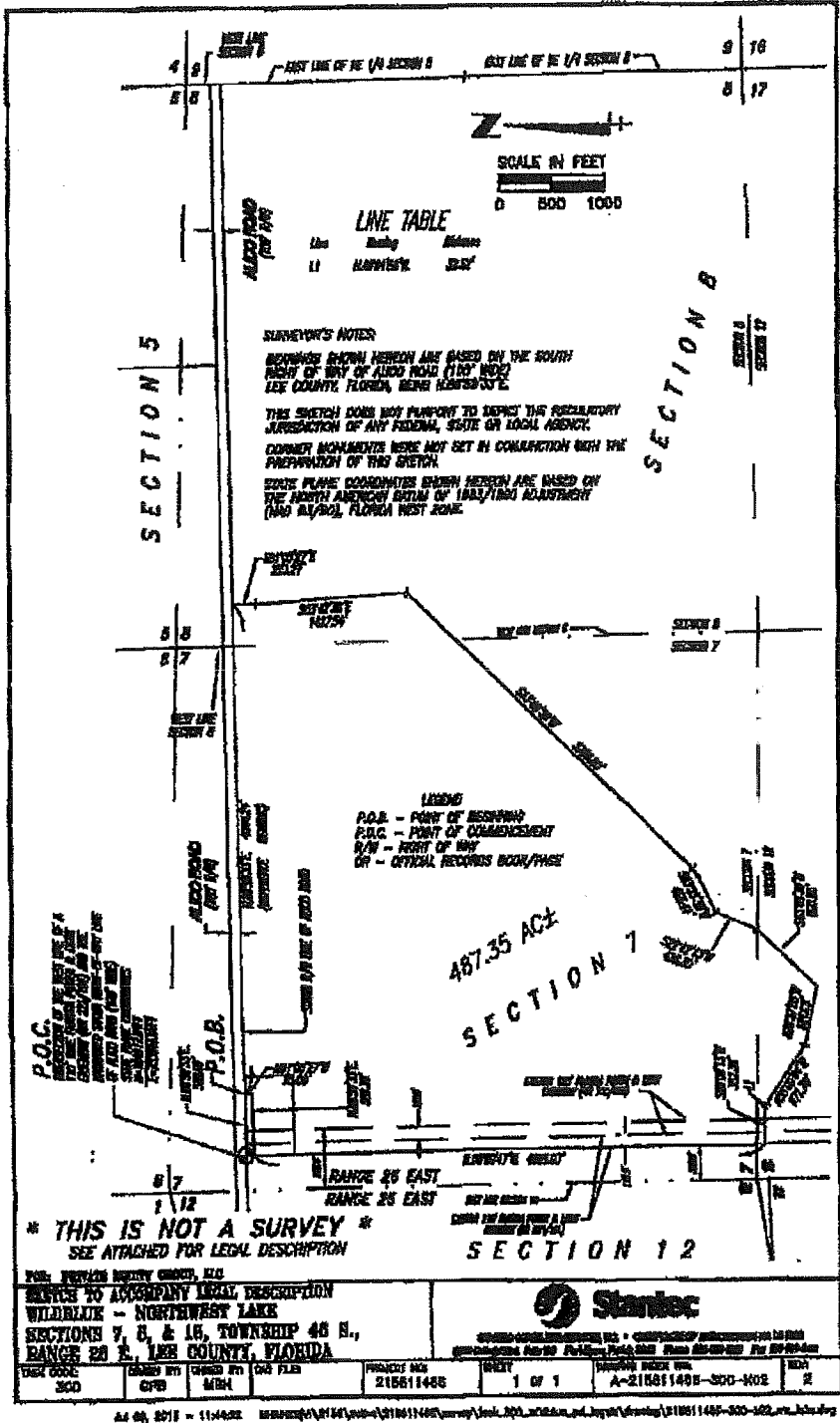


Exhibit "F" Page 6 of 7

2/13/2020

Landmark Web Official Records Search

INSTR # 2016000186921 Page Number: 6 of 7

EXHIBIT B

PERMITTED EXCEPTIONS

1. Taxes and assessments for the current year and subsequent years, which are not yet due and payable.
2. Matters set forth in the Boundary Survey dated January 20, 2016 prepared by Stantec under project no. 215612204.
3. Any claim that any portion of the insured land is sovereign lands of the State of Florida, including submerged, filled or artificially exposed lands accreted to such land.
4. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 221, Page 191, modification recorded in Official Records Book 3442 page 1432 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006003365826, Public Records of Lee County, Florida.
5. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 730, Page 622 and Memorandum of Right-of-Way Consent Agreement recorded in Official Records Instrument Number 2006003365826, Public Records of Lee County, Florida.
6. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 2104, Page 1162, Public Records of Lee County, Florida.
7. Easement granted to Florida Power and Light Company by instrument recorded in Official Records Book 2217, Page 1270, Public Records of Lee County, Florida.
8. Deed of Conservation Easement recorded in Official Records Instrument Number 2006000938076, Public Records of Lee County, Florida.
9. Deed of Conservation Easement recorded in Official Records Instrument Number 2006000938079, Public Records of Lee County, Florida.
10. Intentionally Deleted.
11. Intentionally Deleted.
12. Intentionally Deleted.
13. Notice of Environmental Resource or Surface Water Management Permit recorded in Official Records Instrument Number 2011000053510, Public Records of Lee County, Florida.
14. Terms and conditions of that certain Compliance Agreement for Allico-Agri, LTD recorded in Official Records Instrument Number 2012000158778, Public Records of Lee County, Florida.
15. Declaration of Restrictions by Allico West Fund, LLC, Allico East Fund, LLC and Crockett Fund, LLC dated September, 2013 and recorded on September 24, 2013 in Official Records Instrument Number 2013000218323, as amended by Amendment to Declaration of Restrictions recorded on August 18, 2016 in Official Records Instrument Number 2016000176561, and as re-recorded on August 30, 2016 in Official Records Instrument Number 2016000185620, all of the Public Records of Lee County, Florida.
16. Declaration of Restrictions by Allico East Fund, LLC dated August 31, 2016 and recorded in Official Records Instrument Number 2016000186911, Public Records of Lee County, Florida.
17. Assignment of Residential Development Rights from Allico East Fund, LLC to Allico East Fund, LLC dated August 31, 2016 and recorded in Official Records Instrument Number 2016000186910, Public Records of Lee County, Florida.
18. Development Agreement recorded in Official Records Instrument Number 2015000251455, Public Records of Lee County, Florida.

NOTE: All recording references shall refer to the public records of Lee County, Florida, unless otherwise noted.

2/13/2020

Landmark Web Official Records Search

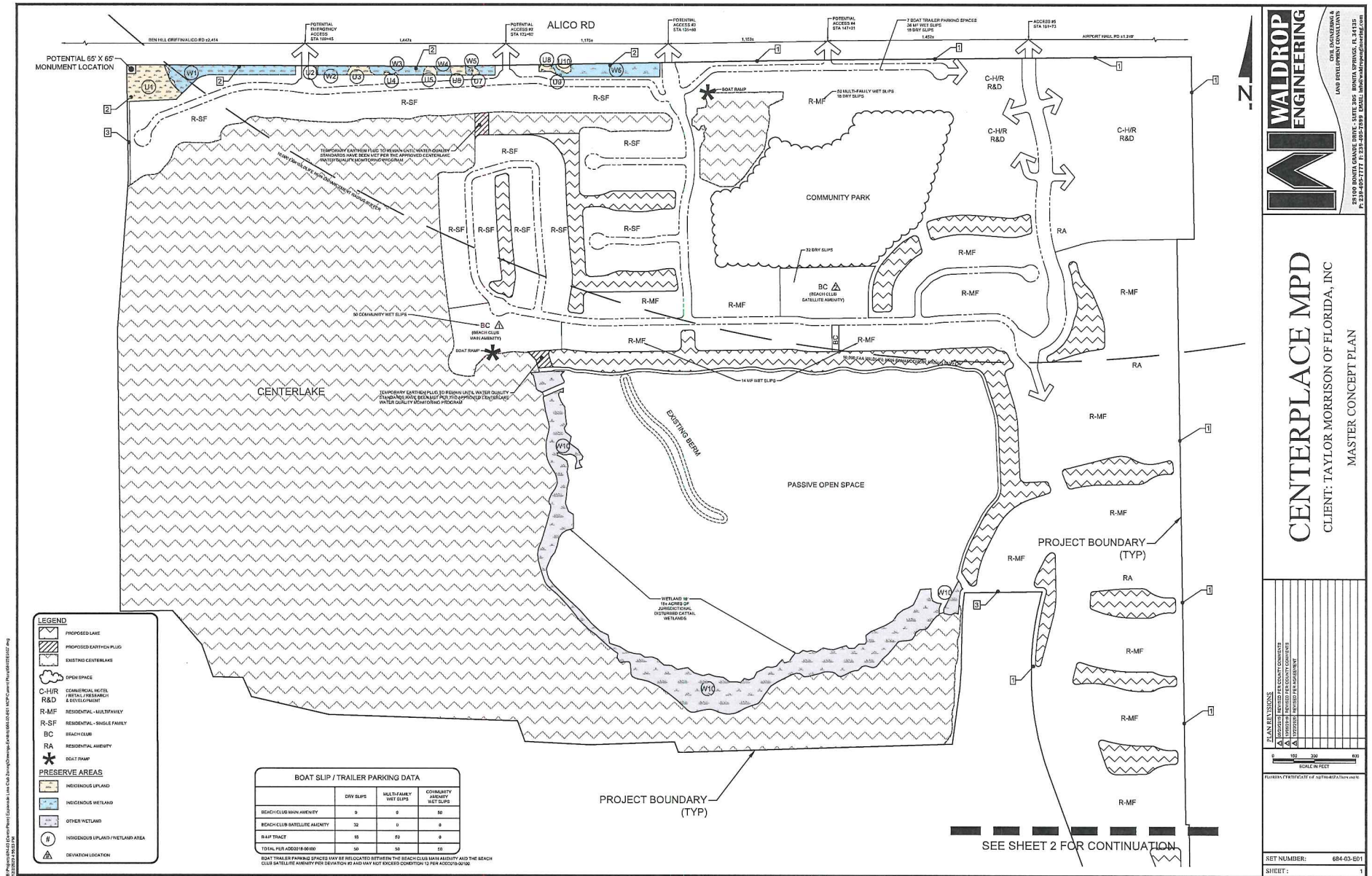
INSTR # 2016000186921 Page Number: 7 of 7

EXHIBIT C

Uses Expressly Prohibited on Property

Notwithstanding the permitted uses set forth on Page 1 of this Warranty Deed, the following uses are expressly prohibited on the Property:

Residential dwelling units ~~(except as necessary to public safety operations)~~
Resource recovery facility or center
Recycling center
Incinerator
Garbage transfer station
Sewage treatment plant
Water treatment plant
Jail or correctional facility
Motor vehicle fleet or equipment depot, storage yard or maintenance/repair facility
Impound yard **FCW**
Open storage (except as ancillary to a park facility)
Storage of fuel, petroleum, or other hazardous substances
Fuel farm
Gas or oil transfer station **FCW**
Parking lots or parking structures (except as ancillary to park facility)
Cemetery, mausoleum, mortuary, crematory, or funeral home
Electric power generating plant
Aircraft landing facilities, airports, heliports



The diagram illustrates the setbacks and dimensions for a wetland tract. Key features include:

- MAINTENANCE EASEMENT (22' MIN)**: A horizontal dimension at the top.
- PRINCIPAL STRUCTURE SETBACK (10' MIN)**: A horizontal dimension on the left side.
- STRUCTURAL SETBACK (VARIABLE)**: A horizontal dimension in the center.
- INTERNAL SETBACK**: A horizontal dimension below the structural setback.
- WETLAND TRACT (BIOLOGICAL ZONES) (VARIABLE)**: A horizontal dimension on the right side.
- WIDTH VARIED**: A label indicating the width of the tract.
- PERMITTED EROSION (WETLANDS)**: A label for a specific area within the tract.
- 3' MIN**: A vertical dimension at the bottom.

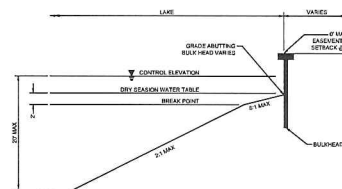
LOTS BORDERING INDIGENOUS AREAS

TYPICAL LAKE SECTION

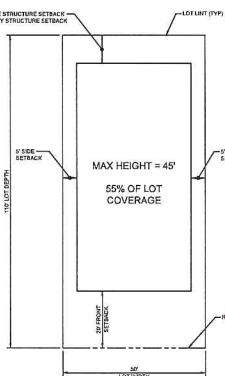
Diagram illustrating a cross-section of a slope or embankment. The diagram shows various layers and features, including:

- LAYER**: The top horizontal layer.
- SURFACE FINISH (FMT)**: The top surface of the embankment.
- VARIES**: Indicated for the top surface finish and the top of the bank location.
- TOP OF BANK LOCATION VARIES**: The top edge of the embankment.
- GENERAL ELEVATION**: The overall elevation of the slope.
- DRY SEASON WATER TABLE**: The water table level during dry seasons.
- BREAK POINT**: The point where the water table level changes.
- MIN. OF 1' FROM TOE OF WATER TABLE**: The minimum distance from the toe of the water table to the edge of the embankment.
- E.1 MAX**: The maximum elevation of the embankment.
- GOOD TO TOP BALE**: The top of the embankment.
- HARDENED EDGE LAKE BANK TO EXTEND 2' BEYOND DRY SEASON WATER LINE**: The hardened edge of the lake bank extending beyond the dry season water line.
- P. 102**: The page number.

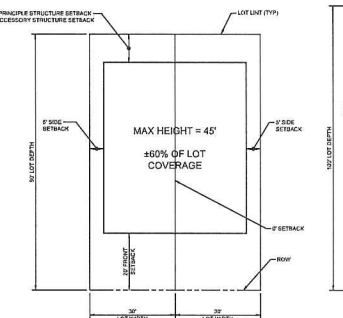
TYPICAL LAKE CROSS-SECTION (HARDENED EDGE)



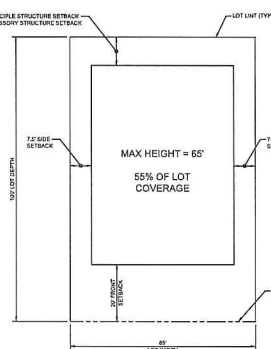
TYPICAL LAKE CROSS-SECTION (BULKHEAD)



TYPICAL COMMERCIAL LOT



TYPICAL TWO FAMILY ATTACHED OR TOWNHOSE



TYPICAL MULTI-FAMILY

NOTE: INTERNAL TOWNHOUSE UNITS HAVE A MIN LOT AREA OF 2,250 SF; MIN LOT WIDTH OF 25 FT; MAX LOT COVERAGE OF 45%.

CENTERPLACE MPD
CLIENT: TAYLOR MORRISON OF FLORIDA, INC
MASTER CONCEPT PLAN

[illegible]

FEDERAL BUREAU OF INVESTIGATION

SET NUMBER: 684-03-EN

SHEET :

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00019

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Barbara Kininmonth, for Taylor Morrison of Florida, Inc., has filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as Esplanade Lake Club Dead End Street to deviate from Land Development Code (LDC) Section 10-296(k)(1) on property described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-14-021 and was subsequently amended by Resolution Z-17-014 and case numbers ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2019-00078, ADD2019-00098, and ADD2020-00148; and

WHEREAS, the subject property is zoned Mixed Use Planned Development (MPD) and is located in the University Community and Wetlands Future Land Use Categories as designated by the Lee 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 applicant has filed an administrative amendment to deviate from LDC Section 10-296(k)(1) which requires dead-end streets to be closed at one end by a circular turnaround for vehicles to allow no turnaround at the dead-end of Sacra Place and Caravita Court as depicted on the "Esplanade Lake Club – Dead End Street Exhibit" (see Exhibit "B"); and

WHEREAS, the proposed dead-end streets will allow vehicular access to the residential units while minimizing the impacts to environmentally sensitive areas within the site; and

WHEREAS, the San Carlos Park Fire Protection and Rescue Service District has reviewed the request and has no objection to dead-end streets less than 150 feet in length (see Exhibit "C"); and

WHEREAS, the dead-end of Sacara Place is 94 feet in length and the dead-end of Cavavita Court is 125 feet in length; 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 the Center Place Mixed Use Planned Development is **APPROVED, subject to the following conditions:**

1. **Construction must be in compliance with the dead-end street exhibit entitled “Esplanade Lake Club – Dead End Street Exhibit” dated February 3, 2021 and attached as Exhibit “B”.**
2. **The terms and conditions of the original zoning resolutions remain in full force and effect.**
3. **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 5/3/2021

Anthony R. Rodriguez, AICP, Zoning Manager

Exhibits

Exhibit “A” – Legal

Exhibit “B” – “Esplanade Lake Club – Dead End Street Exhibit”, dated February 3, 2021

Exhibit “C” – Letter of No Objection, San Carlos Park Fire Protection and Rescue Service District, dated February 5, 2021

Exhibit A

RHODES & RHODES LAND SURVEYING, INC.***25100 BONTA GRANDE DRIVE #107 NAPLES, FLORIDA 34105
PHONE (888) 405-8168 FAX (888) 405-8168***

LEGAL DESCRIPTION

BEING A PORTION OF TRACT "F2, TRACT "F3" AND TRACT "R3", ESPLANADE LAKE CLUB PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2020000075347, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMENCE AT THE NORTHEAST CORNER OF TRACT "F3", ESPLANADE LAKE CLUB PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2020000075347, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 71°34'56" WEST, A DISTANCE OF 302.59 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 277.05 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 101.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,010.00 FEET, THROUGH A CENTRAL ANGLE OF 05°43'55" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 02°01'11" WEST, 101.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 99.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 990.00 FEET, THROUGH A CENTRAL ANGLE OF 05°43'55" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 02°01'11" WEST, 99.00 FEET; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 1,214.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY, 23.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 45°50'47" EAST, 21.21 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 84.00 FEET; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 89°09'13" WEST, A DISTANCE OF 569.23 FEET TO A POINT OF CURVATURE; THENCE WESTERLY, 125.12 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 28°40'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 74°48'58" WEST, 123.82 FEET; THENCE NORTH 29°31'17" WEST, A DISTANCE OF 70.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE EASTERLY, 160.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 320.00 FEET, THROUGH A CENTRAL ANGLE OF 28°40'30" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74°48'58" EAST, 158.48 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 385.23 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 23.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 44°09'13" EAST, 21.21 FEET; THENCE NORTH 00°50'47" WEST, A DISTANCE OF 1,214.60 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 97.79 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 05°17'09" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 01°47'48" EAST, 97.76 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY, 103.39 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 961.87 FEET, THROUGH A CENTRAL ANGLE OF 06°09'30" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 02°12'01" EAST, 103.34 FEET; THENCE NORTH 00°50'47" WEST, A DISTANCE OF 275.96 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 169,397 SQUARE FEET OR 3.889 ACRES, MORE OR LESS.

REVIEWED
ADD2021-00019
Rick Burris, Principal
Planner
Lee County DCD/Planning
4/7/2021

Z:\CENTERPLACE - ESPLANADE LAKE CLUB\SKETCH AND DESC\2021-410 ADD
TURN AROUND LEGAL DESCRIPTION.docx

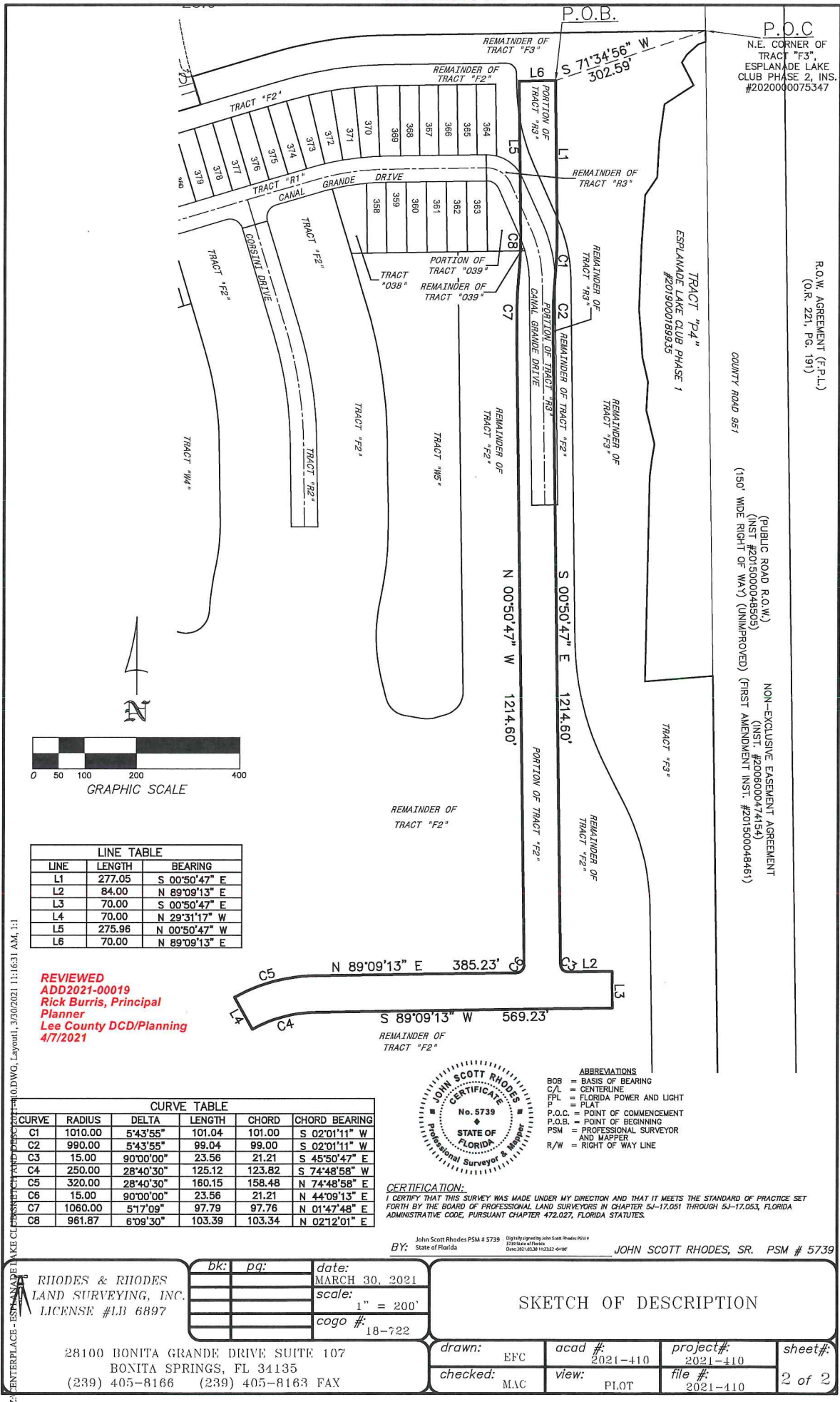


Exhibit "B"

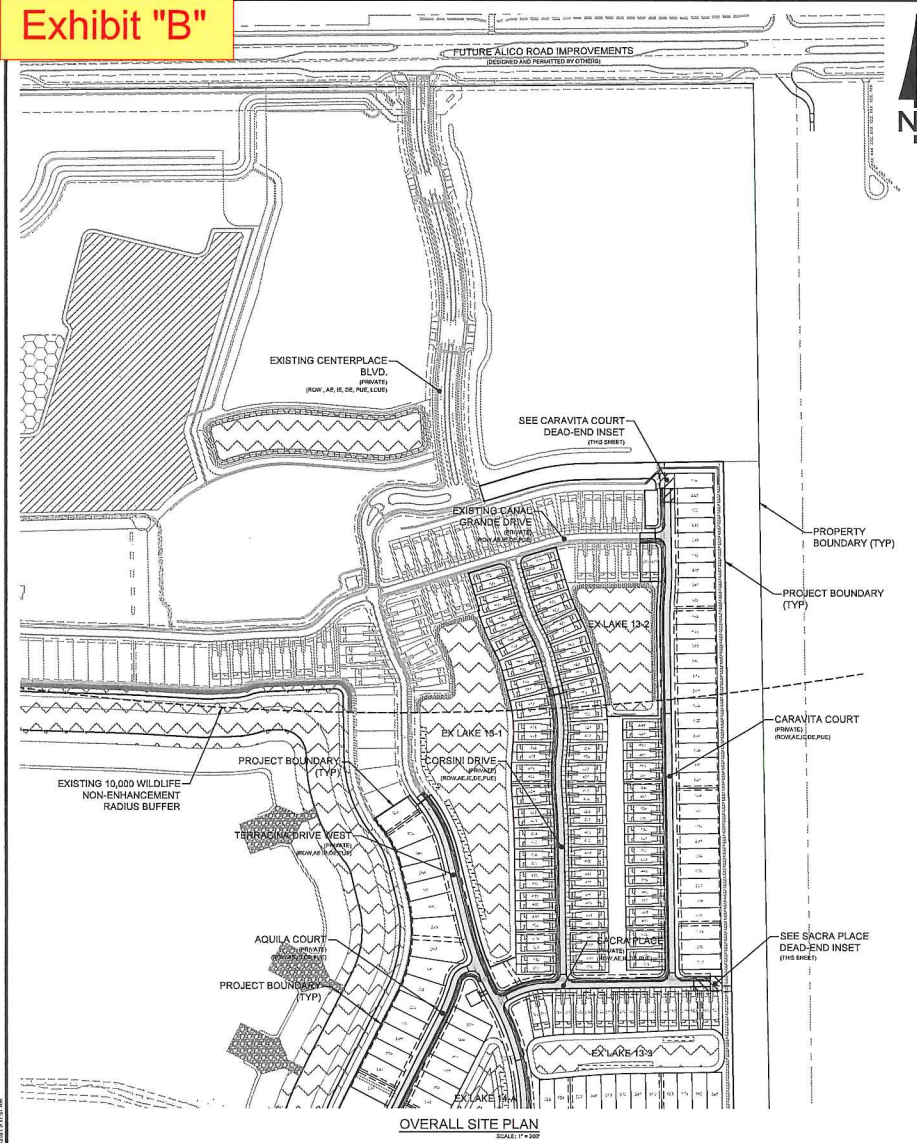
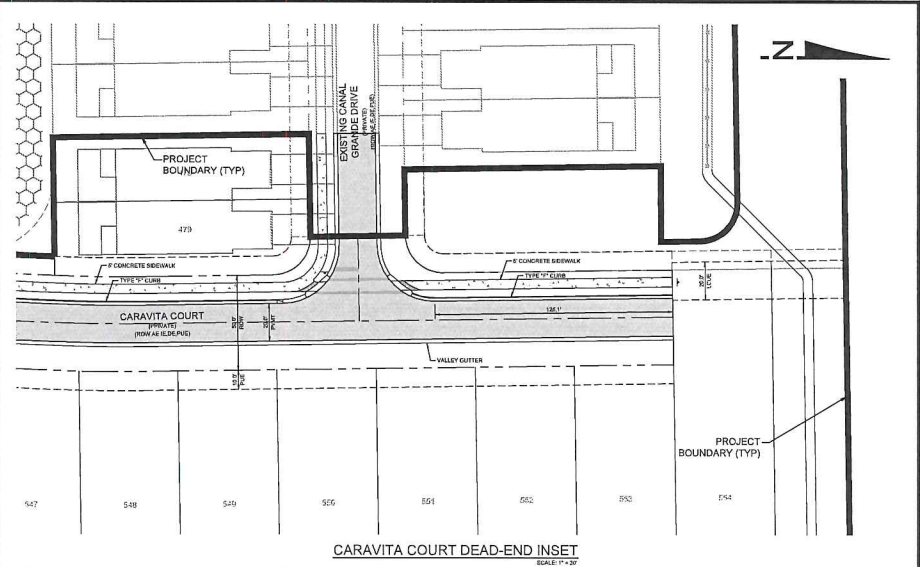
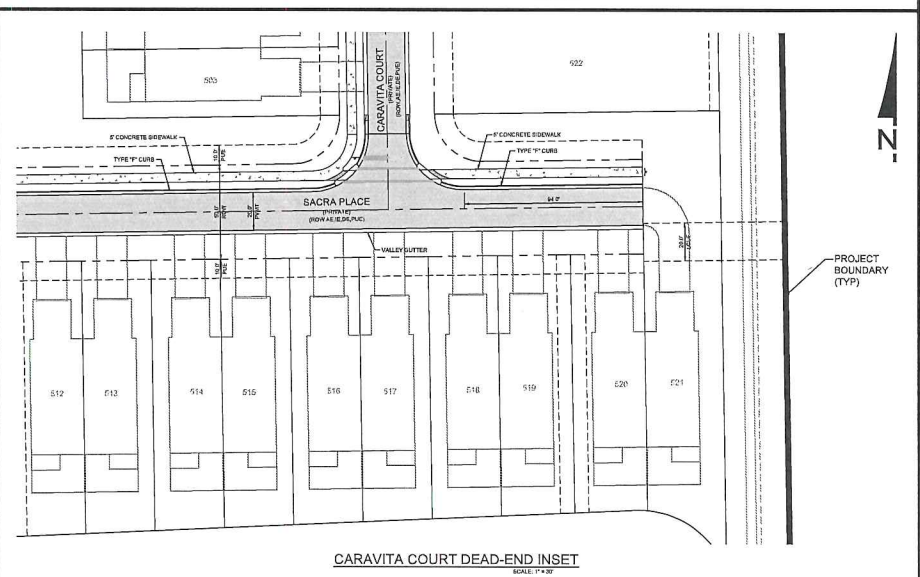


Exhibit "C"



San Carlos Park Fire Protection and Rescue Service District

19591 Ben Hill Griffin Parkway • Fort Myers, Florida 33913-8989

Emergency 911
Office 239.267.7525
Fax 239.267.7505

February 05, 2021

Re: Administrative Deviation Request/Esplanade Lake Club

To whom it may concern,

In regard to your request for a deviation from the requirement of Cul-de-sacs at the end of:

- 1) Sacra Place (a 94' dead end road)
- 2) Caravita Court (a 125' dead end road)

We (SCPF) have no objections to the dead end roads and will not require a fire department turnaround at the end of the roads listed above so long as the dead end distances do not exceed 150' per the requirements stated in NFPA 1, Chapter 18: "Fire Department Access and Water Supply".

Respectfully,

A handwritten signature in blue ink, appearing to read "Steve Lennon".

Steve Lennon
Fire Marshal

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00068

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Taylor Morrison of Florida Inc. filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace Mixed Use Planned Development (aka Esplanade Lake Club) to amend the Schedule of Uses, modify the Master Concept Plan and request one additional deviation on property located 11010-671 Venetian Lagoon Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution number Z-14-021 (with subsequent amendments in Resolution numbers Z-17-014; ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, and ADD2020-00148); and

WHEREAS, the subject property is located in the University Community & Wetlands Future Land Use Categories as designated by the Lee 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, an application for an administrative amendment has been filed by the applicant to:

- 1) Modify the name of Beach Club Tract on the Schedule of uses to be called "Beach Club Main Amenity and Beach Club Satellite Amenity Tracts"
- 2) Modify the Master Concept Plan to:
 - a) Eliminate a strip of Beach Club Tract shown south of the Beach Club Satellite Amenity, and convert this area to "Residential-Multifamily (R-MF)";
 - b) Eliminate a cul-de-sac street and lake shown on the R-MF tract located to the east of the Beach Club Satellite Amenity;
 - c) Update Boat Slip/Trailer Parking Data Table on the Master Concept Plan to align with Condition 13 per ADD2018-00100 and ADD2019-00098 and relocate ten (10) dry slips from the northern R-MF tract to the Beach Club Main Amenity tract;

- d) Eliminate access points labeled on the original Master Concept Plan as “Potential Access #4” and the western “Potential Emergency Access” onto Alico Road;
 - e) Modify the roadway layout in the northern R-MF Tract;
 - f) Modify the roadway and lake layout in the eastern portion of the project; and
- 3) Request the following deviation:

Deviation #13: A deviation from Section 10-285 of the Land Development Code, which requires a minimum connection separation of 125 feet for local roadways, to allow for a minimum connection separation of 84 feet between the access to the Beach Club Main Amenity and Canal Grande Drive.

WHEREAS, the original Master Concept Plan approved via Resolution Z-17-014 contained a tract called “Beach Club” which contained a specific Schedule of Uses; and

WHEREAS, ADD2017-00170 amended the Master Concept Plan and created an additional tract called Beach Club Satellite Amenity Tract; and

WHEREAS, the applicant, in order to assure that uses permitted in the Beach Club Tract will also be permitted in the Beach Club Satellite Amenity Tract, has filed a request to amend the name on the Schedule of Uses approved via Resolution Z-17-014 from “Beach Club Tract” to “Beach Club Main Amenity and Beach Club Satellite Amenity Tracts”; and

WHEREAS, the changes proposed to the Master Concept Plan and Schedule of Uses are minor in nature and will not have an external impact; and

WHEREAS, the requested connection separation deviation is for an internal roadway designed with a turnabout, and reducing the required 125-foot separation to 84 feet will not have any negative impact on the safety of the motorists and pedestrians; 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 the Mixed Use Planned Development is **APPROVED subject to the following conditions:**

1. The Development must be in compliance with the amended Master Concept Plan, dated 06/17/2021. Master Concept Plan for ADD2021-00068 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".
2. The terms and conditions of the original zoning resolutions remain in full force and effect, except as modified herein.
3. The Schedule of Uses of Resolution Z-17-014 is hereby amended to change the name of the Beach Club Tract to:

Beach Club Main Amenity and Beach Club Satellite Amenity Tracts

Clubs, private

Accessory Uses, including, but not limited to:

Boat Dock, limited to 50 boat slips

Boat Ramp

Consumption on Premises, subject to Condition 11 for outdoor seating

Dry Boat Storage, limited to 42 slips

Fishing Pier

Food and Beverage Service

Locker Rooms

Personal Services

Pro Shop

Rental or Leasing Establishment, Group I, (limited to beach chairs, umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doc's and other similar personal water craft)

Excess Spoil Removal

Parking lot, Accessory

Real Estate Sales Office- limited to sale of lots, homes and units within the development and sales office must be located in the clubhouse, amenity or model unit sites.

Recreation Facilities, private on-site

Rental or Leasing Establishments, Group II

Group II limited to:

Appliances

Bicycles

Costumes

Furniture

Movies, videotapes and similar home entertainment Party or banquet supplies

Temporary Uses, limited to temporary contractor's office and equipment storage shed

4. Deviation #13 is hereby approved reducing the connection separation to 84 feet for the Beach Club Main Amenity Tract from a local road (Canal Grande Drive).

5. **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 8/23/2021

Anthony R. Rodriguez, AICP, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Master Concept Plan

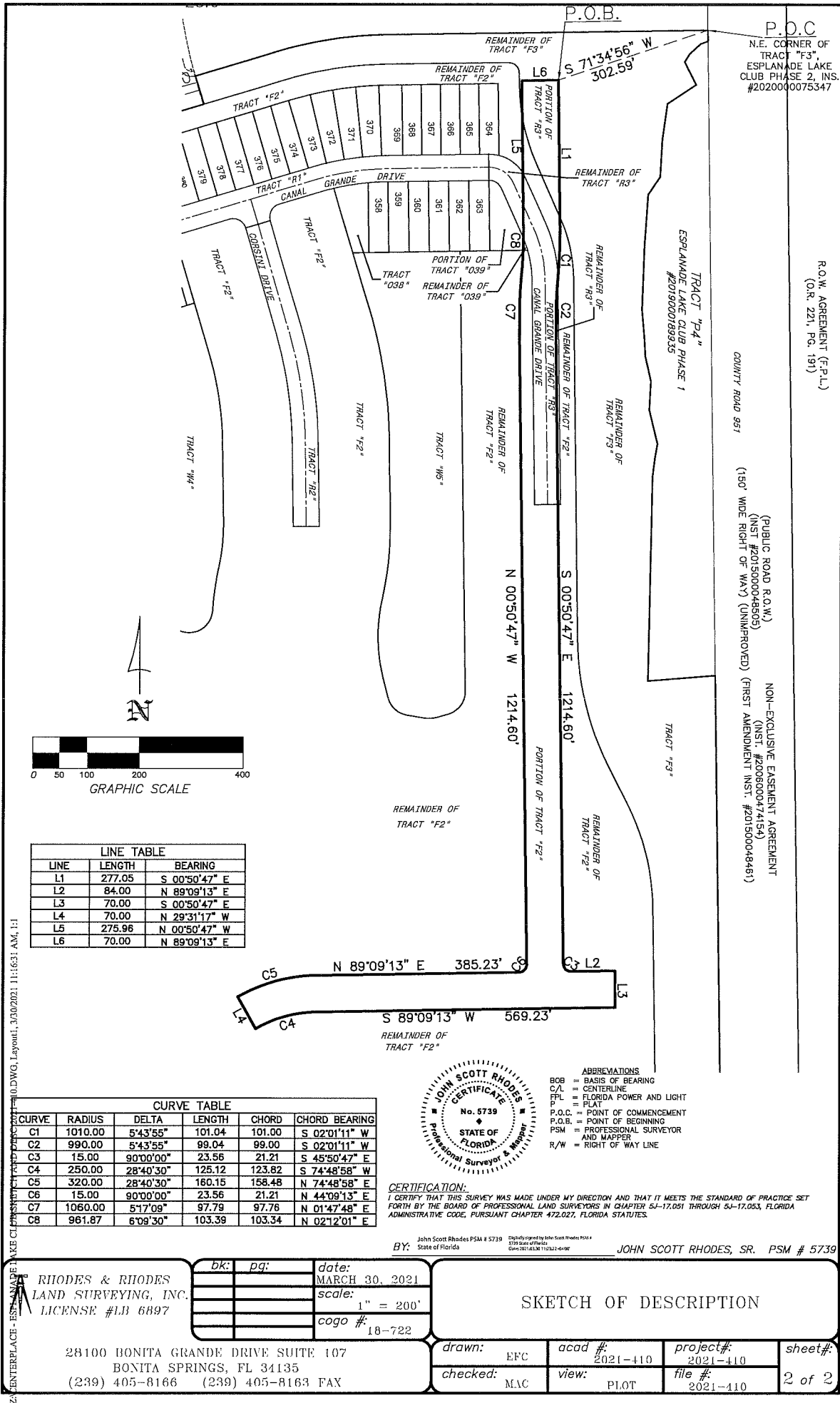
RHODES & RHODES LAND SURVEYING, INC.***23100 BONTA GRANDE DRIVE #107 NAPLES, FLORIDA 34106******PHONE (888) 405-8168 FAX (888) 405-8168***

LEGAL DESCRIPTION

BEING A PORTION OF TRACT "F2, TRACT "F3" AND TRACT "R3", ESPLANADE LAKE CLUB PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2020000075347, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

COMMENCE AT THE NORTHEAST CORNER OF TRACT "F3", ESPLANADE LAKE CLUB PHASE 2, ACCORDING TO THE PLAT THEREOF AS RECORDED IN INSTRUMENT NUMBER 2020000075347, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE SOUTH 71°34'56" WEST, A DISTANCE OF 302.59 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 277.05 FEET TO A POINT OF CURVATURE; THENCE SOUTHERLY, 101.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 1,010.00 FEET, THROUGH A CENTRAL ANGLE OF 05°43'55" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 02°01'11" WEST, 101.00 FEET TO A POINT OF REVERSE CURVATURE; THENCE SOUTHERLY, 99.04 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 990.00 FEET, THROUGH A CENTRAL ANGLE OF 05°43'55" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 02°01'11" WEST, 99.00 FEET; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 1,214.60 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY, 23.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 45°50'47" EAST, 21.21 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 84.00 FEET; THENCE SOUTH 00°50'47" EAST, A DISTANCE OF 70.00 FEET; THENCE SOUTH 89°09'13" WEST, A DISTANCE OF 569.23 FEET TO A POINT OF CURVATURE; THENCE WESTERLY, 125.12 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 250.00 FEET, THROUGH A CENTRAL ANGLE OF 28°40'30" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 74°48'58" WEST, 123.82 FEET; THENCE NORTH 29°31'17" WEST, A DISTANCE OF 70.00 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE EASTERLY, 160.15 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 320.00 FEET, THROUGH A CENTRAL ANGLE OF 28°40'30" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 74°48'58" EAST, 158.48 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 385.23 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY, 23.56 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 44°09'13" EAST, 21.21 FEET; THENCE NORTH 00°50'47" WEST, A DISTANCE OF 1,214.60 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY, 97.79 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 1,060.00 FEET, THROUGH A CENTRAL ANGLE OF 05°17'09" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 01°47'48" EAST, 97.76 FEET TO A POINT ON A NON-TANGENTIAL CURVE; THENCE NORTHERLY, 103.39 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 961.87 FEET, THROUGH A CENTRAL ANGLE OF 06°09'30" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 02°12'01" EAST, 103.34 FEET; THENCE NORTH 00°50'47" WEST, A DISTANCE OF 275.96 FEET; THENCE NORTH 89°09'13" EAST, A DISTANCE OF 70.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 169,397 SQUARE FEET OR 3.889 ACRES, MORE OR LESS.



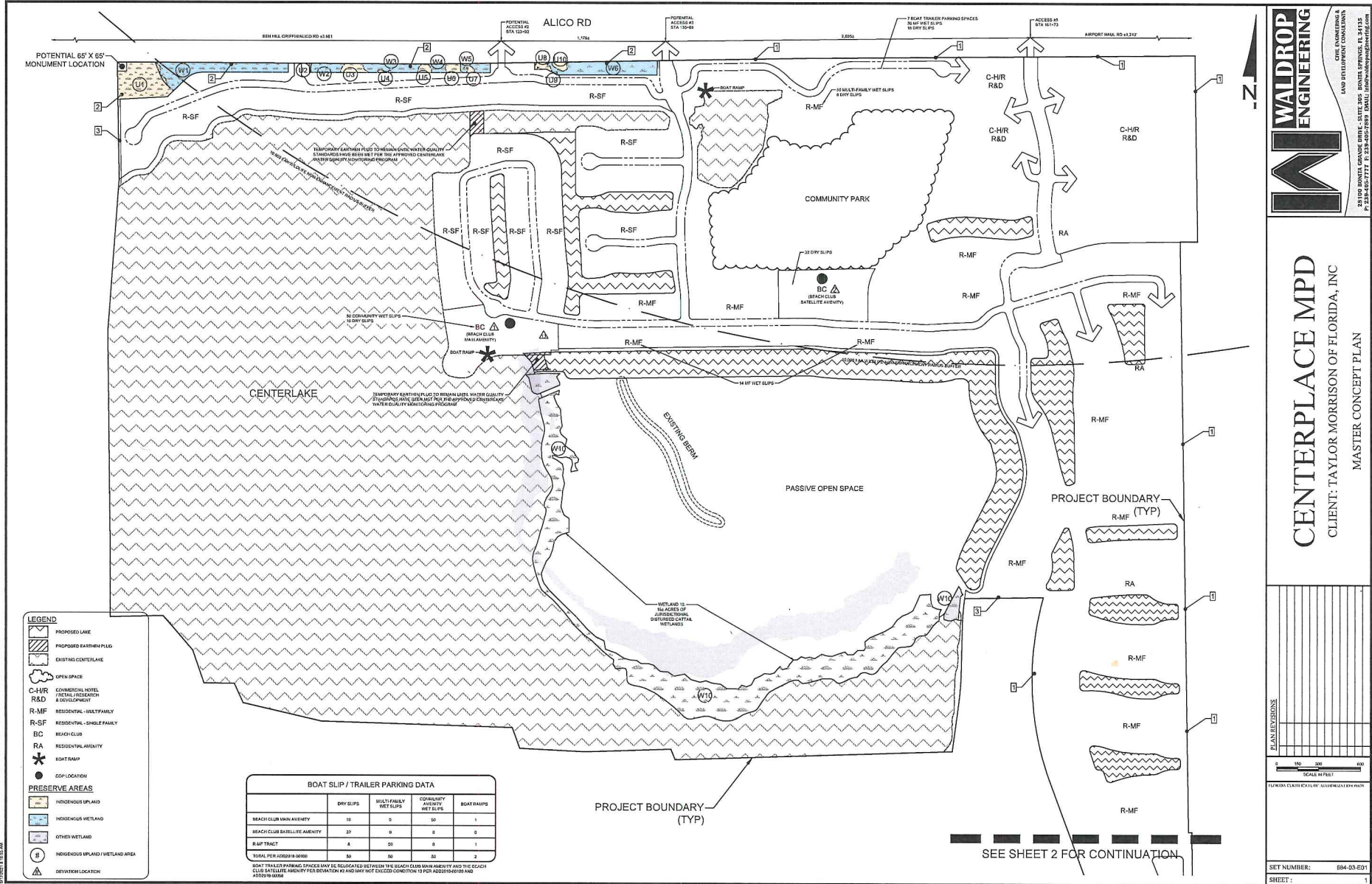


EXHIBIT "B"

The diagram illustrates a cross-section of a wetland area. On the left, a building is shown with a label 'PRINCIPAL STRUCTURE SETBACK (TOP VIEW)'. To its right is a 'MAINTENANCE EASEMENT (TOP VIEW)' which contains a 'STRUCTURAL SETBACK' and a 'WETLAND TRAIL'. Below the maintenance easement is an 'INTERNAL SHALE' area. To the right of the internal shale is a 'WETLAND TRAIL' with a 'WETLAND TRAIL' label. Below the internal shale is a 'PERMANENT SHALE' area with a 'WETLAND TRAIL' label. A 'DRAIN' is shown at the bottom right. Dimensions are indicated by arrows: 'WIDTH VARIES' for the maintenance easement, 'WIDTH VARIES' for the internal shale, and 'WIDTH VARIES' for the permanent shale.

TYPICAL COMMERCIAL LOT

The diagram illustrates a typical road cross-section. A horizontal line represents the 'CENTERLINE ELEVATION'. Below this, a line with a 1% slope is shown, labeled '1% SLOPE (TYP)'. The vertical distance from the centerline to the slope is marked as '6.1 MAX' and '6.1 MIN'. The top of the road is labeled 'FINISHED GRADE' and 'NATURAL GRADE'. The bottom of the road is labeled '800 LONG ELEVATION TOP OF ROAD'. The diagram also shows a 'DRAINAGE DITCH' on the left and a 'DRAINAGE DITCH' on the right. The overall width of the road is indicated as 'VARIES' and 'STANDARD ELEVATION'.

TYPICAL SINGLE FAMILY LOT

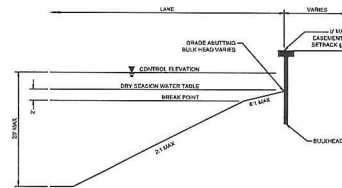
The diagram illustrates a cross-section of a lake bank. Key features include:

- WATER**: The body of water on the left.
- TOP OF BANK LOCATION MARKER**: A point on the upper right bank.
- ST MARK**: A marker on the right bank.
- 200' TO TOP OF BANK**: A distance measurement from the ST MARK to the top of the bank.
- 7' MIN**: A vertical dimension for the riprap layer.
- HARDENED EDGE LAKE BANK TO EXTEND 2' BELOW DRY SEASON WATER LINE**: A note indicating the required depth of the riprap layer below the dry season water level.
- DRY SEASON WATER TABLE**: A horizontal line representing the water level during dry seasons.
- SEASON ELEVATION**: A point on the water table line.
- BIODEGRADABLE**: A label for the riprap layer.
- WATER**: The body of water on the left.
- 2' MIN**: A vertical dimension for the riprap layer.
- WATER**: The body of water on the left.

Diagram illustrating a rectangular lot with dimensions and coverage requirements:

- Overall lot dimensions: 100' (width) by 150' (depth).
- Required lot coverage: 55% of the lot area.
- Maximum building height: 65'.
- Setback requirements:
 - Front setback: 20' (indicated by a dashed line).
 - Side setback: 10' (indicated by a dashed line).
 - Back setback: 10' (indicated by a dashed line).
- Lot lines: LOT LINE (TYPE) and LOT LINE (TYPE) are labeled on the right side.
- Other labels: "20' FRONT SETBACK" and "10' SIDE SETBACK" are indicated on the left side.

TYPICAL MULTI-FAMILY



TYPICAL LAKE CROSS-SECTION (BULKHEAD)

PLAN REVISIONS	
A	ISSUED FOR REVIEW PER COUNTY COMMENTS
A	10/06/11 REVISED PER COUNTY COMMENTS
A	10/27/2011 REVISED PER ALIGNMENT

0 150 300 450
SCALE IN FEET

ADMINISTRATIVE AMENDMENT (PD) ADD2021-00107

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Alico Multifamily, LLC filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as The Villas at Gulf Coast within CenterPlace MPD to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF to allow the development of the site with 140 villas type single-family detached and attached dwellings on the 16.17± acre parcel on property located within the CenterPlace MPD and known as The Villas at CenterPlace, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned by Resolution Z-17-014 and was subsequently amended by ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019, ADD2021-00068 and ADD2021-00198(A); and

WHEREAS, the subject property is located in the University Community Future Land Use Category as designated by the Lee Plan; and

WHEREAS, Lee Plan Policy 15.1.16, paragraph 8 limited the number of single-family and zero-lot-line dwelling units in Area 9 of the University Community district (where the CenterPlace MPD is located) to 25 percent of the total approved dwelling units in the planned development; and

WHEREAS, a Comprehensive Plan Amendment (CPA2021-00002) deleting paragraph 8 of Lee Plan Policy 15.1.16 was applied for in conjunction with this application and was approved by the Board of County Commissioners on February 16, 2022 (see Attachment "E"); 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 applicant requests to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF; and

WHEREAS, the applicant plans to develop this 16.17± Acre parcel with 140 villa type single-family detached and attached dwellings; and

WHEREAS, the site will not be subdivided and all of the dwelling units will be on the same single tract; and

WHEREAS, the applicant proposes to have a central location for the solid waste and recycling and proposed a trash compactor for the development; and

WHEREAS, parking, landscaping, buffers, storm water management and other aspects of this development will comply with the regulations applicable to multiple-family developments; and

WHEREAS, this amendment will not change the total number of residential dwelling units approved for this development; 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 the Mixed Use Planned Development to change the zoning designation of Tract C-1 from C-H/R R&D to R-SF is **APPROVED**.

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated January 11, 2022. Master Concept Plan for ADD2021-00107 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The terms and conditions of the original zoning resolution and subsequent amendments remain in full force and effect, except as amended herein.**
3. **Development for Tract C-1 must be in compliance with the Property Development Regulations attached hereto as Exhibit "C."**
4. **The development on Tract C-1 must be in substantial compliance with the site Plan attached hereto as Exhibit "D."**
5. **Landscaping, buffers, and storm water management for Tract C-1 must be in compliance with the requirements for multiple-family development.**
6. **This development must install a trash compactor and must provide the space required for recyclable collection in accordance with the requirements for a multiple family development. Curbside collection will not be available for this development.**

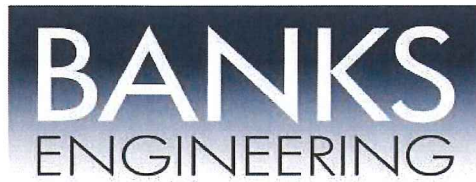
7. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, 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 3/24/2022

Anthony R. Rodriguez, AICP, Zoning Manager

Attachments: Exhibit "A" Legal Description
Exhibit "B" Master concept Plan
Exhibit "C" Property Development Regulations for Tract C-1
Exhibit "D" Site Plan for Tract C-1
Exhibit "E" Ordinance 22-04 (CPA2021-00002)

Exhibit A



Professional Engineers, Planners & Land Surveyors

**The Villas at Gulf Coast
within CenterPlace MPD**

Legal Description

TRACT C1, ESPLANADE LAKE CLUB PHASE 1, ACCORDING TO THE
MAP OR PLAT THEREOF, AS RECORDED AS OFFICIAL RECORD
INSTRUMENT NO. 2019000189935, OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA.

STRAP NUMBER: 12-46-25-L2-190C1.0000

REVIEWED
ADD2021-00107
Hunter Searson, GIS
Planner
Lee County Government
8/3/2021

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. CA 6469 • Surveying License No. LB 6690

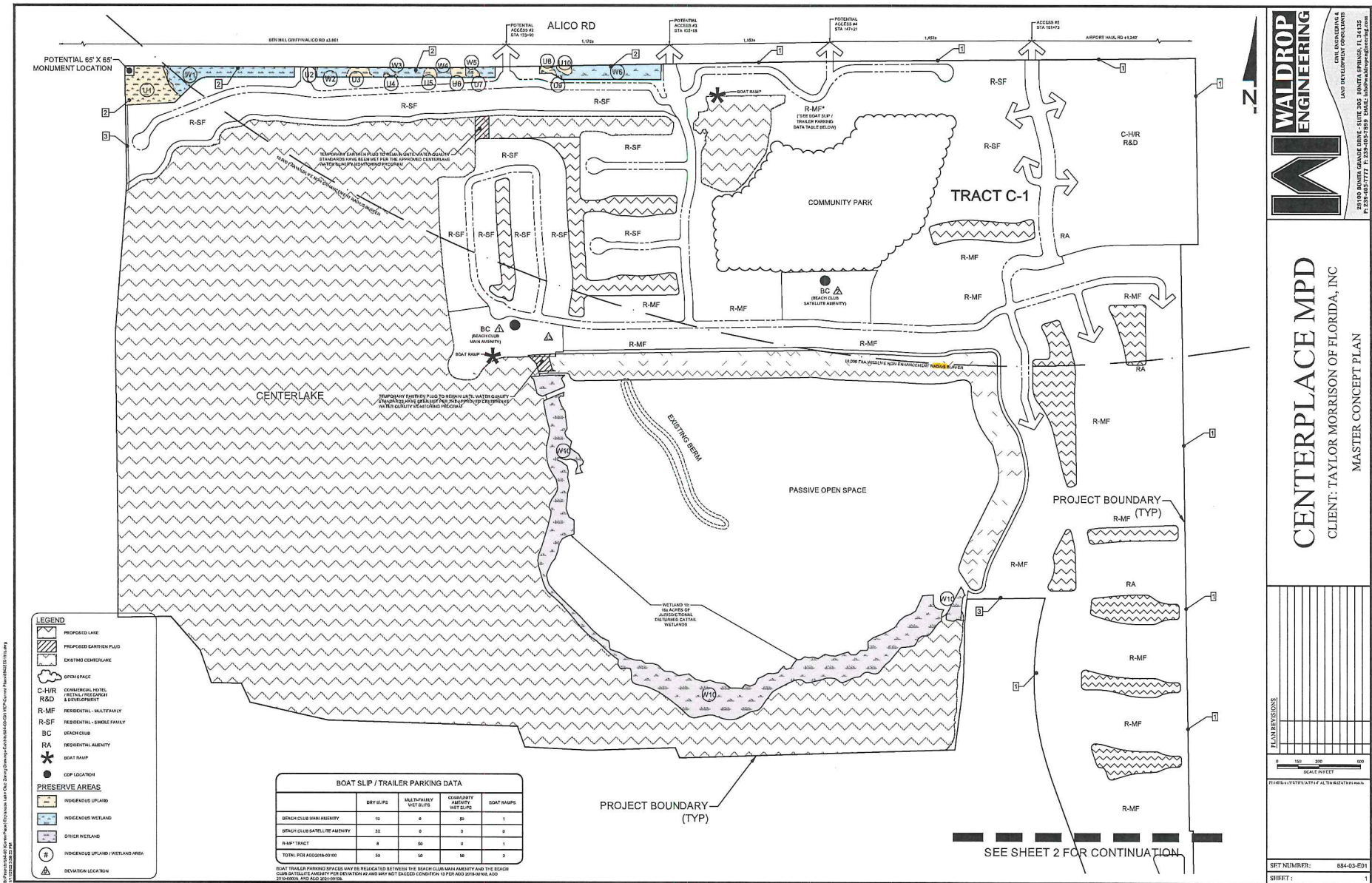
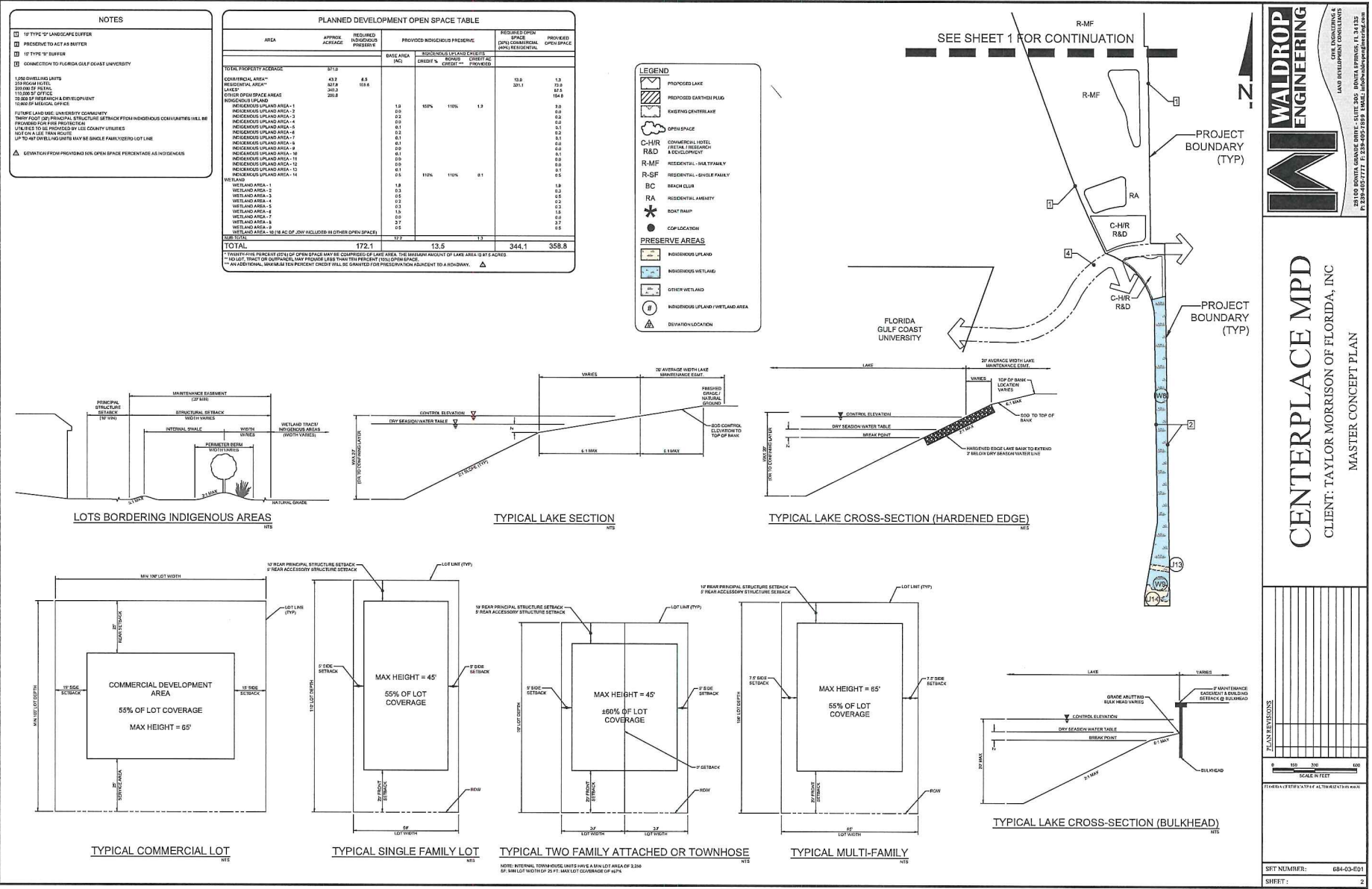


Exhibit "B"





Professional Engineers, Planners & Land Surveyors

**The Villas at Gulf Coast
within CenterPlace MPD**

ADD2021-00107

Property Development Regulations for Tract C-1

Revised January 2022

Minimum Lot Area	Minimum Lot Width	Minimum Lot Depth	Minimum Front Setback*	Minimum Side Setback*	Minimum Rear Setback*	Maximum Building Height	Maximum Lot Coverage	Minimum Building Separation	Minimum Accessory Setback*
16 AC	460'	460'	20'	7.5'	10'	45'	55 Percent	10'	5'

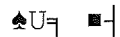
*Setbacks are measured from property boundaries.

Exhibit "C"

• SERVING THE STATE OF FLORIDA •

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
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ADMINISTRATIVE AMENDMENT (PD) ADD2021-00198(A)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

NOTE: This corrective resolution has been prepared to include a modification to the effective residential property development regulations. Accordingly, this corrective resolution supersedes ADD2021-00198.

WHEREAS, Taylor Morrison of Florida, Inc. c/o Charles Cook filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as CenterPlace Mixed Use Planned Development (aka Esplanade Lake Club) to adopt a new Master Concept Plan to depict an additional access point (potential access point #4) to Alico Road, remove an interconnection between the R-MF Tract and C-H/R R&D Tract on the northeast portion of the development, remove several notes from the MCP concerning wet and dry boat slips and boat trailer parking, add a note to the boat slips and trailer data table to clarify their allocation throughout the development and revise the Residential Property Development Regulations to allow for the reduced secondary front yard setback for corner lots to also apply to two-family attached and zero lot line dwelling types on property located at 11751-11861 Venetian Lagoon Drive, described more particularly as:

LEGAL DESCRIPTION: In Section 12, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned in Resolution number Z-17-014 subsequently amended by ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019, and ADD2021-00068; and

WHEREAS, the subject property is located in the University Community & Wetlands Future Land Use Categories as designated by the Lee 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 applicant requests to depict Potential Access Point #4 on the MCP, which was previously approved and depicted on the Controlled Access Resolution as STA 147+21 and was removed from the Master Concept Plan by ADD2021-00068 (see Exhibit "D"); and

WHEREAS, the original MCP depicted an interconnection between R-MF Tract and C-H/R R&D Tract on the northeast corner of the development and the applicant request to remove this interconnection; and

WHEREAS, the MCP contains notes on several tracts with the number of wet and dry boat slips and boat trailer parking spaces allowed on those tracts; and

WHEREAS, the MCP also contains a table with boat slips and trailer data and the applicant requests to remove individual notes from different tracts and add a note to the table for clarification; and

WHEREAS, the Residential property Development Regulations for this development were amended by ADD2017-00170 to allow a reduced secondary front yard setback for corner lots for single family dwellings; and

WHEREAS, the applicant is requesting to amend the Residential Property Development Regulations to also allow a reduced secondary front yard setback for corner lots for two-family attached and zero lot line dwellings; and

WHEREAS, the Lee County Department of Transportation reviewed this request and recommended approval; 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.

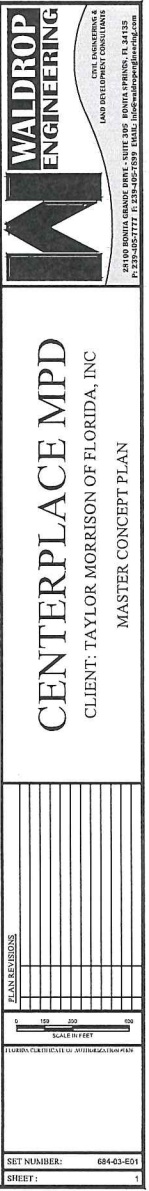
NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an amendment to the Mixed Use Planned Development to adopt a new Master Concept Plan is **APPROVED subject to the following conditions:**

1. **The Development must be in compliance with the amended Master Concept Plan, dated January 11, 2022. The Master Concept Plan for ADD2021-00198 is hereby APPROVED and adopted. A reduced copy is attached hereto as Exhibit "B".**
2. **The Residential Property Development Regulations, amended via ADD2017-00170, are hereby amended. A copy of the amended Development Regulations for residential uses is attached hereto as Exhibit "C".**
3. **The terms and conditions of the original zoning resolution and subsequent amendments remain in full force and effect, except as amended herein.**
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**

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♣♣V♣ ♠♣♣V ♠♣♣-**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 3/16/2022
Anthony R. Rodriguez, AICP, Zoning Manager

- Attachments: Exhibit “A” Legal Description
Exhibit “B” Master Concept Plan
Exhibit “C” Residential Property Development regulations
Exhibit “D” Controlled Access Resolution 21-06-015



LEE COUNTY ORDINANCE NO. 22-04

Alico West Area 9 / Centerplace
(CPA2021-00002)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE ALICO WEST AREA 9/CENTERPLACE (CPA2021-00002) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 25, 2021; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 8, 2021. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Alico West Area 9/Centerplace (CPA2021-00002) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the December 8, 2021 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on February 16, 2022, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Alico West Area 9/Centerplace Ordinance (CPA2021-00002)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Policy 15.1.16 by striking paragraph 8 to remove the 25% limitation on single family and zero lot line dwelling units on land in Area 9 within the University Community future land use category known as Alico West Area 9/Centerplace (CPA2021-00002).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

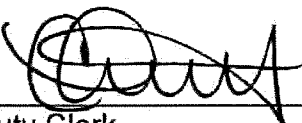
The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Mann, who moved its adoption. The motion was seconded by Commissioner Hamman. The vote was as follows:

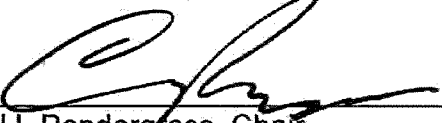
Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of February 2022.

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: 
Cecil L. Pendergrass, Chair



DATE: 2-17-22

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

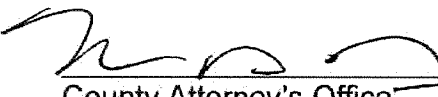

County Attorney's Office

Exhibit A: Adopted revisions to Alico West Area 9/Centerplace (Adopted by BOCC
February 16, 2022)

2022 FEB 17 PM 1:28

EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.**

EXHIBIT A

PROPOSED TEXT AMENDMENTS

POLICY 15.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:
 - Residential: A maximum of 1,950 units
 - Retail: A maximum 200,000 square feet
 - Office/Research/Development: A maximum of 140,000 square feet
 - Hotel: 250 rooms
2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.
3. **Non-Residential Uses:** Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.
4. **Office, Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.
5. **Connectivity to FGCU:** To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.
6. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to

EXHIBIT A

accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

7. **Parking:** Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.

~~8. **Residential Uses:** Single family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.~~

- ~~9-8. **Town Square:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.~~

- ~~10-9. **Landscaping:** All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.~~

- ~~11-10. **Florida Gulf Coast University Participation:** The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.~~

- ~~12-11. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.~~

~~(Ordinance No. 10-40, 14-03, 17-10, 18-18)~~



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

February 21, 2022

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attn: Chris Jagodzinski

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Lee County Ordinance No. 22-04, which was filed in this office on February 17, 2022.

Sincerely,

Anya Owens
Program Administrator

AO/lb

RECEIVED

By Chris Jagodzinski at 9:13 am, Feb 21, 2022

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 22-04
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD
DESCRIPTOR: Planning

OTHER KEYFIELD
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Alico West Area 9 Ord
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

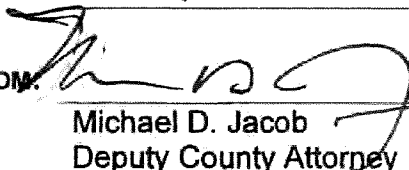
VIA HAND DELIVERY

DATE: February 16, 2022

To: Commissioner Pendergrass

Chair, Board of County
Commissioners

FROM:


Michael D. Jacob
Deputy County Attorney

**RE: Lee County Ordinance Amending the Lee County Comprehensive Plan
Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)
Adoption Hearing – February 16, 2022**

On February 16, 2022, the Board of County Commissioners adopted the above ordinances amending the Lee County Comprehensive Plan. The originals are attached to this memorandum for execution. Kindly execute the ordinances at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on each of the attached ordinances and email a copy of the fully executed ordinances with all exhibits to my attention.

Insofar as State Statute mandates that the ordinances reach Tallahassee within ten (10) days of the adoption, please expedite the above request so that the ordinances arrive in Tallahassee no later than February 25, 2022.

Joyce, attached please find the Data Retrieval Forms for each ordinance. Kindly include the amendments in the Lee County Ordinance History.

Thank you for your assistance.

MDJ:tlb

Attachments:

Ord #22-03 – Property Rights Element (CPA2021-00007)
Ord #22-04 – Alico West Area 9 Centerplace (CPA2021-00002)
Ord #22-05 – Lockett Landing (CPA2021-00013)

cc via email only: Joyce Conatser, Senior Fiscal Officer
Samantha Westen, Executive Assistant
Rose Bahena, Administrative Specialist, Senior
Eileen Gabrick, Manager, Minutes Department
Mikki Rozdolski, Section Manager, Planning
Brandon Dunn, Principal Planner, Planning
Janet Miller, Administrative Specialist/DCD
Debbie Carpenter, Administrative Specialist/DCD
Andrea Eggen, Legal Administrative Specialist (for ordinance history)

2022 FEB 17 PM 1:27
MINUTES
CE

LEE COUNTY ORDINANCE NO. 17-10

(Centerplace)
(CPA2016-00011)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE CENTERPLACE (CPA2016-00011) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on February 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on March 22, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Centerplace (CPA2016-00011) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the March 22, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on August 16, 2017, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Centerplace Ordinance (CPA2016-00011)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends Lee Plan Map 1 Page 2 of 8 to identify the subject property in the San Carlos community planning area. Amend Lee Plan Policy 1.1.9, Goal 18 and Table 1(a) to remove site specific requirements for Area 9 of the University Community to accommodate a Mixed Use Community in the University Community future land use category, known as Centerplace (CPA2016-00011).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Hamman who moved its adoption. The motion was seconded by Commissioner Kiker. The vote was as follows:

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

DONE AND ADOPTED this 16th day of August, 2017.

ATTEST:
LINDA DOGGETT, CLERK

BY: Melissa Butcher
Deputy Clerk

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: [Signature]
~~John Manning~~, Chair

Vice
Commissioner Cecil L. Pendergrass
Lee County Board of County Commissioners
District 2

DATE: 8-16-17

Approved as to Form for the
Reliance of Lee County Only

[Signature]
County Attorney's Office

- Exhibit A: Adopted revisions to Lee Plan Policy 1.1.9, Goal 18 and Table 1(a)
(Adopted by BOCC August 16, 2017)
- Exhibit B: Adopted revisions to Lee Plan Map 1 Page 2 of 8
(Adopted by BOCC August 16, 2017)



I CERTIFY THIS DOCUMENT TO BE A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE
LINDA DOGGETT, CLERK CIRCUIT COURT
LEE COUNTY, FLORIDA

DATED: 8-21-17

BY: Melissa Butcher
Deputy Clerk

Text Amendments:

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Florida Gulf Coast University ~~Board of Trustees~~ President or their designee.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within the University Village will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on October 20, 2010. ~~Clustered densities are encouraged within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of nonresidential development within the University Village will be limited to 10,000 square feet of building per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under provided in~~ Goal 18. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 98-09, 00-22, 10-40)

GOAL 18: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's ~~tenth~~ 10th university to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document. (Added by Ordinance No. 92-47, Amended by Ordinance No. 94-30, 00-22)

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

~~Prior to~~ As part of the local Development Order approval for primary infrastructure installation on property within Area 9, of the University Community, the developer must demonstrate that the

proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County, consistent with Lee Plan Policy 18.1.16.7. The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to rezoning approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication. (Amended by Ordinance No. 94-30, 00-22, 10-40, 14-03)

POLICY 18.1.8: All currently permitted mining activities within the University Community area will be allowed to continue until such time as the university opens. Agricultural activity including but not limited to tree farms, nurseries, or agricultural research facilities will be permitted within the University Community. (Amended by Ordinance No. 00-22)

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property. Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources. (Amended by Ordinance No. 94-30, 00-22, 10-40)

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site. (Amended by Ordinance No. 94-30, 00-22, Relocated by Ordinance No. 07-12, Amended by Ordinance No. 10-40)

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and

components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) ~~be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and be consistent with the intent of Goals 4 Sustainable Development Design of the Lee Plan, and 18 and, Policy 1.1.9.~~ Development on Alico West, Area 9, must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code, ~~recognizing there may be significant deviations to accommodate the proposed development.~~ The following minimum and maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

Residential: Minimum 800 Units, A maximum of 1,950 units;

Retail: Minimum 400,000 square feet, A maximum of 200,000 square feet ~~543,000 square feet~~ (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.);

Office/Research/Development: Minimum 400,000 square feet, A maximum of 140,000 918,000 square feet (additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above;

Donation Site to University: Minimum 40,000 Square feet; and

Hotel: Minimum 0 rooms, maximum 250 rooms.

- 3.2. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed ~~main street town center~~ non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project ~~net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but must not to exceed a total of 1,950 dwelling units.~~

- 4.3. **Retail Uses: Non-residential Uses:** The total retail floor for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be approximately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:

- a. ~~One (1) grocery store may be constructed to a maximum of 45,00~~
- b. ~~Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;~~
- c. ~~Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and~~
- d. ~~At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.~~

~~The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9. Specific location of non-residential uses, design details, and intensities of non-residential uses will be reviewed during the rezoning process to determine compliance with the requirements of applicable Lee Plan provisions, including but not limited to compatibility, mix of uses, civic spaces, recreation and open space, interconnectivity, and multi-modal design elements.~~

5.4. Office, Research and Development Facilities: Research and development facilities and office buildings are encouraged, which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.

7.5. Connectivity to FGCU: To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to ~~the easterly portion~~ FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi-use paths, and ~~student safety features~~ other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement included in the local development order prior to commencement of vertical development on Area 9 this connection must be in place.

8.6. Pedestrian Friendly Design: The development will be designed as a pedestrian-friendly community. ~~with student safety features, In areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features,~~ including traffic calming, sidewalks on both sides of the road system, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

10.7. Parking: Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. ~~All parking must be consistent with the requirements identified below:~~

~~A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:~~

- ~~1. A minimum of 50% of the required parking will be contained in parking structures.~~
- ~~2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.~~
- ~~3. A minimum of 25% of the required parking would be on street parking in a TND design.~~
- ~~4. Off street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.~~

~~B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards~~

~~C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.~~

8.11. Residential Uses: Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum 25% of the total approved dwelling units in the planned development. ~~All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.~~

12.9. Entertainment District Town Square: Area 9 may contain public and private entertainment venues, including but not limited to facilities such as ~~amphitheaters~~, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.

13.10. Landscaping: All plantings used in buffers and landscaping must be ~~installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.~~

15.11. Florida Gulf Coast University Participation: The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings; list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

16.12. Stormwater Retention for adjacent transportation facilities: Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Freeline Avenue Ben Hill Griffin Parkway From Alico Road to Corkscrew Road
Alico Road From I-75 to ~~Future Extension of County Road 951~~ Ben Hill Griffin Parkway
Corkscrew Road From I-75 to ~~Freeline Avenue~~ Ben Hill Griffin Parkway

Koreshan Boulevard Estero Pkwy From I-75 to Treeline Avenue Ben Hill Griffin Parkway

With input from affected property owners, Lee County and the Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development ¹⁴	8	14	22
General Interchange ²	8	14	22
Central Urban ¹⁵	4	10	15
Urban Community ^{4,5,16}	1	6	10
Suburban ¹⁷	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/Groundwater Resource	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus
Destination Resort Mixed Use Water Dependent ¹¹	6	9.36	No Bonus
Burnt Store Marina Village ¹²	No Minimum	160 Dwelling Units; 145 Hotel Units	No Bonus
Coastal Rural ¹⁸	No Minimum	1 du/2.7 acres	No Bonus

CLARIFICATIONS AND EXCEPTIONS

¹See the glossary in Chapter XII for the full definition of “density”.

²Except in the General Interchange future land use category adherence to minimum densities is not mandatory but is recommended to promote compact development.

³These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Bonus Density Program identified in chapter 2 of the Land Development Code.

⁴Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDUs that were created from Greater Pine Island (see Objective 14.6), or transfer dwelling units in accordance with Policy 14.3.4.

⁵In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.

⁶Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.

⁷The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.

⁸Higher densities may be allowed under the following circumstances where wetlands are preserve on the subject site:

(a) If the dwelling units are relocated off-site through the provision of Transfer of Development Rights Ordinance (86-18, as amended or replaced); or

(b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Sub-Outlying Suburban, from preserved freshwater wetlands at the same underlying density as permitted for those uplands. Impacted wetlands will be calculated at the standard Wetlands density of 1 dwelling units per 20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

⁹Overall average density for the University Village sub-district must not exceed 2.5 du/acre. ~~Clustered densities within the area may reach 15 du/acre to accommodate university housing.~~

¹⁰In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1 du/2.25 acres.

¹¹Overall number of residential dwelling units is limited to 271 units in the Destination Resort Mixed Use Water Dependent district.

¹²The residential dwelling units and hotel development portions of this redevelopment project must be located outside of the designated Coastal High Hazard Area in accordance with Lee Plan, Map 5.

¹³See Policies 33.3.2, 33.3.3, and 33.3.4 for potential density adjustments resulting from concentration or transfer of development rights.

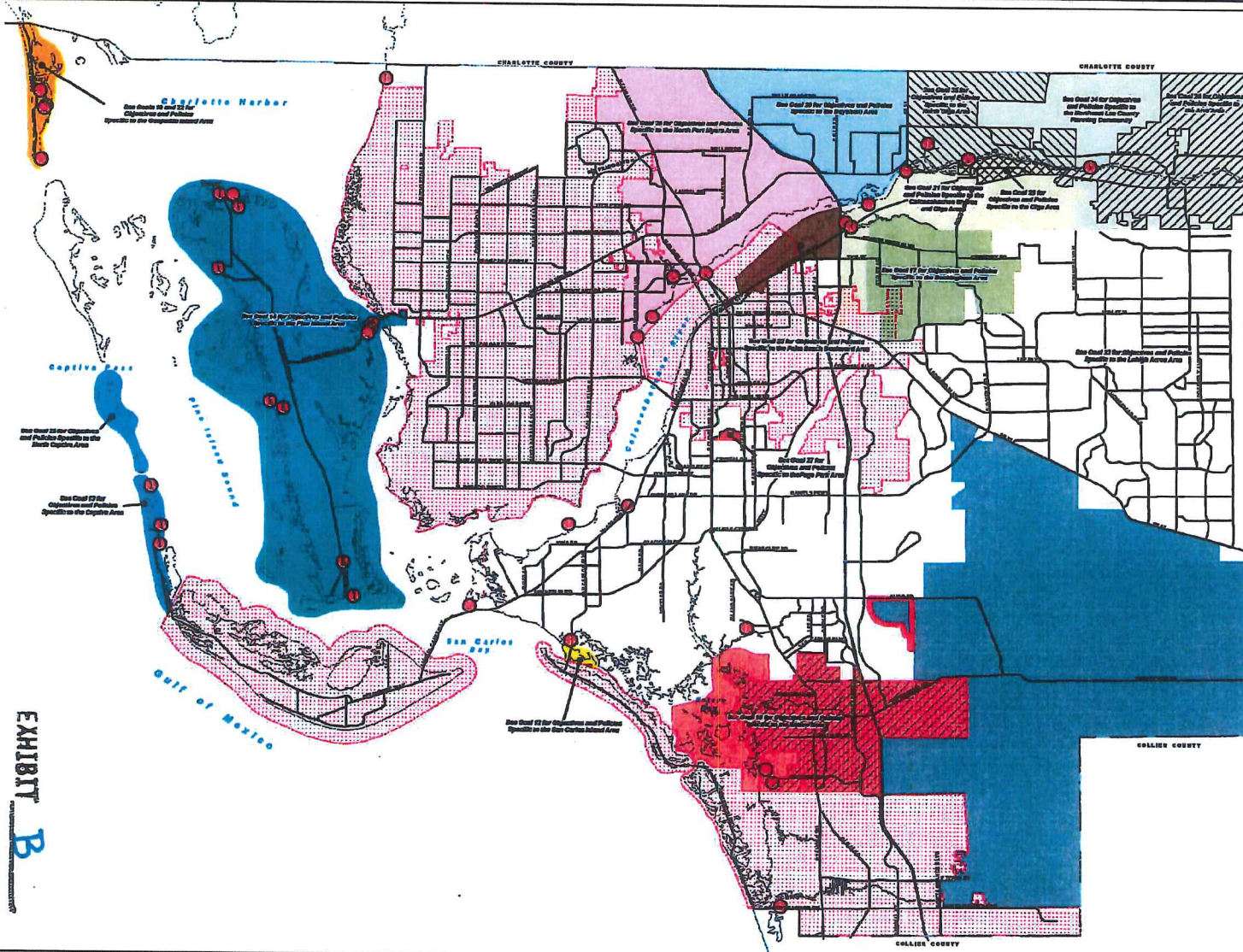
¹⁴ The maximum total density may be increased to 30 du/acre utilizing Greater Pine Island TDUs.

¹⁵ The maximum total density may be increased to 20 du/acre utilizing Greater Pine Island TDUs.

¹⁶ The maximum total density may be increased to 15 du/acre utilizing Greater Pine Island TDUs.

¹⁷ The maximum total density may be up to 8 du/acre when utilizing Greater Pine Island TDUs.

¹⁸ The standard maximum density is 1 du/2.7 acres unless the “Adjusted Maximum Density” of 1 du/acre is achieved in accordance with requirements of Policy 1.4.7 and Chapter 33 of the Land Development Code.



SPECIAL TREATMENT AREAS

Community Planning Areas

- Bayshore
- Boca Grande
- Buckingham
- Caloosahatchee Shores
- Captiva
- Estero
- Greater Pine Island
- Lehigh Acres
- North Captiva
- North Fort Myers
- Northeast Lee County
- Page Park
- San Carlos Island
- Southeast Lee County
- Palm Beach Boulevard
- City Limits

Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05,
09-07, 09-08, 09-26, 09-10, 09-11, 10-16, 11-14,
11-21, 11-24

- Water Dependent Overlay
See Maps 2 and 12 for Details

Adopted by Ord. 89-02, 1/31/1989
Amended by Ordinance Nos.
91-19, 92-35, 00-22, 02-03, 08-05

CPA2016-00011 CENTERPLACE

- Remove from
Southeast Lee County



Map Generated: February 2017
City Limits current to date of map generation

LEE COUNTY ORDINANCE NO. 10-40

(Alico West)
(CPA2009-00001)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2009-00001 (PERTAINING TO ALICO WEST) APPROVED DURING THE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT, TABLE 1b, AND FUTURE LAND USE MAP SERIES MAPS 1, 6, 7, AND 16; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on May 24, 2010; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on June 16, 2010. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2009-00001 pertaining to Alico West to the Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the June 16, 2010 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on August 27, 2010; and,

WHEREAS, on October 20, 2010, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed text, table, and map amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2009/2010 Regular Amendment Cycle, Alico West Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2009/2010 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting text, tables, and map amendments, as revised by the Board on October 20, 2010, known as CPA2009-00001 Alico West.

The amendments consist of revisions to certain Policies and Table 1b (Year 2030 Acreage Allocation) set forth in Exhibits A and B respectively. Underscored text in those exhibits represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

The substance of the amendments to the Future Land Use Map Series include:

Map 1: The reclassification of property from Density Reduction Groundwater Resource to University Community.

Map 6: The inclusion of property in the Future Water Service Area.

Map 7: The inclusion of property in the Future Sewer Service Area.

Map 16: Reassignment of property from the Southeast Lee County to the San Carlos Planning Community.

Proposed amendments to text, tables, and Future Land Use Map Series are attached as Exhibits A (Text), B (Table 1b), C (Map 1), D (Map 6), E (Map 7) and F (Map 16).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184(9), Florida Statutes, or until the Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with 163.3184(10), Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution

will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Judah. The vote was as follows:

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

DONE AND ADOPTED this 20th day of October 2010.

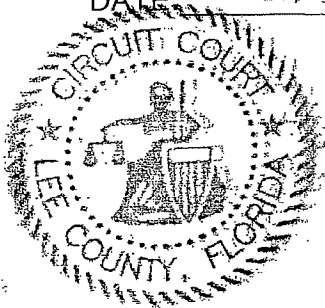
ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Lisa L. Green
Deputy Clerk

BY: Ray Judah
Tammara Hall, Chair

DATE: 10/20/10



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

- Exhibit A: Policy Text Amendments
- Exhibit B: Amendment to Table 1(b) (Year 2030 Acreage Allocation Table)
- Exhibit C1: Future Land Use Map Series: Map 1 (property as DR/GR)
(Former - prior to Amendment)
- Exhibit C2: Future Land Use Map Series: Map 1 (property as University Community) (Adopted by BOCC on 10-20-10)
- Exhibit D1: Future Land Use Map Series: Map 6 Water Service Area (former)
- Exhibit D2: Future Land Use Map Series: Map 6 Water Service Area (Adopted by BOCC on 10-20-10)
- Exhibit E1: Future Land Use Map Series: Map 7 Sewer Service Area (former)

- Exhibit E2: Future Land Use Map Series: Map 7 Sewer Service Area (Adopted by BOCC on 10-20-10)
- Exhibit F1: Future Land Use Map Series: Map 16 Planning Community (former)
- Exhibit F2: Future Land Use Map Series: Map 16 Planning Community (Adopted by BOCC on 10-20-10)

EXHIBIT A
Policy Text Amendments

POLICY 1.1.9: The University Community land use category provides for Florida's 10th University, Florida Gulf Coast University (FGCU), and for associated support development. The location and timing of development within this area must be coordinated with the development of the University and the provision of necessary infrastructure. All development within the University Community must be designed to enhance and support the University. In addition to all other applicable regulations, development within the University Community will be subject to cooperative master planning with, and approval by, the Board of Regents of the State University System Florida Gulf Coast University Board of Trustees.

Prior to development in the University Community land use category, there will be established a Conceptual Master Plan which includes a generalized land use plan and a multi-objective water management plan. These plans will be developed through a cooperative effort between the property owner, Lee County, and South Florida Water Management District.

Within the University Community are two distinct sub-categories: University Campus and the University Village. The University Window overlay, although not a true sub-category, is a distinct component of the total university environment. Together these functions provide the opportunity for a diversity of viable mixed use centers. Overall residential development within average density for the University Village will not exceed 6,510 dwelling units2.5 units per acre. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community land use boundaries as they exist on (insert here the date of adoption of CPA 2009-01). Clustered densities within the area may reach fifteen units per acre to accommodate university housing. The overall average intensity of non-residential development within the University Village will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). Specific policies related to the University Community are included within the Lee Plan under Goal 18.

POLICY 1.3.5: The University Village Interchange land use category is designed to accommodate both interchange land uses and non-residential land uses related to the University. Development within this interchange area may or may not be related to, or justified by the land use needs of the University. Land uses allowed within this area include those allowed in the Industrial Commercial Interchange category and the associated support development allowed in the University Village. The overall average intensity of non-residential development will be limited to 10,000 square feet of building area per non-residential acre allowed pursuant to Map 16 and Table 1(b). See the definition of Associated Support Development in the Glossary. Cooperative master planning and approval by the Board of Regents Florida Gulf Coast University Board of Trustees will be required prior to development within this land use category. Additionally, any development ~~within this land use category~~ which meets or exceeds the Development of Regional Impact thresholds, either alone or through aggregation, must conform to the requirements of Chapter 380 F.S:

GOAL 6: Commercial Land Uses to POLICY 6.1.2, paragraph 8 contain no proposed changes.

- (9) The location standards in this policy are not applicable in the Interchange land use category, or in Lehigh Acres where commercial uses are permitted in accordance with Goal 32, or within the Captiva community in the areas identified by Policy 13.2.1., or in Area 9 of the University Community Conceptual Master Plan.

POLICY 6.1.2, paragraph 10 to POLICY 6.1.2, paragraph 13 contain no proposed changes.

GOAL 18: University Community to POLICY 18.1.3 contain no proposed changes.

POLICY 18.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units-average density of 2.5 units an acre will be maintained. The regulations will provide a mechanism for clustering densities within the University Community.

POLICY 18.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

Prior to local Development Order approval on property within Area 9 of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County. The owner/developers must dedicate the right of way for the 951 extension between Alico Road and Corkscrew Road to Lee County prior to Development of Regional Impact Development Order approval. The value of the right of way on the date of dedication must not reflect the added value of the lands changed from DR/GR to University Community by virtue of CPA 2009-01. The county will issue road impact fee credits for the dedication.

POLICY 18.1.6 to POLICY 18.1.8 contain no proposed changes.

POLICY 18.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master

Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Development of Regional Impact, zoning and Development Order approvals within the University Community Area 9 must provide an environmental assessment that includes a fines relocation/disposal plan to be implemented at the time of development of the property. Prior to zoning or Development Order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources.

POLICY 18.1.10: Development within the University Community land use category will be consistent with the Generalized Land Use Map and the eight area descriptions contained on or between pages 6 through 10 of the University Community Conceptual Master Plan, dated April 1994. The University Community Conceptual Master Plan is hereby amended to include a new Area 9 which is east and north of areas 5 and 8 and bounded on the east side by the Florida Power and Light easement and the north by Alico Road.

POLICY 18.1.11 contains no proposed changes.

POLICY 18.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review. The development of the lands in Area 9 at the county's request, may include the construction of a rookery island, funded by the developer, within the existing mining lake that separates the Area 9 property from the Miromar Lakes residential community. The rookery island would provide wildlife habitat and would be made available to FGCU for use as an environmental study site.

POLICY 18.1.13 to POLICY 18.1.15 contain no proposed changes.

POLICY 18.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the DRI/rezoning process and must be consistent with the following development standards:

1. **Mixed Use:** Development must be in the Traditional Neighborhood Development form, as defined in the Glossary section of the Lee Plan, and consistent with the intent of Goal 4: Sustainable Development Design of the Lee Plan. Development on Area 9 must be rezoned to a Compact Planned Development as specified by the Lee County Land Development Code, recognizing there may be significant deviations to accommodate the proposed development. The following minimum and maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

Residential Minimum 800 units, maximum 1,950 units;

Retail Minimum 200,000 square feet, maximum 543,000 square feet (Retail maximum may be reduced, to no less than the 200,000 square feet, to allow additional Office or Research and Development square feet at a 1 to 1 rate.);

Office/Research/
Development Minimum 400,000 square feet, maximum of 918,000 square feet (additional Office/Research/Development square feet may be added to the maximum if the maximum retail is reduced as described in the Retail parameters above);

Donation Site to
University Minimum 40,000 square feet, maximum 400,000 square feet;

and

Hotel Minimum 0 rooms, maximum 250 rooms.

2. **Main Street Town Center:** The development must provide an area for a main street town center that is supportive of FGCU, with mixed use development employing the Traditional Neighborhood Development (TND) form as defined in the glossary of the Plan. This portion of the development must contain mixed use buildings but may also contain some single use buildings. The Town Center must be a minimum of 25 Gross Acres. The minimum Residential Units within the area defined as the Town Center will be 200. Commercial Uses, including retail, office, employment, institutional or civic uses within the Town Center must provide a minimum total of 125,000 square feet. Coupled with the applicable Policy Framework, the required minimum percentage of non-residential land uses in the Town Center will be as follows:

<u>Retail /Commercial:</u>	<u>50% MIN</u>
<u>Office / Employment:</u>	<u>25% MIN</u>
<u>Public, Institutional & Civic:</u>	<u>5% MIN</u>

3. **Density:** To ensure the creation of a development that has sufficient residential mass to support the proposed main street town center while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by policy 18.1.2, the total project net density within the residential component area of Area 9 must be a minimum of 5 units per acre, but not to exceed a total of 1,950 dwelling units.
4. **Retail Uses:** The total retail floor area for Area 9 will not exceed a maximum of 543,000 square feet. Retail uses should be appropriately sized to enhance FGCU and private residential development in the area. While individual structures may be larger in size, the maximum floor area limitations for single user retail stores are as follows:
 - a. One (1) grocery store may be constructed to a maximum of 45,000 square feet;
 - b. Up to two (2) retail stores may be constructed not exceeding a total of 60,000 square feet per store, with no more than 30,000 square feet per floor;
 - c. Up to three (3) retail stores may be constructed not exceeding 30,000 square feet per store; and,
 - d. At build out, at least 50 % of all finished retail square footage must be utilized by retail stores smaller than 10,000 square feet but may be contained in multi-use buildings.

The Site Location Standards described in Goal 6 of the Lee Plan are not applicable to University Community Area 9.

5. **Research and Development Facilities:** Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by policy 18.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 18.2.2.
6. **Development Acreage:** The previous mining and crushing operations in Area 9 have rendered a large portion of the property unsuitable for development. Some areas that were previously mined have been filled with materials left over from the crushing operations known as fines. These and other activities have left an area of approximately 350 acres that has never been mined that remains suitable for

development of structures and other site improvements. Development is therefore limited to this area. The previously impacted areas may only be used for reclamations and development as unoccupied open space. Property may be designated for residential use, non-residential use, or a combination of uses classified as mixed use. Out of the 350 acres available for development, 40 acres of developable land, not including right-of-way which is intended to serve as the connection between Area 9 and FGCU, will be dedicated to FGCU concurrent with DRI approval. The 40 acres dedicated to FGCU will become part of the FGCU campus and development there will not be calculated against the maximum residential unit count, nor maximum commercial square footage otherwise allowed.

7. **Connectivity to FGCU:** To further implement Policy 18.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to the easterly portion of FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and student safety features. Prior to vertical development on Area 9 this connection must be in place.
8. **Pedestrian Friendly Design:** The development will be designed as a pedestrian-friendly community with student safety features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express and other alternative modes of transportation.
9. **Golf Course Prohibited:** In order to facilitate a compact design, maximize the use of the developable area within Area 9, and to accomplish the goals established in Policy 18.2.2 to develop and support a viable University Community, Area 9 is prohibited from having a golf course facility.
10. **Parking:** Parking in Area 9 should be minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking. All parking must be consistent with the requirements identified below:

 - A. Within the Town Center/Core Area of Area 9 parking requirements are as follows:

 1. A minimum of 50% of the required parking will be contained in parking structures.
 2. A maximum of 25% of the parking required for the Town Center/Core Area may be surface parking lots, in an area no greater than 10 acres. The 10 acres will not include any water management features of the development.

3. A minimum of 25% of the required parking would be on street parking in a TND design.
 4. Off-street surface parking must be located to minimize the presence of the surface parking facility by shielding the parking areas with liner buildings, courtyards and buffers. Further, the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.
- B. Within the remainder of the Area 9 on-street parking may be provided to offset off-street parking requirements. Off-street parking must be located to minimize the presence of any surface parking facilities by shielding such parking with liner buildings, courtyards and buffers. Further the developer is encouraged to reduce the amount of surface parking by designing the development in a manner that promotes shared parking agreements, use of on-street parking, mixed uses, internal trip capture, and alternative modes of transportation such as transit, biking and walking, whenever possible.
- C. Deviations from the number of parking spaces required by the Land Development Code may be appropriate in Area 9.
11. **Residential Uses:** Single-family residential units and zero lot line units, as defined in the Land Development Code, will each be limited to 195 units. All single-family residential units and zero lot line units must be constructed on lots smaller than 6,500 square feet.
 12. **Entertainment District:** Area 9 may contain public and private entertainment venues, including but not limited to facilities such as amphitheaters, theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.
 13. **Landscaping:** All plantings used in buffers and landscaping must be installed using xeriscape principles. Xeriscape principles include water conservation through drought-tolerant landscaping, the use of appropriate plant material, mulching, and the reduction of turf areas. All development must hook-up to water re-use lines when they become available. At least 75 percent of all landscaping must be native landscaping.
 14. **Reclamation:** Development within Area 9 must include reclamation of the adjacent mine pit, including installation of appropriate littoral zones.

15. **Florida Gulf Coast University Participation:** The owner or agent for any Development of Regional Impact or Planned Development rezoning requests must conduct two meetings with the President of FGCU or his designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide County staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.
16. **Stormwater Retention for adjacent transportation facilities:** Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.
17. **Development Within Five Years of Comprehensive Plan Amendment approval:** Development within five years of the comprehensive plan amendment for Area 9, including the 40 acre parcel to be donated to FGCU, is limited as follows: 105,000 square feet of commercial-retail development, 45,000 square feet of general office development, 200 residential units of which a maximum of 100 units may be either single family or zero lot line or a combination thereof, and 40,000 square feet of development on the University parcel. Approval of Development Orders after the first five years or beyond these limitations must address transportation deficiencies through one or more of the mitigation options afforded by the DRI process.

OBJECTIVE 18.2 to POLICY 18.2.2 contain no proposed changes.

POLICY 18.2.3: The University Window Overlay includes the area within 100 feet on both sides of the right-of-way of the following roadway segments:

Treeline Avenue	From Alico Road to Corkscrew Road
Alico Road	From I-75 to Treeline Avenue <u>the Future Extension of County Road 951</u>
Corkscrew Road	From I-75 to Treeline Avenue
Koreshan Boulevard <u>Estero Parkway</u>	From I-75 to Treeline Avenue

With input from affected property owners, Lee County and the ~~Board of Regents~~ Florida Gulf Coast University Board of Trustees will develop mutually agreed upon standards for the University Window addressing landscaping, signage and architectural features visible from the designated roadway segments.

POLICY 38.1.8: The County may pursue a joint funding mechanism (such as an MSTU/MSBU) to pay for the widening of Alico Road east of Ben Hill Griffin Parkway to encourage economic development in the Alico Road area. Properties that generate traffic on the segment of Alico Road east of Ben Hill Griffin Parkway that have not already fully mitigated traffic impacts will be required to participate in the funding mechanism. Participation will be creditable against future road impact fees or DRI proportionate share obligations consistent with County regulations. Property that was subject to CPA2009-01 will donate 75 feet of right-of-way along the entire frontage of Alico Road. The donation of right-of-way along Alico Road will not be creditable against road impact fees or DRI proportionate share obligations.

MEMORANDUM

TO: Mr. Jeremy Frantz
RvI Planning + Landscape Architecture

FROM: Ted B. Treesh, PTP
President

DATE: May 3, 2022

RE: Centerplace MPD
Multi-Family to Single Family Conversion
Lee County, Florida

Utilizing the latest version of the Institute of Transportation Engineer's report titled ***Trip Generation Report***, 11th Edition to convert Multi-family dwelling units to Single Family Dwelling Units, converting 609 multi-family dwelling units would yield the equivalent trip generation to allow an additional 313 single family detached dwelling units.

The revised residential density totals within the MPD would then be 854 multi-family dwelling units and 800 single family dwelling units. Table 1 illustrates the weekday AM peak hour trips of the residential uses as currently approved and Table 2 illustrates the weekday AM and PM peak hour trip generation of the revised residential density totals after the conversion, illustrating that there would be no additional traffic impacts from the conversion of multi-family dwelling units to single family dwelling units as proposed. No changes to the Non-Residential uses were made. This residential density remains under the threshold of the 1,950 total permitted units.

Table 1
Centerplace MPD Trip Generation
Approved Residential Uses

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour
Single-Family Detached Housing (487 Dwelling Units)	315	440
Multifamily Housing Low-Rise (1,463 Dwelling Units)	476	650
Total Trips	791	1,090

Source: ITE Trip Generation Report, 11th Edition
LUC 210 for Single Family Detached
LUC 220 for Multi-Family Housing (Low-Rise)

Table 2
Centerplace MPD Trip Generation
Proposed Residential Uses

Land Use	Weekday AM Peak Hour	Weekday PM Peak Hour
Single-Family Detached Housing (800 Dwelling Units)	494	702
Multifamily Housing Low-Rise (854 Dwelling Units)	288	388
Total Trips	782	1,090

Source: ITE Trip Generation Report, 11th Edition
LUC 210 for Single Family Detached
LUC 220 for Multi-Family Housing (Low-Rise)

Attachments

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 192

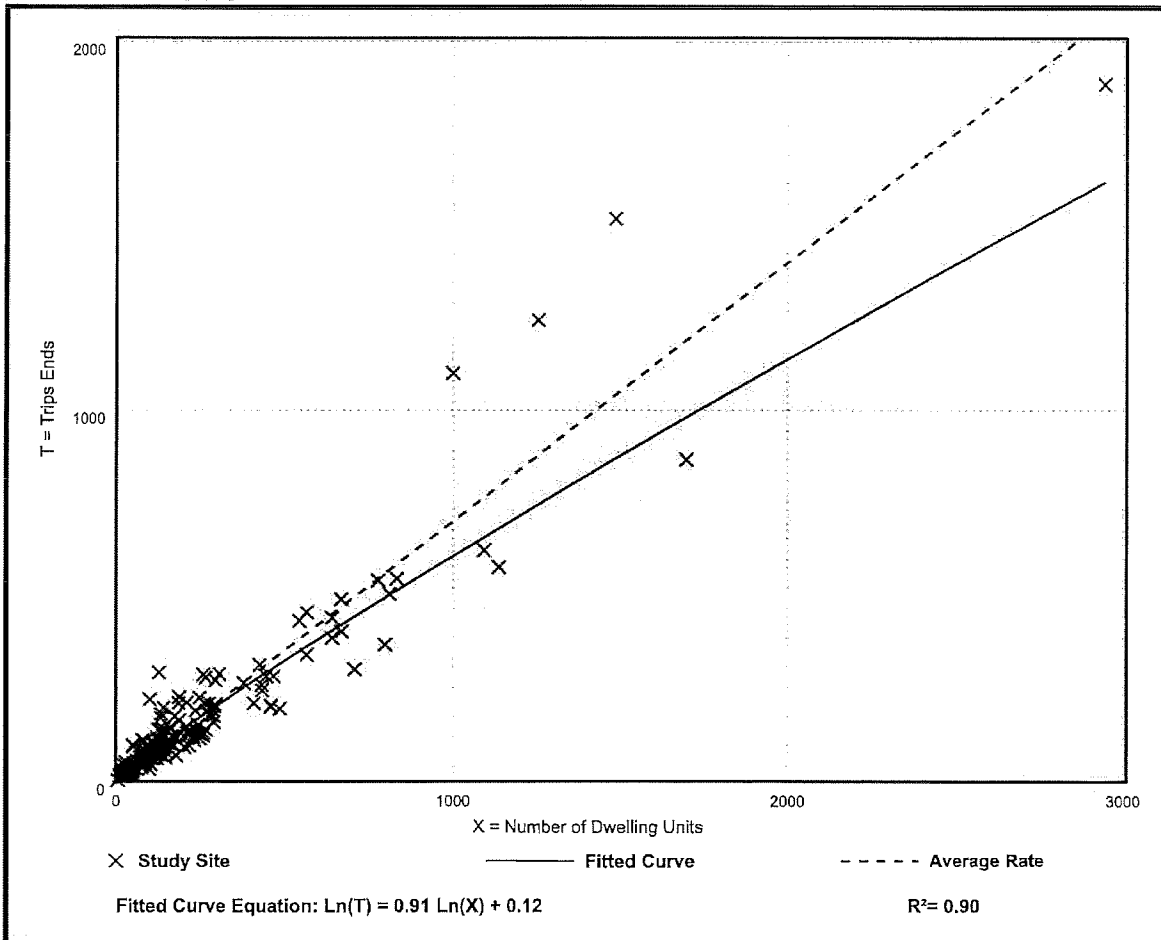
Avg. Num. of Dwelling Units: 226

Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 208

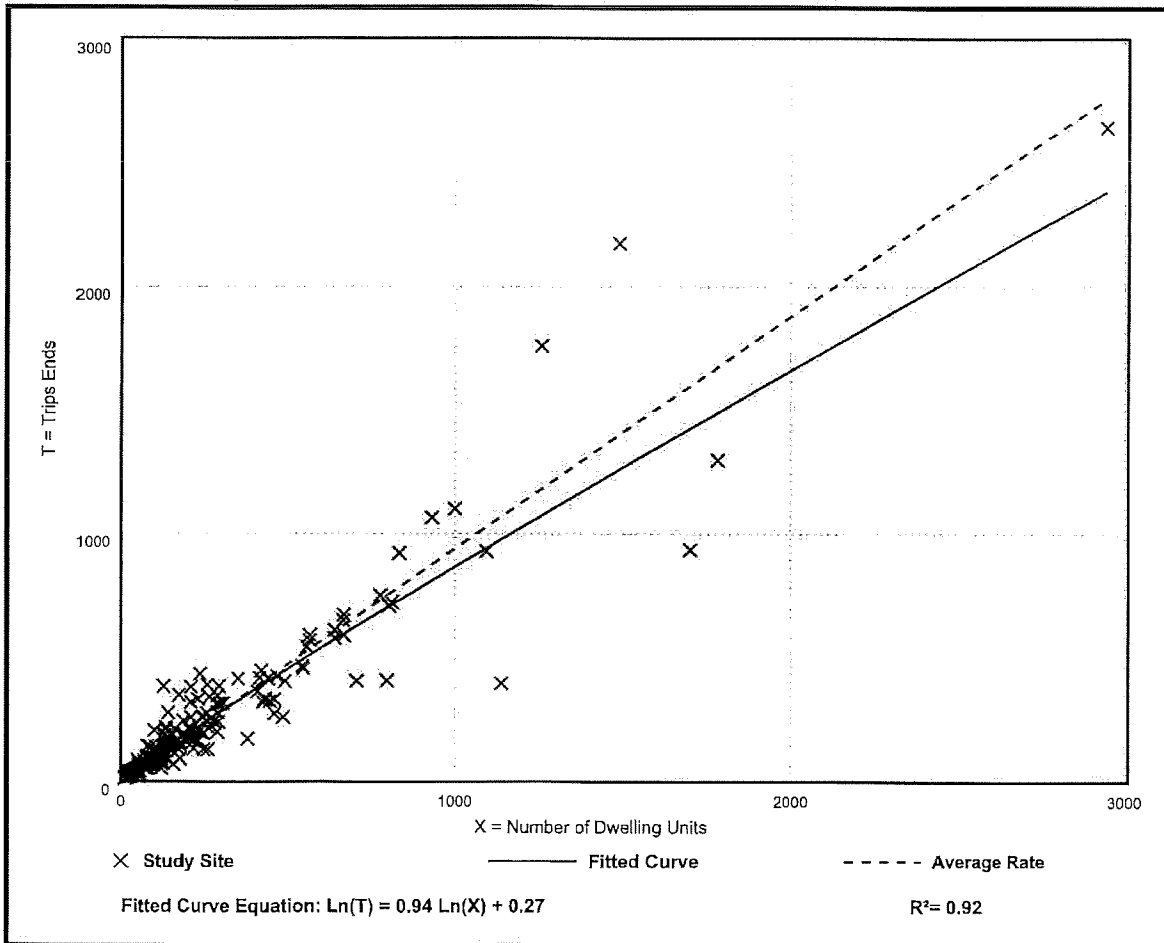
Avg. Num. of Dwelling Units: 248

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 7 and 9 a.m.

Setting/Location: General Urban/Suburban

Number of Studies: 49

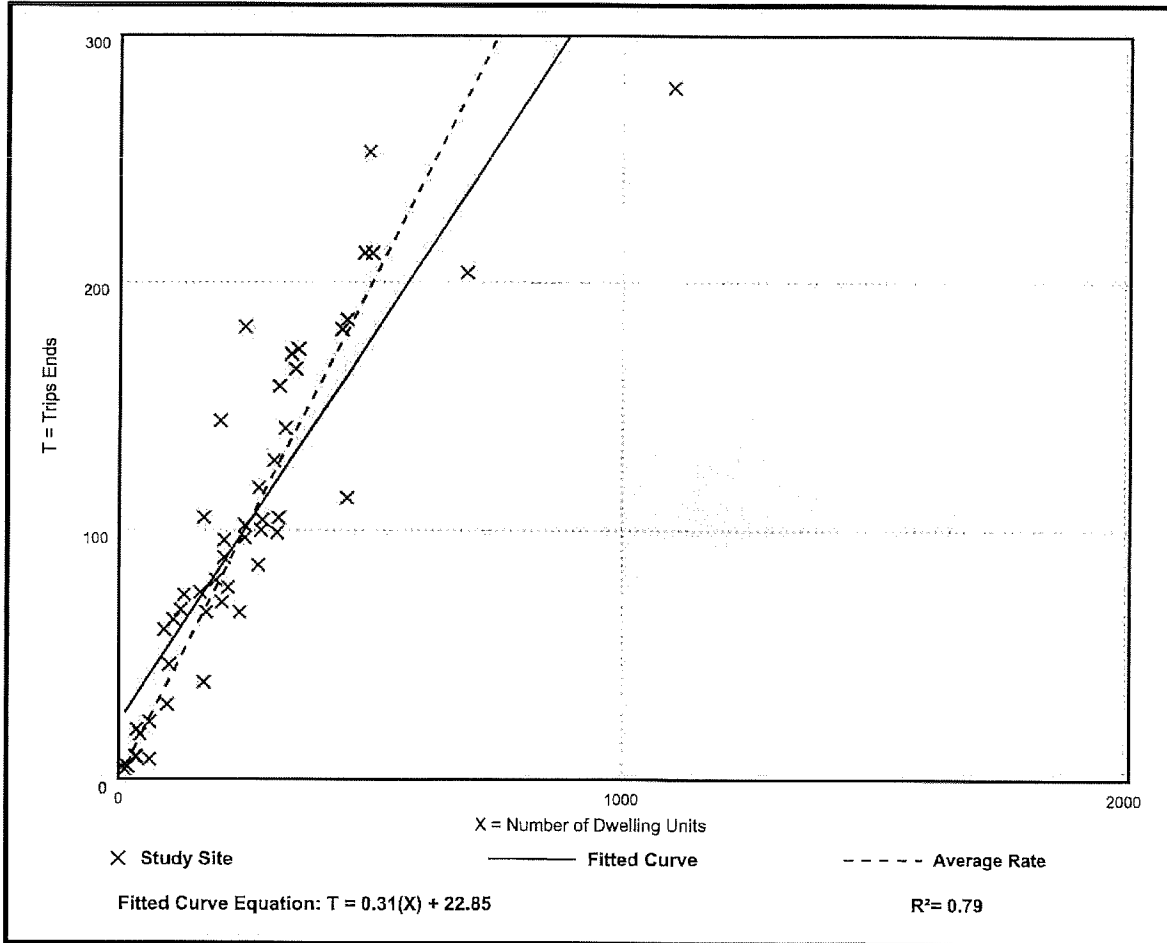
Avg. Num. of Dwelling Units: 249

Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

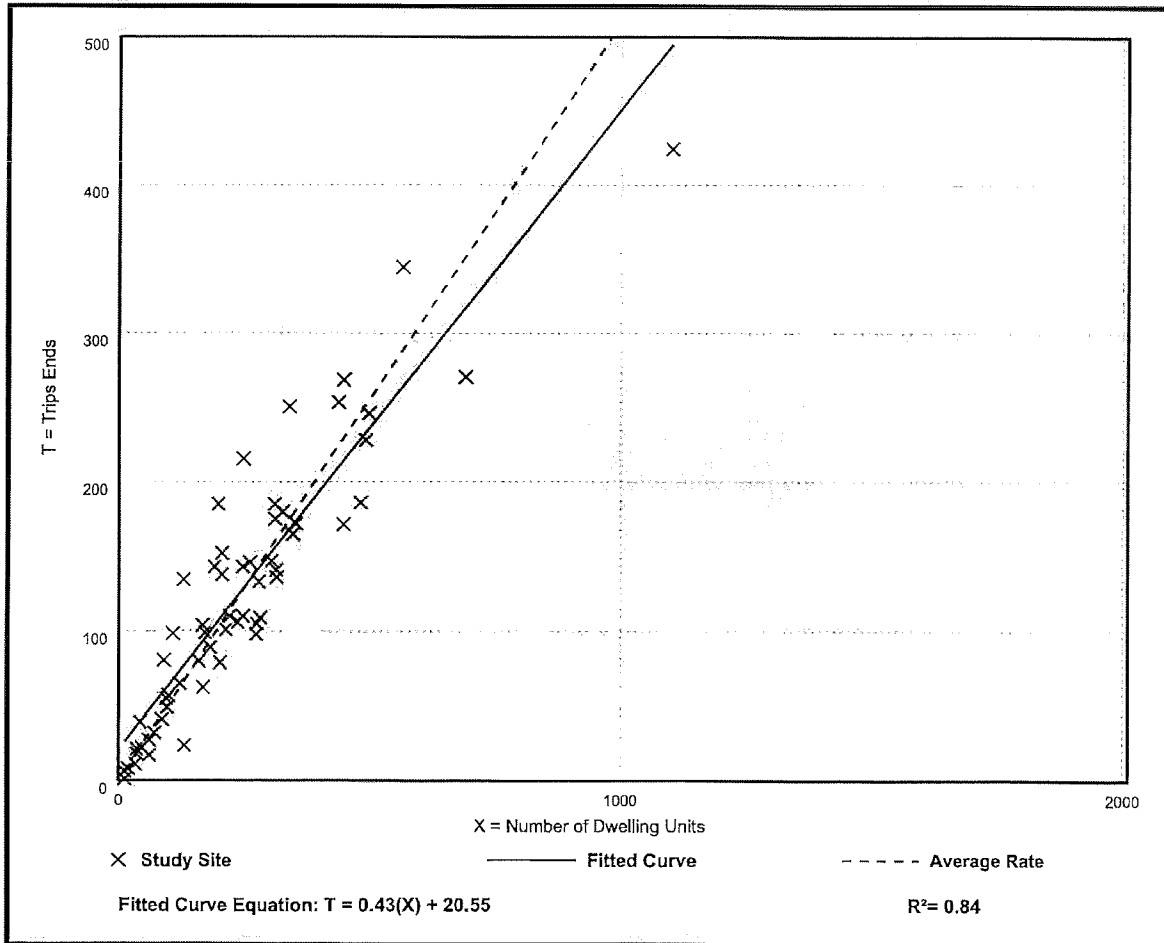
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



CenterPlace

Water Quality Monitoring Program (CenterLake)

March 31, 2016

Goal: To prevent turbidity and excessive pollutants from active CenterPlace construction area(s) and operation of CenterPlace Water Management system from flowing to Lake 5 and entering Lake 6.

1. Establish background conditions:
 - a. Utilize available turbidity level information obtained in CenterLake since 2013 to establish a baseline turbidity level for Lake 5/6 and baseline turbidity levels immediately upstream and downstream of the existing control structure (CS-6) at TP(1) and TP(2).
 - b. Obtain additional turbidity readings monthly until the beginning of construction.
 - c. If necessary, adjust baseline turbidity levels utilizing additional information obtained above. Baseline turbidity level to be established based on this data prior to construction.
 - d. Obtain background (Nitrogen, Phosphorus, % Dissolved Oxygen saturation) in treatment lakes at completion of first two stormwater treatment lakes TP(9) and TP(10) and at each control structure location TP(5), TP(6), TP(7) and TP(8), at the time of each control structure certification.
2. Monitoring during construction:
 - a. Prepare a Water Quality Monitoring Program Map (WQMPPM) which will be used to record data collection.
 - i. Include testing point locations, background turbidity, Nitrogen, Phosphorus and % Dissolved Oxygen saturation levels as available.
 - ii. Delineate location of fine grain soils from previously mapped areas within CenterPlace.
 - iii. Delineate 500 foot offset from CenterLake shoreline control elevation.
 - b. Obtain daily turbidity readings at locations designated on the WQMPPM anytime there is active construction in fine areas. Readings to be obtained at test point locations within 1,000 feet of active construction as shown on the WQMPPM and record.
 - c. Obtain daily turbidity readings at locations designated on the WQMPPM anytime there is construction within the 500 foot offset from CenterLake shoreline control. Readings to be obtained at test point locations within 1,000 feet of active construction as shown on the WQMPPM and record.
 - d. In any instance when turbidity is greater than 29 NTU's above benchmark levels in CenterLake immediately notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109. If the developer's engineer and LCDNR conclude turbidity is caused by CenterPlace, construction activity must cease until the causation is corrected or additional proper BMP's are installed and turbidity is returned to background levels. The developer must also notify the Miromar Lakes Community Development District (CDD) Manager outlining proposed remedial actions to be implemented if the development's engineer and LCDNR conclude excess turbidity is the result of CenterPlace activities.
 - e. Discharge from the CenterPlace surface water management system to Lake 5/6 may only occur through permitted and certified control structures established in ERP #36-03568-P-05. No discharge from construction area(s) is permitted to Lake 5/6. Immediately notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-

8109 of any stormwater discharge from an active CenterPlace construction site to Lake 5/6.

3. Monitoring during Water Management System Operation

- a. Begin turbidity, total phosphorus, total nitrogen, and % Dissolved Oxygen saturation monitoring at each CenterPlace control structure discharge to CenterLake immediately upon certification of each control structure TP(5), TP(6), TP(7) and TP(8) and at the first two CenterPlace treatment lakes construction TP(9) and TP(10).
- b. Monitor water quality levels immediately upstream and downstream of the each active control structure monthly and after any 1" rainfall within 24 hours.
- c. Within four weeks of the beginning of CenterPlace construction water quality samples shall be collected from TP(1) and TP(2) at the center of the water column. Water samples will be analyzed for total phosphorus, total nitrogen, temperature, specific conductance, pH, turbidity, and dissolved oxygen and % Dissolved Oxygen saturation.
- d. Water quality samples will be collected from TP(5), TP(6), TP(7), TP(8), TP(9) and TP(10) at two separate depths (5-feet below surface and 5-feet above bottom depth) from the Lake on a quarterly basis. Water samples will be analyzed for total phosphorus, total nitrogen, and % Dissolved Oxygen saturation. Water quality samples shall also be collected at testing points locations immediately upstream and downstream of CS-6 at TP(1) and TP(2) (only when active discharge from Lake 5/6) and at the two connection points between Lake 5/6 at TP(3) and TP(4) . Water samples to be analyzed for total phosphorus, total nitrogen, temperature, specific conductance, pH, turbidity, dissolved oxygen and % dissolved oxygen saturation. Parameters and test methods are summarized below.

SURFACE WATER

Parameter	Lab or Field	Units	Method
Total Phosphorus	Lab	mg/L as P	EPA 365.4
Total Nitrogen	Lab	mg/L	EPA 351.2/353.2
Temperature	Field	C	EPA 170.1
Specific Conductance	Field	mhos/cm	EPA 120.1
pH	Field	pH u nits	EPA 150.1
Turbidity	Field	NTU	EPA 180.1
Dissolved Oxygen, electrode and % saturation	Field	mg/L & %	EPA 360.1

- e. Water samples will be collected and handled following protocols contained in Florida Department of Environmental Protection (FDEP) Quality Assurance Rule F.A.C. 62-160 and adopted as the 2014 FDEP Standard Operating Procedures for Field Activities (DEP-SOP-001/01), effective 7/30/2014. Water samples will be tested by a certified laboratory under the National Environmental Laboratory Accreditation Program (NELAP) using approved test methods and quality assurance requirements (i.e. blanks, sample duplicates, surrogates, matrix spikes etc.) as contained in F.A.C 62-160 QA Rules.
- f. Results of water sampling will be compared to applicable FDEP target levels, if listed. Parameters that do not have numeric target levels will be evaluated for trends. The surface water and groundwater laboratory results will undergo statistical analyses to aid in evaluating trends. Statistical methods to be used include determination of standard deviations, linear regressions, and calculation of confidence intervals. Once a sufficient data population of sample analyses has been compiled, these statistical tools will be employed to assist in analyzing the data to identify trends and aid in identifying potential

concerns. Results of analysis and trend analysis when developed will be provided to LCDNR in the quarterly sampling report submittal. In addition, if parameters exceed listed FDEP numeric target levels (DO, turbidity, specific conductance, and pH) during sample collection, the sample results will be confirmed in the field. If the parameters still exceed the listed target level, the Director of LCDNR will be notified within 48 hours.

- g. Water Quality Monitoring may cease for each individual CenterPlace control structure 5 years after certification if during those 5 years after each certification no readings result in a turbidity level greater than 29 NTU's above background levels. Should excess levels be recorded during the 5 year monitoring period, monitoring may only cease 2 years after the date of the excess recording. All requirements of all monitoring programs shall cease 5 years after final certification of the entire surface water management system.

4. Operational Contingency Plan

- a. Action required if at any time turbidity in CenterLake is recorded at or above 29 NTU's above background levels.
 - i. Deploy floating turbidity barriers at TP(3) and TP(4) shown on WQMPM immediately.
 - ii. Determine cause of turbidity and if due to CenterPlace operation take immediate corrective action using appropriate BMP's.
 - iii. Remove floating turbidity barriers after correcting source of turbidity, employing appropriate BMP and determine that turbidity levels have returned to baseline levels.
- b. Action required if water quality parameters exceed normal treatment levels.
 - i. Water quality changes in pH, DO, specific conductance, temperature, phosphorus, and nitrogen can occur from a wide range of sources, including local weather conditions, onsite activities, and offsite activities. Therefore, water quality degradation will be addressed by conducting an investigation into the potential cause of the water quality change.
 - ii. Should field parameters exceed listed FDEP target levels, the samples will be recollected in the field and the values confirmed. If exceedances are confirmed, the Director of LCDNR will be notified.
 - iii. Should trends increase above statistical confidence levels for parameters with non-numeric target levels, the Director of LCDNR will be notified within 48 hours.
 - iv. If exceedances of field parameters are confirmed and/or trends of parameters with non-numeric target levels increase above statistical limits, investigate potential causes of exceedances. The investigation will include review of nearby atmospheric data, and inspections for potential onsite and adjacent site activities that could have resulted in change in water quality. The investigation will confirm if onsite activities are suspected of causing the water quality change. If onsite activities are suspected to have contributed to the change in water quality, the Developer will provide the Director of LCDNR with a corrective action plan. The Developer will provide status updates and results of the evaluation of potential causes of water quality changes.

5. Monitoring Requirements for Excess Soil Removal Plan (Site Development Plan for CenterPlace Master Earthwork):

- a. This motoring plan may be utilized if an Excess Soil Removal Plan includes a temporary Stormwater Management System designed to fully retain all stormwater runoff from the

disturbed site utilizing a perimeter berm to be constructed as the first activity of the Excess Soil Removal Plan.

- b. Monitoring for the Excess Soil Removal Plan will initially include all testing required above until such time as the perimeter berm defining the temporary retention system is completed and stabilized.
- c. After completion and stabilization of the berm, monitoring shall include monthly inspections of the berm between the months of May and October, inclusive.
- d. The Monitoring shall remain in place until a Lee County Certificate of Completion from the Excess Soil Removal Plan is approved within the Excess Soil Removal area and construction of such improvements begin.

Carl A. Barraco, P.E.
FL Registration No. 38536
FL Certificate of Authorization No. 7995
Barraco and Associates, Inc.
2271 McGregor Boulevard, Suite 100
Fort Myers, Florida 33901

CenterPlace
Turbidity (CenterLake)

Test Location	Date	Turbidity (NTU)	Date	Turbidity (NTU)	Date	Turbidity (NTU)	Date	Turbidity (NTU)
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								
TP1								
TP2								
TP3								
TP4								
TP5								
TP6								
TP7								
TP8								

CenterPlace
Water Quality Data CenterLake

Testing Point 3 (TP3)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 4 (TP4)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 5 (TP5)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

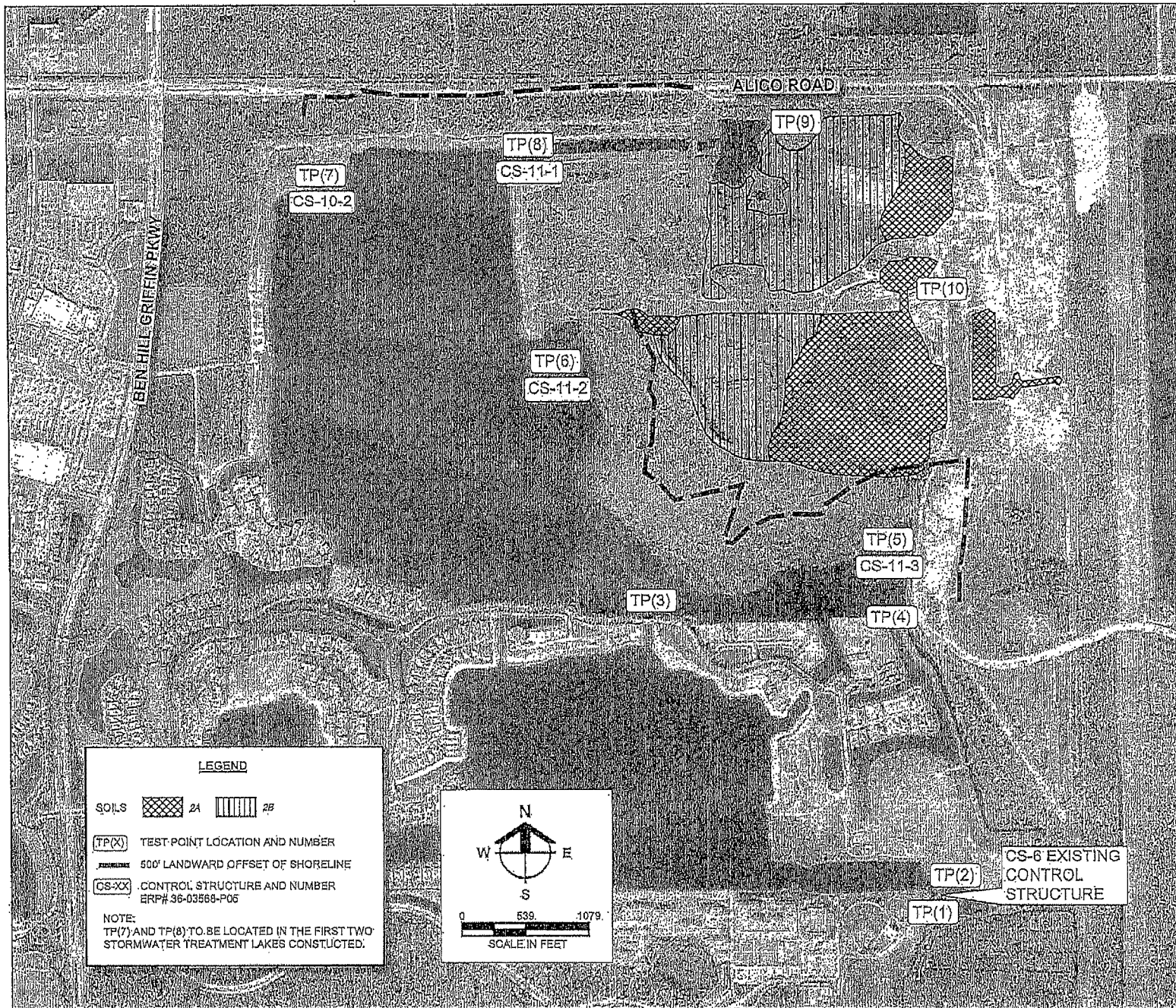
Testing Point 6 (TP6)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 7 (TP7)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 8 (TP8)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 9 (TP9)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.

Testing Point 10 (TP10)				
Date	Total Phosphorus (mg/L as P)	Total Nitrogen (mg/L)	Dissolved Oxygen (DO) (mg/L)	% Dissolved Oxygen Sat.



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and Associates, Inc.
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LAND PLANNING - LANDSCAPE DESIGN
www.barraco.net

2271 MCGREGOR BLVD., SUITE 100
FORT MYERS, FLORIDA 33903-3800
PHONE (239) 461-6179
FAX (239) 471-3165

FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 7098 - SURVEYING L3-4940
PREPARED FOR:

**PRIVATE EQUITY
GROUP, L.L.C.**

12800 UNIVERSITY DRIVE
SUITE 275
FORT MYERS, FLORIDA 33907

PHONE (239) 900-0000
FAX (239) 900-0005

PROJECT DESCRIPTION



PART OF SECTIONS 11, 12, & 13
TOWNSHIP 40 SOUTH, RANGE 28 EAST
LEE COUNTY, FLORIDA

NOT TO BE USED WITHOUT BARRACO SEAL, SIGNATURE AND DATE
NO CORRECTIONS TO THIS DRAWING AND ASSOCIATED L&P
FOR ADDITIONAL CHANGES OR REVISIONS ARE PERMITTED

REVISION	DATE	DESCRIPTION
1	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
2	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
3	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
4	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
5	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
6	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
7	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
8	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
9	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
10	10/1/01	WATER QUALITY MONITORING PROGRAM MAP

PLAN NUMBER	DATE	DESCRIPTION
1	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
2	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
3	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
4	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
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6	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
7	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
8	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
9	10/1/01	WATER QUALITY MONITORING PROGRAM MAP
10	10/1/01	WATER QUALITY MONITORING PROGRAM MAP

PLAN STATUS

**WATER QUALITY
MONITORING
PROGRAM MAP**

PROJECT / FILE NO. 23115
DATE PREPARED

CenterPlace

Emergent Vegetation Monitoring Program (CenterLake)

March 31, 2016

Goal: To maintain the existing emergent vegetation (line and density) which serves as a shoreline buffer in order to avoid shoreline erosion.

1. Establish Baseline

- a. Establish limits and density of existing emergent vegetation based on 3 most recent available aerial photographs.
- b. Superimpose 3 emergent vegetation lines as established above and determine common line to be used as a historic baseline, noting any areas of low density.
- c. Establish fixed points in the field (anchor with float marker or PVC pipe) along the current emergent vegetation line, at 500 foot intervals.
- d. Prepare an Emergent Vegetation Baseline Map to identify existing baseline emergent vegetation (line and density) including field marker locations with point coordinates.

2. Monitor Schedule

- a. Compare emergent vegetation baseline map with new aerial photographs as they become available.
- b. Inspect emergent vegetation markers at 6 month intervals and record any deviation in location of emergent vegetation. Inspection to begin within four weeks of commencement of construction within the CenterPlace project.
- c. Investigate any apparent movement in emergent vegetation greater than 10 feet horizontal from baseline data.
- d. Investigate any apparent decrease in vegetation density area greater than 5% of the existing emergent vegetation area.

3. Contingency Plan

- a. In event of a change in the emergent vegetation line or density as established above immediately (within 24 hours) notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109 and consult with project Environmental Consultant.
- b. Determine cause of emergent vegetation movement.
 - i. Document cause.
 - ii. If movement of emergent vegetation is determined to be caused by CenterPlace construction activity, as determined by the developer's Environmental Consultant, employ additional appropriate BMP's relative to construction activity.
 - iii. Monitor monthly until determination is made that the cause of emergent vegetation movement is remediated.
- c. Replacement of lost emergent vegetation

- i. If more than 25% of emergent vegetation (linear measurement from baseline to shoreline) or 10% of density area is lost due to CenterPlace construction activity or operation of the CenterPlace surface water management system address as recommended by the CenterPlace Environmental Consultant.

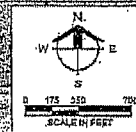
Carl A. Barraco, P.E.
FL Registration No. 38536
FL Certificate of Authorization No. 7995
Barraco and Associates, Inc.
2271 McGregor Boulevard, Suite 100
Fort Myers, Florida 33901

CenterPlace

Emergent Vegetation Monitoring Program (CenterLake)

Point#	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)	Date	Δ (Ft)
1														
2														
3														
4														
5														
6														
7														
8														
9														
10														
11														
12														
13														
14														
15														
16														
17														
18														

Vegetation Density Notes (Date and qualitative analysis):



Barraco
and Associates, Inc.
Civil Engineering, Land Surveying
and Planning & Landscape Design
www.barraco.net
2071 WOODCOCK BLVD., SUITE 100
FORT MYERS, FLORIDA 33908
PHONE (239) 414-1171
FAX (239) 414-1172
FLORIDA CERTIFICATE OF AUTHORIZATION
ENGINEERING 1214 - SURVEYING & LAND
PLANNING & LANDSCAPE DESIGN
NUMBER 1101

**PRIVATE EQUITY
GROUP, L.L.C.**

ONE UNIVERSITY DRIVE
SUITE 215
FORT MYERS, FLORIDA 33907

PHONE (239) 336-8888
FAX (239) 336-8888

PROJECT INFORMATION


CenterPlace

PART OF SECTIONS 11, 12, & 13;
TOWNSHIP 46 SOUTH, RANGE 23 EAST
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

THE LAYOUT AND LAND USE
INTENTIONS OR BENEFITS MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
ENVIRONMENTAL AND / OR
REGULATORY CONSTRAINTS,
AND / OR OPPORTUNITIES.

**NOT FOR
CONSTRUCTION**

DATE: 01/15/2010
DRAWN: J. BARRACO
CHECKED: J. BARRACO
DATE: 01/15/2010
SCALE: AS SHOWN

DATE: 01/15/2010

DATE: 01/15/2010

DATE: 01/15/2010

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DATE: 01/15/2010

DATE: 01/15/2010

DATE: 01/15/2010

DATE: 01/15/2010

DATE: 01/15/2010

CenterPlace

Shoreline Location Monitoring Program (CenterLake)

March 31, 2016

Goal: To maintain the location of the existing shoreline during construction and operation of the CenterPlace water management system.

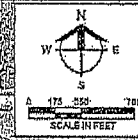
1. Establish Baseline
 - a. Establish characteristics of the CenterPlace shoreline based on 3 most recent available aerial photographs.
 - b. Superimpose shoreline as established above and determine common line to be used as baseline.
 - c. Establish shoreline fixed points in the field 1) along the shoreline control elevation 18.0 NGVD contour and 2) 20' landward of the 18.0' contour at 500 foot intervals and record point coordinates on Shoreline Location Monitoring Map.
2. Monitor Schedule
 - a. Inspect each shoreline elevation marker at 6 month intervals. Inspection to begin within four weeks of commencement of construction within the CenterPlace project.
 - b. Record any apparent change in shoreline elevation.
3. Contingency Plan
 - a. In the event of a vertical change in the shoreline line established above, greater than or equal to 0.30' investigate cause. Immediately, (within 24 hours) notify the Director of Lee County Department of Natural Resources (LCDNR) at 239-533-8109.
 - b. Determine cause of shoreline movement;
 - i. Document cause
 - ii. If the Director of LCDNR and the Developer's Engineer conclude shoreline movement was caused by construction or operation of the CenterPlace surface water management system, employ additional BMP's to mitigate shoreline movement.
 - iii. Monitor weekly until determination is made that cause of shoreline movement is remediated.
 - c. The developer must notify the Miromar Lakes CDD Manager in the event shoreline mitigation is warranted as a result of construction or operation of the CenterPlace water management system.

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FL Registration No. 38536
FL Certificate of Authorization No. 7995
Barraco and Associates, Inc.
2271 McGregor Boulevard, Suite 100
Fort Myers, Florida 33901

CenterPlace

Shoreline Location Monitoring Data (CenterLake)

Date	18' Contour Point#	Δ (Ft)	20' Landward Point #	Δ (Ft)
	1		1-20	
	2		2-20	
	3		3-20	
	4		4-20	
	5		5-20	
	6		6-20	
	7		7-20	
	8		8-20	
	9		9-20	
	10		10-20	
	11		11-20	
	12		12-20	
	13		13-20	
	14		14-20	
	15		15-20	
	16		16-20	
	17		17-20	
	18		18-20	



Barraco
and Associates, Inc.
CIVIL ENGINEERING, LAND SURVEYING
LAND PLANNING, LANDSCAPE ARCHITECTURE
www.barraco.net
2010 MONROE BLVD., SUITE 310
PORT ST. LUCIE, FLORIDA 34952-0505
PHONE: (888) 452-3177
FAX: (888) 451-3180

PLANS ON BEHALF OF THE STATE OF FLORIDA
DESIGNED AND DRAWN BY: JAMES L. BARRACO
REGISTERED PROFESSIONAL ENGINEER
NO. 12345
FLORIDA
DATE: 10/1/2010

PRIVATE EQUITY GROUP, L.L.C.

2010 UNIVERSITY DRIVE
SUITE 300
PORT ST. LUCIE, FLORIDA 34957

PROJECT NO. 2010-001
DATE: 10/1/2010

PROJECT DESCRIPTION:



PART OF SECTION 14, T2S, R13E
SECTION 40 SOUTH, TANGEE TOWNSHIP
LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
INTENDED FOR CONCEPTUAL
PLANNING PURPOSES ONLY.

SITE LAYOUT AND LAND USE
INTENTIONS OR IDENTITIES MAY
CHANGE SIGNIFICANTLY BASED
UPON SURVEY, ENGINEERING,
ENVIRONMENTAL, AND/OR
REGULATORY CONSTRAINTS
AND/OR OPPORTUNITIES.

**NOT FOR
CONSTRUCTION**

NOTED: THIS IS A PRELIMINARY PLAN AND
DO NOT RELY ON IT FOR CONSTRUCTION. THE
DESIGNER ASSUMES NO LIABILITY FOR ANY
CONSTRUCTION DEFECTS OR OMISSIONS.
DATE: 10/1/2010

LOCATION: 2010 UNIVERSITY DRIVE
PORT ST. LUCIE, FLORIDA 34957

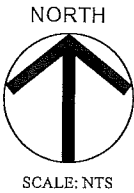
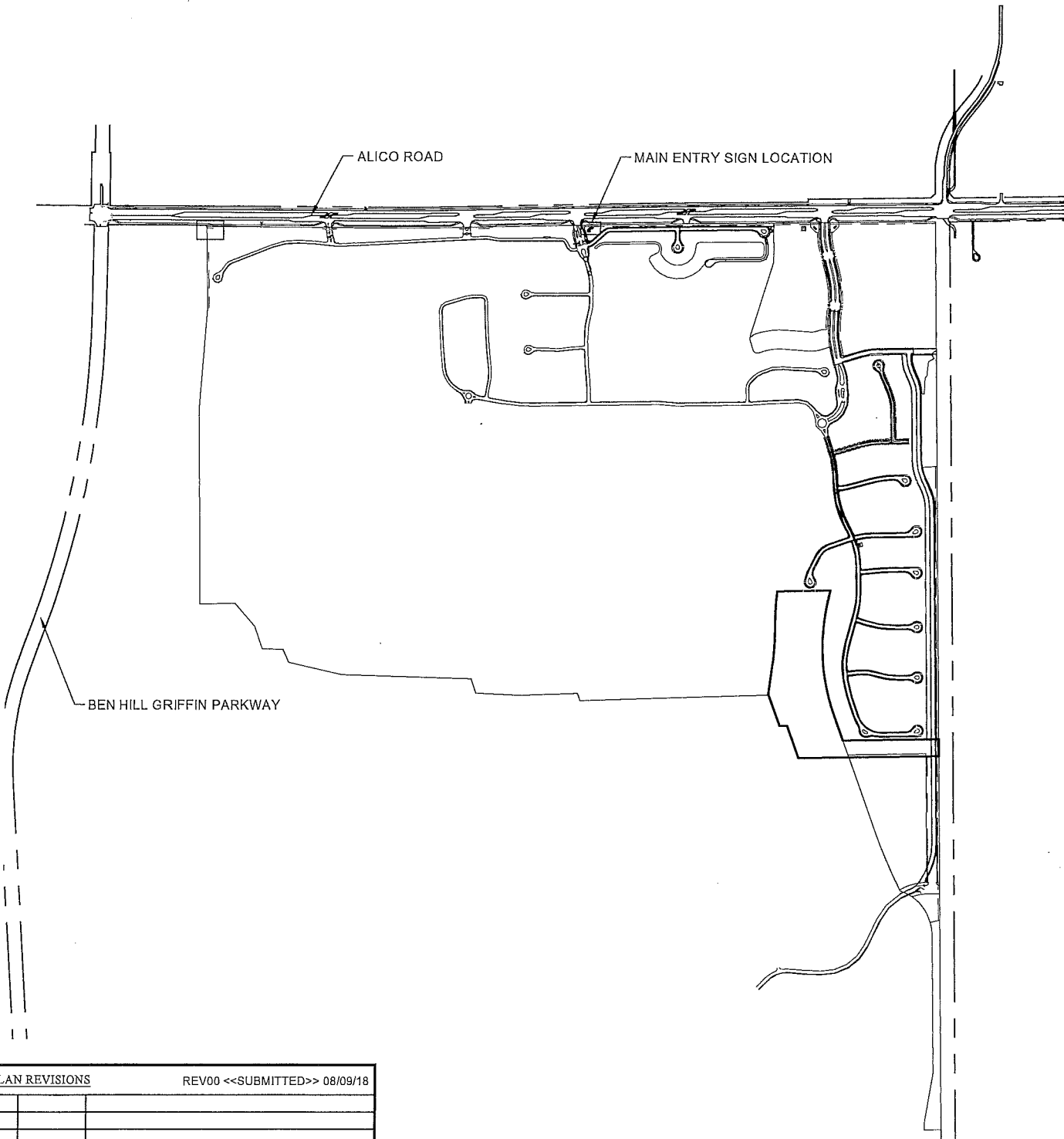
DATE: 10/1/2010

DESIGNER: JAMES L. BARRACO

NO.	DESCRIPTION
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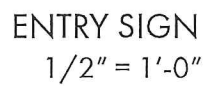
**SHORELINE
LOCATION
MONITORING MAP**

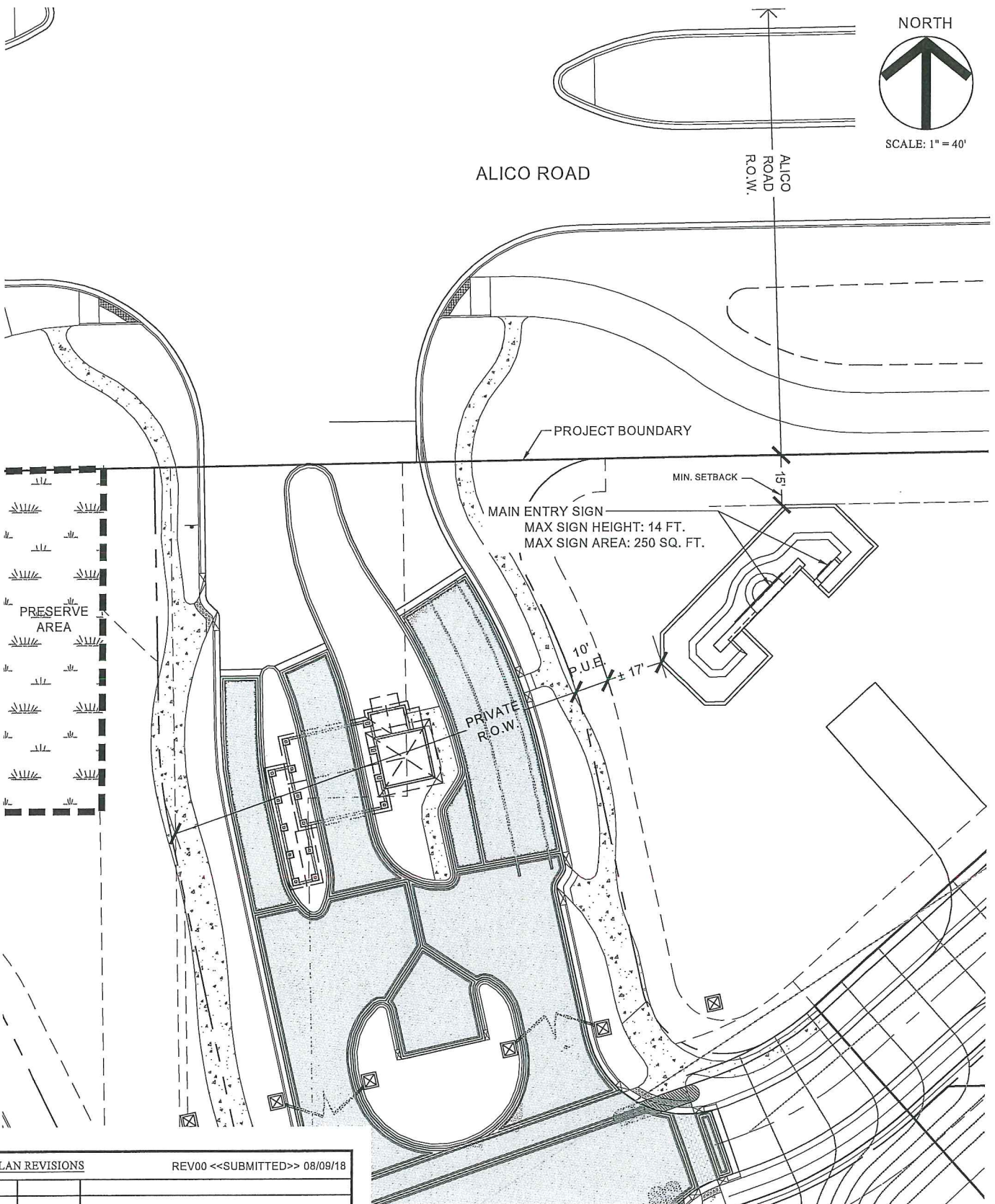
PROJECT NO. 2010-001
DATE: 10/1/2010



PLAN REVISIONS		REV00 <<SUBMITTED>> 08/09/18

CENTERPLACE (ESPLANADE LAKE CLUB)		MAIN ENTRY SIGN EXHIBIT ONE		
PREPARED FOR: TAYLOR MORRISON OF FLORIDA, INC. 551 NORTH CATTLEMEN ROAD - SUITE 200 SARASOTA, FLORIDA 34232	SECTION: 11, 12 & 13	TOWNSHIP: 46S	RANGE: 25E	
	LEE COUNTY, FLORIDA			
	FILE NAME:	68403E04.dwg		
	SHEET:	1 OF 2		
		FLORIDA CERTIFICATE OF AUTHORIZATION #8636		
		 CIVIL ENGINEERING PLANNING LANDSCAPE ARCHITECTURE		
		28100 BONITA GRANDE DRIVE - SUITE 305 BONITA SPRINGS, FL 34135 P: 239-405-7777 F: 239-405-7899 EMAIL: info@waldropengineering.com		





PLAN REVISIONS REV00 <<SUBMITTED>> 08/09/18

CENTERPLACE (ESPLANADE LAKE CLUB)

MAIN ENTRY SIGN EXHIBIT ONE

PREPARED FOR:
TAYLOR MORRISON OF FLORIDA, INC.
551 NORTH CATTLEMEN ROAD - SUITE 200
SARASOTA, FLORIDA 34232

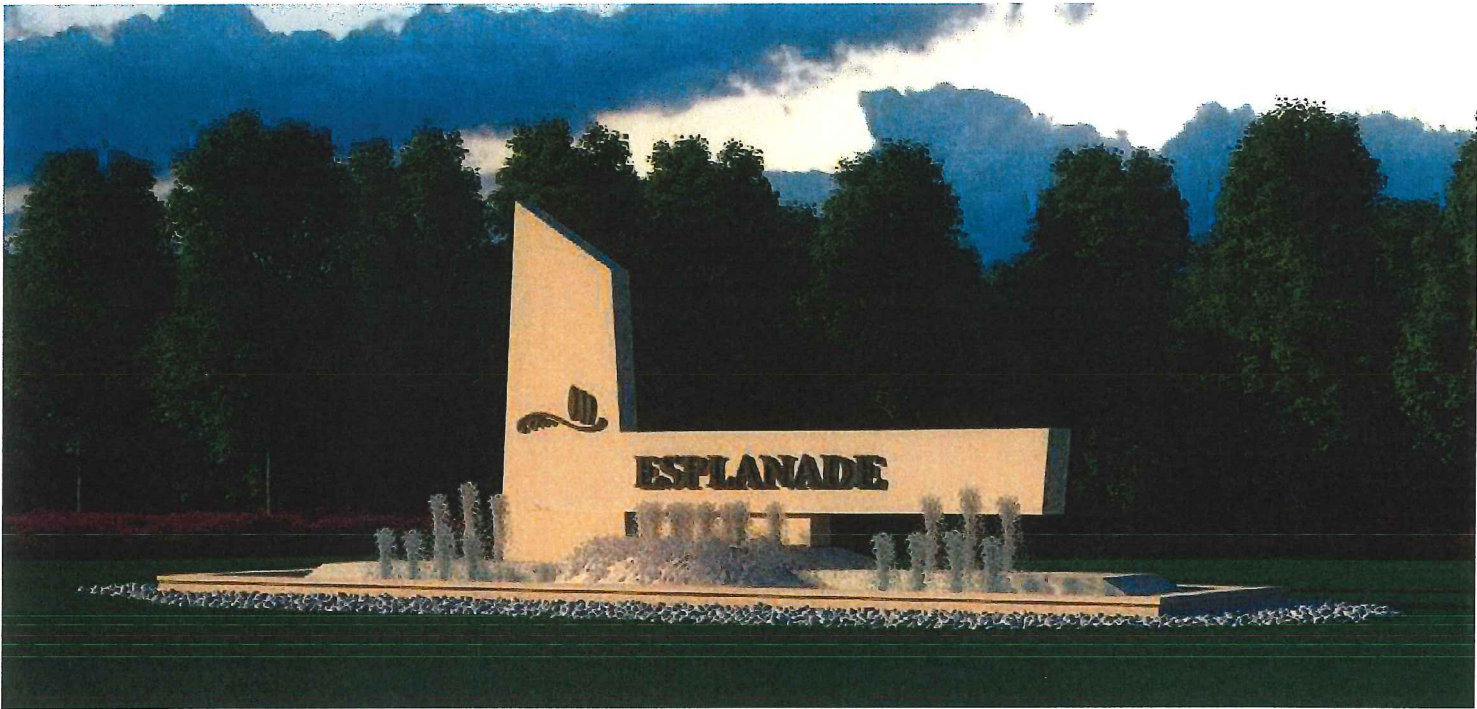
SECTION: TOWNSHIP: RANGE:
11, 12 & 13 46S 25E
LEE COUNTY, FLORIDA
FILE NAME: 68403E04.dwg
SHEET: 2 OF 2

FLORIDA CERTIFICATE OF AUTHORIZATION #8636

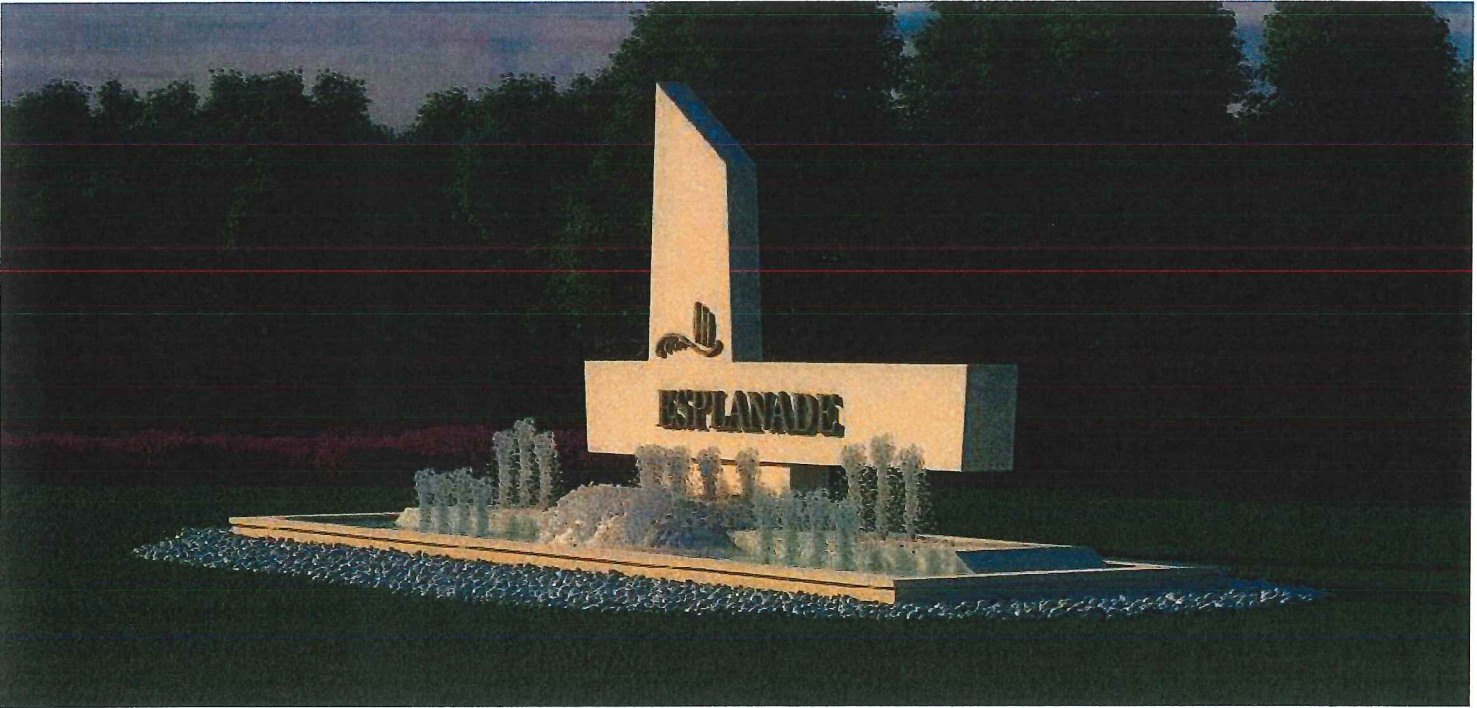
EXHIBIT "B"

WALDROP
ENGINEERING
CIVIL ENGINEERING | PLANNING | LANDSCAPE ARCHITECTURE

28100 BONITA GRANDE DRIVE - SUITE 305
BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899
EMAIL: info@waldropengineering.com



ENTRY MONUMENT VIEW FROM ALICO ROAD

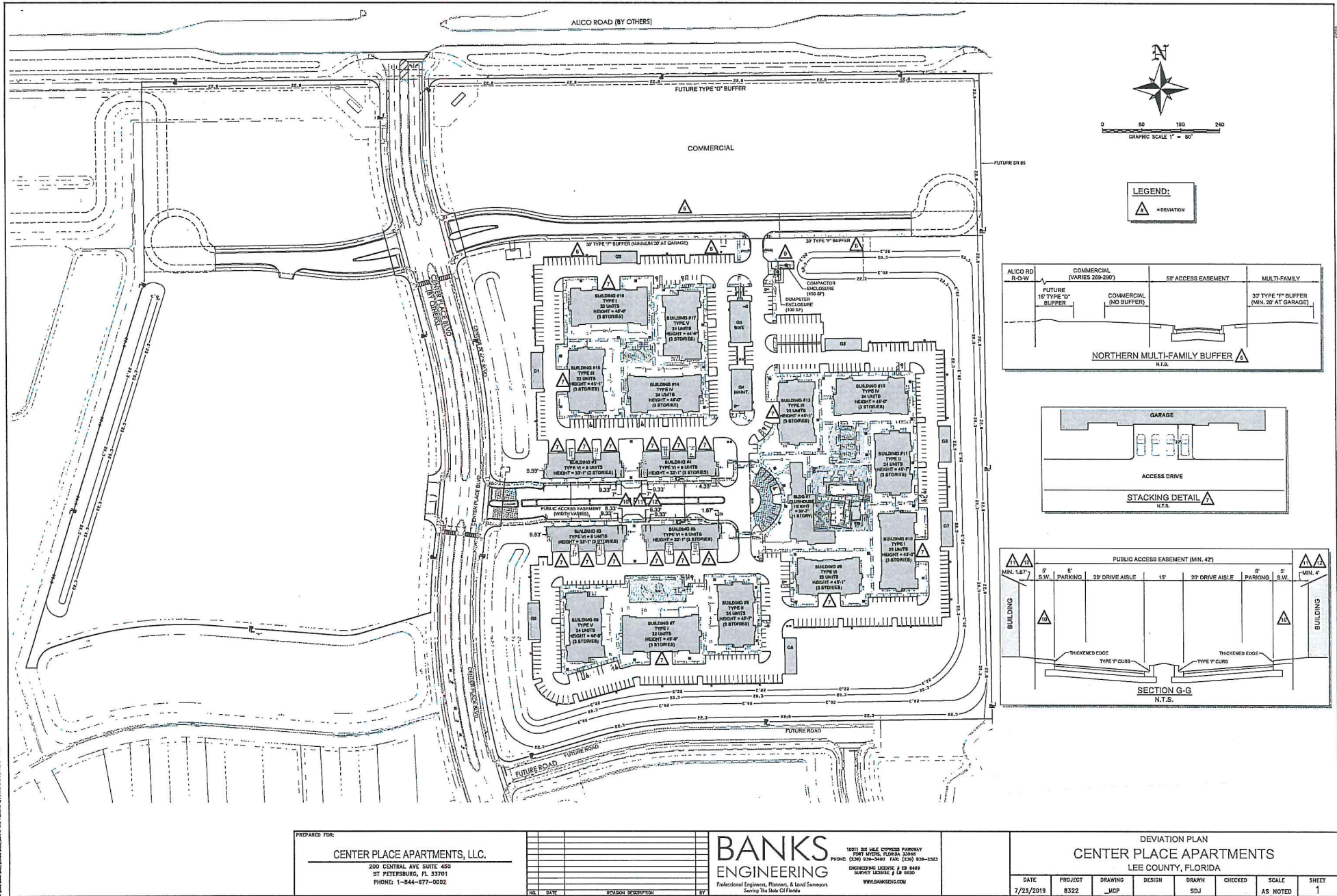


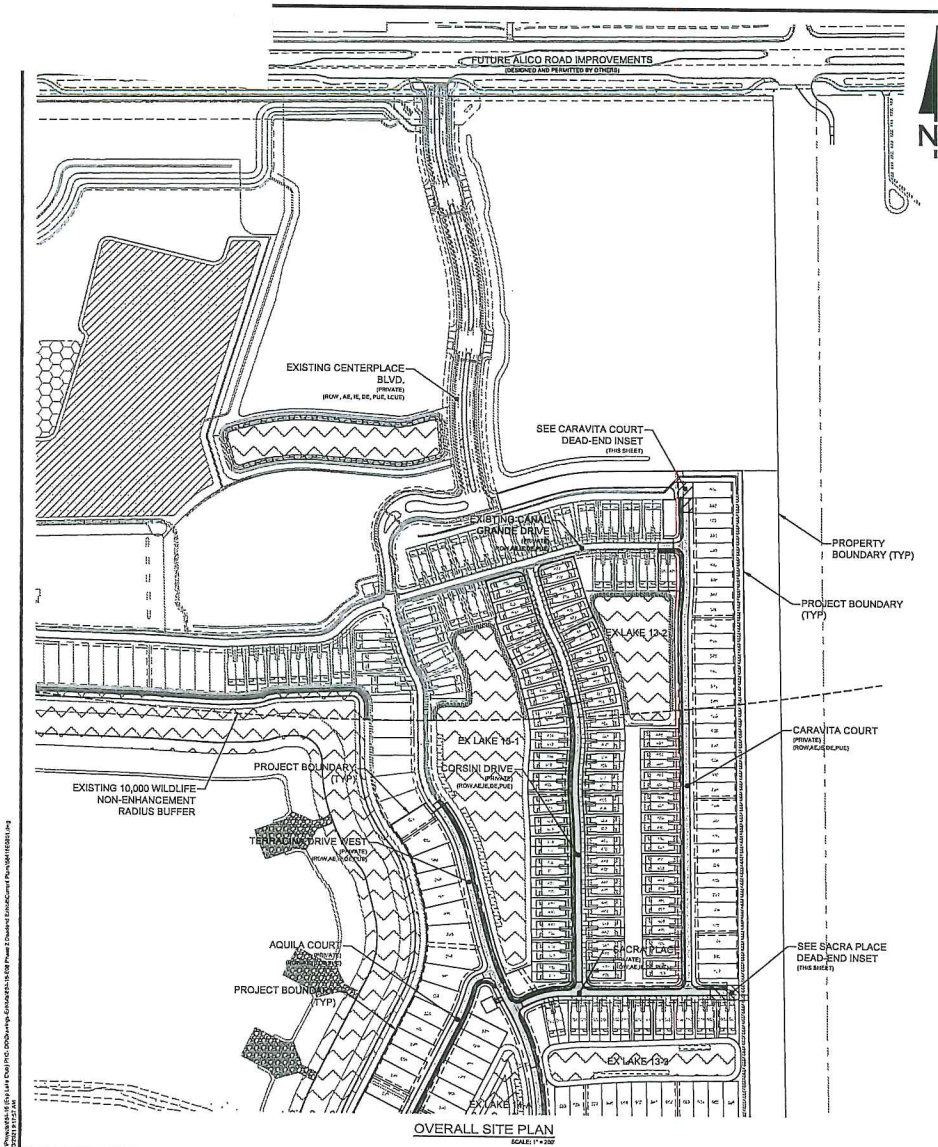
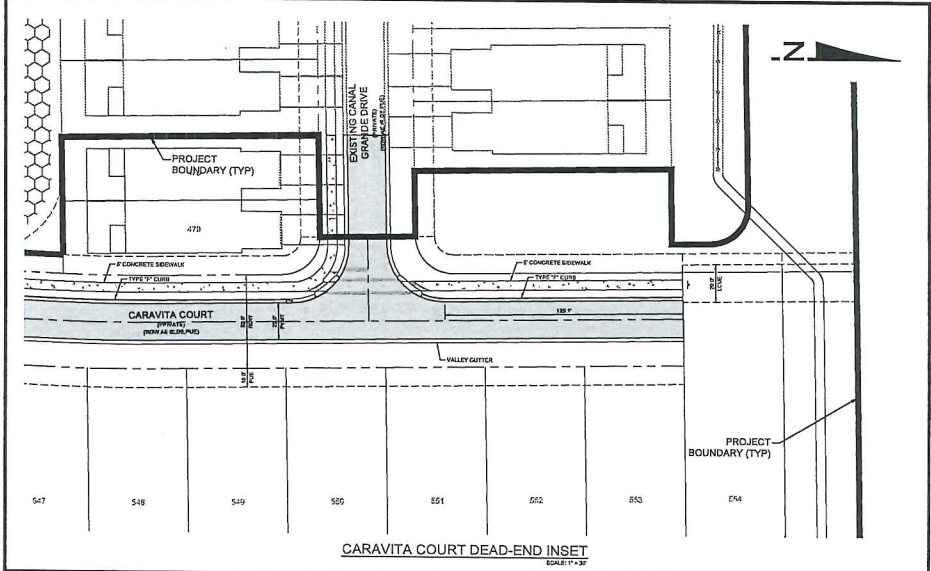
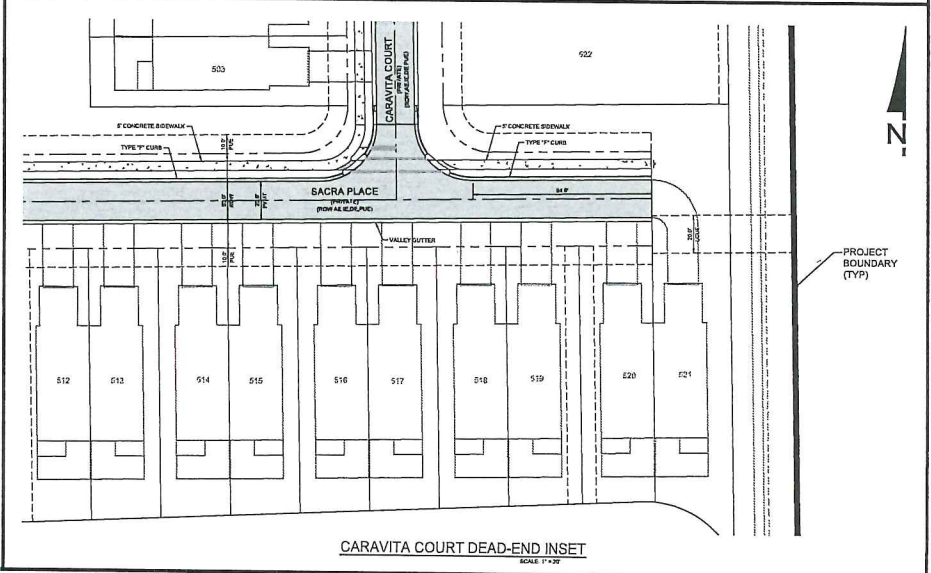
ENTRY MONUMENT VIEW FROM ENTRY DRIVE

August 14, 2018 9:15 AM I:\Projects\484-03\CenterPlace\Exhibit Two\Drawings\Exhibit_484-03_004-EntryMonument-Sketch_Compiled.dwg V:\484-03\Drawings\Exhibit_484-03_004-EntryMonument-Sketch_Compiled.dwg

11









APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: CenterPlace MPD Amendment

Request: Rezone from: AG-2 To: Center Place MPD

Type: ☐ Major PD ☐ Minor PD ☐ DRI w/Rezoning ☐ PRFPD
☐ Major PD Amendment ☒ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

The Applicant proposes to add 40 acres to the CenterPlace MPD and reduce the maximum density to 1,654.

.....

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Taylor Morrison of Florida, Inc. c/o Charles Cook
Address: 28100 Bonita Grande Dr.
City, State, Zip: Bonita Springs, FL 34135
Phone Number: (239) 822-1508
E-mail Address: chcook@taylormorrison.com

B. Relationship of Applicant to owner (check one) and provide [Affidavit of Authorization](#) form:

- ☐ Applicant is the sole owner of the property. [34-201(a)(1)a.1.]
- ☒ Applicant has been authorized by the owner(s) to represent them for this action. [34-202(a)(3)]
- ☐ Application is County initiated. Attach BOCC authorization.

C. Authorized Agent: (If different than applicant) Name of the person who is to receive all County-initiated correspondence regarding this application. [34-202(a)(4)]

1. Company Name: RVi Planning + Landscape Architecture
Contact Person: Jeremy Frantz, AICP
Address: 28100 Bonita Grande Dr., Ste 305
City, State, Zip: Bonita Springs, FL, 34135
Phone Number: (239) 319-0026 Email: jfrantz@rviplanning.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

- A. Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: Florida Gulf Coast University Foundation, Inc. c/o Katherine Green

Address: 10501 FGCU Blvd., S

City, State, Zip: Fort Myers, FL, 33965

Phone Number: (239) 590-1064

Email: kcgreen@fgcu.edu

- B. Disclosure of Interest [34-202(a)(2)]:**

☒ Attach [Disclosure of Interest](#) Form.

- C. Multiple parcels:**

☒ Property owners list. [34-202(a)(8)]

☐ Property owners map. [34-202(a)(8)]

- D. Certification of Title and Encumbrances [34-202(a)(7)]**

1. Title certification document, no greater than 90 days old.

2. Date property was acquired by present owner(s): 5/27/2014

**PART 3
PROPERTY INFORMATION**

- A. STRAP Number(s):** [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

13-46-25-00-00001.0110

- B. Street Address of Property:** Undetermined

- C. Legal Description (must submit) [34-202(a)(5)]:**

☒ Legal description (metes and bounds) (8½"x11") and sealed sketch of the legal description.

OR

☐ Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. ([Click here](#) to see an example of a legal description with no metes and bounds.)

AND

Boundary Survey [34-202(a)(6)]:

☒ A Boundary survey, tied to the state plane coordinate system.

OR

☐ Not required if the property is located within a subdivision platted per F.S. Chapter 177.

- D. Surrounding property owners** (within 500 feet of the perimeter of the subject parcel or portion thereof that is subject of the request):

1. ☒ List of surrounding property owners. [34-202(a)(9)]

2. ☒ Map of surrounding property owners. [34-202(a)(9)]

3. ☒ One set of mailing labels. [34-202(a)(9)]

Note: When the case is found complete/ sufficient, a new list and mailing labels must be submitted.

- E. Current Zoning of Property:** AG-2

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

- F. Use(s) of Property:**

1. Current uses of property are: Vacant

2. Intended uses of property are: Residential

G. Future Land Use Classification (Lee Plan):

University Community	<u>40</u>	Acres	<u>100</u>	% of Total
		Acres		% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel):	<u>3,100 +/-</u>	Feet		
2. Depth (average if irregular parcel):	<u>550 +/-</u>	Feet		
3. Total area:	<u>40</u>	Acres or square feet		
4. Frontage on road or street:	<u>N/A</u>	Feet on	<u>N/A</u>	Street
2 nd Frontage on road or street:	<u>N/A</u>	Feet on	<u>N/A</u>	Street

I. Planning Communities/Community Plan Area Requirements: If located in one of the following planning communities/community plan areas, provide a meeting summary document of the required public informational session.

- ☒ Not Applicable
- ☐ Captiva Planning Community (Captiva Island). [33-1612(a)&(b); Lee Plan Policy 13.1.7]
- ☐ North (Upper) Captiva Community Plan area. [33-1711]
- ☐ Boca Grande Planning Community. [Lee Plan Policy 22.1.5]
- ☐ Caloosahatchee Shores Community Plan area. [33-1482(a)&(b); Lee Plan Policy 21.6.3]
- ☐ Page Park Community Plan area. [33-1203(a) & (b); Lee Plan Policy 27.11.2]
- ☐ Palm Beach Boulevard Community Plan area. [Lee Plan Policy 23.5.2]
- ☐ Buckingham Planning Community. [Lee Plan Policy 17.7.2]
- ☐ Pine Island Planning Community. [33-1004(a) & (b); Lee Plan Policy 14.7.1]
- ☐ Lehigh Acres Planning Community. [33-1401(a)&(b); Lee Plan Policy 32.12.2]
- ☐ North Fort Myers Planning Community. [33-1532(a)&(b)]
- ☐ North Olga Community Plan area. [33-1663(a)&(b)]

J. Waivers from Application Submission Requirements: Attach waivers, if any, approved by the Director of Zoning. [34-201(c)]

PART 4
TYPES OF LAND AREA ON PROPERTY

A. Gross Acres (total area within described parcel) 40 Acres

1. Submerged land subject to tidal influence		<u>0</u> Acres
2. a. Preserved freshwater wetlands	<u>0</u>	Acres
b. Impacted wetlands	<u>10.4</u>	Acres
c. Preserved saltwater wetlands	<u>0</u>	Acres
d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.)	<u>10.4</u>	Acres
3. R-O-W providing access to non-residential uses	<u>0</u>	Acres
4. Non-residential use areas ^{(1) (2)}	<u>0</u>	Acres

B. Total area not eligible as gross residential acreage (Items A.1. + A.3. + A.4.). 0 Acres

C. Gross residential acres. (A minus B) ⁽³⁾ 40 Acres

D. Gross residential acres (by Land Use Category)

1. a. Intensive Development – upland		Acres
b. Intensive Development – preserved freshwater wetlands		Acres
c. Intensive Development – impacted wetlands		Acres
2. a. Central Urban – upland		Acres
b. Central Urban – preserved freshwater wetlands		Acres
c. Central Urban – impacted wetlands		Acres
3. a. Urban Community or Suburban – upland		Acres
b. Urban Community or Suburban – preserved freshwater wetlands		Acres
c. Urban Community or Suburban – impacted wetlands		Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	29.6	Acres
	b.	University Community – wetlands	10.4	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
TOTAL (should equal "C" above)			40.0	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: University Community

		Lee Plan Table 1(a)		
		Max. standard density		Units
1.	Standard Units			
	a. Total upland acres (from Part 4, D.)	29.6	x 6 equals	177.6
	b. Total preserved freshwater wetlands acres (from Part 4, D.)	0	x 6 equals	0
	c. Total impacted wetlands acres (from Part 4, D.)	10.4	x .05 equals	.52
	d. Total Allowed Standard Units ⁽¹⁾			178
2.	Bonus Units [2-143]			
	a. Site-built Affordable Housing			0
	b. Transferrable Dwelling Units			0
	c. Sub-total			0
3.	Total Permitted Units ⁽¹⁾			178

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

A. Commercial 1. Medical 2. General Office 3. Retail 4. Other: _____ 5. TOTAL FLOOR AREA	Height _____ _____ _____ _____ _____	Total Floor Area (Square Feet) 0 0 0 0 0
B. Industrial 1. Under Roof 2. Not Under Roof 3. TOTAL FLOOR AREA	Height _____ _____ _____	Total Floor Area (Square Feet) 0 0 00
C. Mining 1. Area to be excavated	Depth _____	Total Acres 0
D. Assisted Living Facilities 1. Dependent Living Units 2. Independent Living Units 3. TOTAL BEDS/UNITS	Height _____ _____ _____	Total Beds/Units 0 0 0
E. Hotels/Motels (Room Size) 1. < 425 sq. ft. 2. 426-725 sq. ft. 3. 725 < sq. ft. 4. TOTAL UNITS	Height _____ _____ _____ _____	Total Rental Units 0 0 0 0

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
- 1. Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 - 2. Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. **Bonus Density:** [34-202(a)(11)]

- ☒ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]

Please see the attached Quad Sheet.

- B. **Sensitive Lands:** Identify any environmentally sensitive lands, including, but not limited to, wetlands (as defined in the LEE Plan Section XII), flowways, creek beds, sand dunes, other unique land forms [see LEE Plan Policy 77.1.1 (2)] or listed species occupied habitat [see LCLDC Section 10-473(f)].

*The Project site is highly disturbed due to historical agricultural uses and prior mining activities as depicted on the attached Quad Sheet and the 1980 and 1999 historical aerals. After the conclusion of mining activities and the removal of associated mining facilities, the Project site was left to revegetate naturally and now contains a variety of weedy and exotic plant species. Most notable of these species are melaleuca (*Melaleuca quinquenervia*), Australian pine (*Casuarina equisetifolia*), and cogongrass (*Imperata cylindrica*).*

The Project contains approximately 9.60 acres of South Florida Water Management District (SFWMD) jurisdictional wetlands and 0.80 acre of SFWMD "other surface waters". These wetlands have been degraded through the historical activities on-site and contain a high degree of disturbed and exotic vegetation. The wetland habitats located on-site as identified by Florida Land Use, Cover and Forms Classification System (FLUCFCS) include Melaleuca, Hydric (FLUCFCS Code 4241) and Disturbed Land, Hydric (FLUCFCS Code 7401). Please see the attached aerial with FLUCFCS and wetlands map.

*A Lee County protected species survey was conducted and documented one protected species on the Project site. The documented protected species include little blue heron (*Egretta caerulea*), which is a state threatened and Lee County protected species. Please refer to Appendix A in the attached protected species survey report for the documented locations of protected species.*

- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:

As described above, the Project site was utilized as a historical agricultural and mining operation, is highly disturbed and contains minimal native vegetation. As discussed with Lee County staff during the July 12, 2021 pre-application meeting, an 8.0± acre indigenous vegetation restoration area will be provided within the limits of the existing Esplanade Lake Club. An indigenous preserve management plan is attached.

- D. **Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:

The project is not located adjacent to navigable natural waters; therefore, shoreline stabilization is not proposed.

- E. **Soils Map:** Attach maps drawn at the same scale as the Master Concept Plan marked or overprinted to show the soils classified in accordance with the USDA/SCS System. [34-373(a)(4)b.i.]

Please see the attached Soils Map.

- F. **FLUCCS Map:** A Florida Land Use, Cover and Classification System (FLUCCS) map, at the same scale as the Master Concept Plan, prepared by an environmental consultant. The FLUCCS map must clearly delineate any Federal and State jurisdictional wetlands and other surface waters, including the total acreage of Federal and State wetlands. [34-373(a)(4)c.]

Please see the attached aerial with FLUCFCS and wetlands map.

- G. **Rare & Unique Upland Habitat Map:** Maps drawn at the same scale as the Master Concept Plan marked or overprinted to show significant areas of rare and unique upland habitat as defined in the LEE Plan Section XII. [34-373(a)(4)b.iii.]

The Project site contains no rare or unique upland habitat as defined in the Lee Plan Section XII. Please see the attached aerial with FLUCFCS and wetlands map.

- H. **Existing and Historic Flow-Ways Map:** Map(s) drawn at the same scale as the master concept plan marked or overprinted to show existing and historic flow-ways. [34-373(a)(4)b.v.]

No historic flow-ways are located within the Project limits. Please see the attached aerial with Lee County Historic flow-ways.

PART 9 SANITARY SEWER & POTABLE WATER FACILITIES

- A. **Special Effluent:** If the discharge of any special effluent is anticipated, please specify what it is and what strategies will be used to deal with its' special characteristics:

N/A

- B. **Private On-Site Facilities:** If a private on-site wastewater treatment and disposal facility is proposed, please provide a detailed description of the system including:

1. Method and degree of treatment:

N/A

2. Quality of the effluent:

N/A

3. Expected life of the facility:

N/A

4. Who will operate and maintain the internal collection and treatment facilities:

N/A

5. Receiving bodies or other means of effluent disposal:

N/A

- C. **Spray Irrigation:** If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

N/A

2. Current water table conditions:

N/A

3. Proposed rate of application:

N/A

4. Back-up system capacity:

N/A

PART 10

ADDITIONAL REQUIREMENTS

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments:

The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**

C. Development of Regional Impact:

Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**
5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**

E. Potable Water & Central Sewer.

Will the project be connected to potable water and central sewer as part of any development of the property?

- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**

F. Existing Agricultural Use:

If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**

G. Flood Hazard:

- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)

H. Excavations/Blasting:

- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).

I. Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]

- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.

J. Mobile Home Park: [34-174(h)]

- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).

K. Airport Zones & Lee County Port Authority (LCPA) Requirements:

- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

**PART 5
SUBMITTAL REQUIREMENT CHECKLIST**

Clearly label your attachments as noted in bold below

Copies Required		SUBMITTAL ITEMS
3	☒	Completed application for Public Hearing [34-202(a)(1)]
1	☒	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☒	<u>Affidavit of Authorization</u> (notarized) Form [34-202(a)(3)]
3	☒	<u>Additional Agents</u> [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☒	<u>Disclosure of Interest</u> Form (multiple owners) [34-202(a)(2)]
3	☒	Legal description (must submit) [34-202(a)(5)]
	☒	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☒	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☒	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☒	List of Surrounding Property Owners [34-202(a)(9)]
1	☒	Map of Surrounding Property Owners [34-202(a)(9)]
1	☒	Mailing labels [34-202(a)(9)]
3	☒	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☒	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐	Preliminary Density Calculations (if applicable)
3	☒	Request Statement [34-373(a)(5)]
3	☐	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☒	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☐	Schedule of Uses [34-373(a)(8)]
3	☒	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☒	Topography (if available) [34-373(a)(4)b.iv.]
3	☒	Soils Map [34-373(a)(4)b.9.]
3	☒	FLUCCS Map [34-373(a)(4)c.]
3	☐	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☒	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☒	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☒	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]



CENTERPLACE MPD

Request Statement

I. BACKGROUND/PROJECT HISTORY

The Center Place MPD is currently comprised of 871 acres and allows for the development of up to 1,950 dwelling units; 250 hotel rooms; 200,000 square feet of retail; and 140,000 square feet of office/research/development pursuant to Zoning Resolution Z-17-014, as amended (see section IV. Property History).

As a part of Zoning Resolution 14-021, a 40-acre parcel was dedicated to Florida Gulf Coast University (FGCU) to become a part of the FGCU campus in compliance with Lee Plan Policy 18.1.16 par. 6 (policy was later renumbered). The donated property is the subject property ("Property") of this application and is located south of Alico Road and the Center Place MPD, east of Miromar Lakes MPD, north of FGCU, and west of the Center Place MPD and the future CR 951 extension in unincorporated Lee County, Florida.

In 2017, this policy was amended by Ordinance 17-10, removing the site dedication requirement to FGCU. Since that time, Taylor Morrison of Florida, Inc. ("Applicant") now has the property under contract as FGCU has elected not to incorporate this parcel into the and the property.

The CenterPlace MPD currently allows 1,950 units, of which there are pending or approved DO's to allow for the construction of 1,186 residential units. Permitted non-residential development is currently unbuilt.

The CenterPlace MPD is currently limited to a maximum of 487 single-family or zero lot line dwellings. However, a pending amendment to Lee Plan policy 15.1.16 par. 8 proposes to remove this limitation on single-family residential or zero lot line dwellings to 25%/487-unit limitation on single-family dwelling units and zero lot line units for Area 9, which includes the CenterPlace MPD.

II. REQUEST & JUSTIFICATION

The Applicant is requesting approval to rezone the 40+/- acre property from Agricultural (AG-2) to Mixed Use Planned Development (MPD) in order to allow for the incorporation of the 40-acre FGCU parcel into the existing CenterPlace MPD as a unified development. This will allow for the construction of residential uses and ancillary uses within the 40-acre property as a part of the Esplanade Lake Club community.

This amendment request will include an amended Master Concept Plan, zoning conditions, and schedule of deviations to accommodate the development of the site with single-family dwellings. No changes to the site development regulations are proposed. A reduction in the maximum residential density is proposed. The attached memo from TR Transportation Consultants demonstrates that this reduced residential density ensures that the revised mix of single-family and multi-family uses does not increase the total trip generation of the project. The request is further described as follows:

1. Modifications to Master Concept Plan
 - a. Adding the 40-acre Property.
 - b. Adjusting buffers and development tracts to incorporate the development of the 40-acre Property
 - c. Changing the development table to reflected updated acreages.
 - d. Modifying the Notes Table to reflect the removal of Lee Plan Policy 15.1.16 par. 8 (This change is also proposed as a part of ADD2021-00107, but shown here until approval)
 - e. *Please note that MCP changes proposed in pending ADD2021-00198 are incorporated into this submittal for consistency between these two submittals.*
2. Modification to Schedule of Deviations.
 - a. Adding a new deviation to allow the indigenous vegetation retention requirements for the project to be provided via restoration plantings instead of the preservation of existing indigenous vegetation.
3. Modifying Conditions 1 and 3
 - a. Updating the Master Plan date.
 - b. Reducing the maximum dwelling units to 1,654 to allow for a maximum of 800 single-family and zero-lot line units and a maximum of 854 multi-family units.

- c. Adding additional acreage to the created indigenous upland vegetation.

The current AG-2 zoning will not allow residential development at intensities comparable to surrounding development and is inconsistent with the underlying University Community Future Land Use Category (FLUC). Moreover, the location of the Property makes development as a standalone community difficult. However, the proposed rezoning allows the Property to be incorporated into a unified development within the CenterPlace MPD with the requisite flexibility to fully develop the Property in accordance with market demand for residential uses in the University Community/Alico Rd. corridor and in a coordinated manner with the surrounding community.

III. EXISTING CONDITIONS

The Property is zoned Agricultural (AG-2) and Mixed Use Planned Development (MPD) and is located within the University Community FLUC. The 40+/- acre subject property proposed for addition to the MDP was a part of a former Cemex mining operation but has been vacant since its dedication to FGCU.

The Property is located adjacent to the CenterPlace MPD, Miromar Lakes MPD, and the FGCU campus. The Property will be accessed from Alico Road (a four-lane county-maintained major collector). Access will be provided through the previously approved access points for CenterPlace MPD and will be a part of the Esplanade Lake Club community so no new access points to Alico Rd. are required.

The surrounding land use pattern generally consists of residential uses and Florida Gulf Coast University (FGCU) properties, as further described below:

Table 1: Inventory of Surrounding Lands

	FUTURE LAND USE	ZONING	EXISTING LAND USE
NORTH	University Community	MPD	Single- and Multi-Family Residential (Center Place MPD)
SOUTH	University Community & Wetlands	MPD	Vacant
EAST	University Community	MPD	Residential (Center Place MPD/Wildblue MPD)
WEST	University Community	MPD	Residential (Miromar Lakes MPD)

IV. PROPERTY HISTORY

The following summarizes past zoning actions and comprehensive plan land use changes relevant to the Property.

The Property has been subject to several Lee Plan Changes to the University Community Land Use Category:

- Ordinance 10-40 "2009/2010 Regular Amendment Cycle, Alico West Ordinance."
 - Map and text amendments removing the property from the DR/GR and adding to the University Community category.
- Ordinance 14-03 "University Community DRI Requirement Ordinance."
 - Removed DRI requirements.
- Ordinance 17-10 "Centerplace Ordinance (CPA2016-00011)."
 - Map and text amendments related to University Community category to accommodate Mixed Use development of CenterPlace MPD.
- CPA2021-00002 - Pending Lee Plan Amendment
 - Proposes to amend Policy 15.1.16 par. 8 to remove maximum percentage and unit limitation for single-family residential and zero lot line units.

The following zoning resolutions and amendments are relevant to the subject property and the CenterPlace MPD:

Subject Property:

- Original Zoning – None

Center Place MPD:

- Z-14-021

- Z-17-014
- ADD2017-00013
- ADD2017-00139
- ADD2017-00170
- ADD2018-00100
- ADD2018-10042
- ADD2019-00078
- ADD2019-00098
- ADD2020-00148
- ADD2021-00019
- ADD2021-00068
- ADD2021-00107
- ADD2021-00198

V. PUBLIC INFRASTRUCTURE

As outlined in the enclosed application, the Property will be incorporated into the CenterPlace MPD and serviced by the same public infrastructure without any increases to previously approved density or intensity of uses. Potable water and sanitary sewer services will be provided by Lee County Utilities.

The Property will utilize existing accesses to the Esplanade Lake Club community along Alico Rd. Transportation analysis and mitigation has been addressed through previous approvals for CenterPlace MPD. Most recently, CPA2021-00002 included additional analysis of the impact of 1,950 single-family units in the CenterPlace MPD and found that “the transportation facilities within a three-mile radius will not be impacted if the 25% restriction to Single Family Dwelling units is removed from the Conditions and the site could be developed with up to 1,950 Single Family Dwelling Units under the ‘worst case’ analysis.”

Nevertheless, this request includes a reduction in the total number of units to 1,654 dwelling units (including combined maximum of 800 dwelling units allocated for single-family and zero-lot line units and a maximum of 854 dwelling units allocated for multi-family units) to ensure that the construction of additional single-family dwelling units does not result in any off-site impacts beyond those already anticipated by the previously approved TIS.

There are adequate public facilities and services in the immediate vicinity of the project to serve the proposed development in terms of schools, fire, EMS and Sheriff's protection.

Due to the absence of new impacts to public infrastructure, a waiver from these submittal requirements has been requested.

VI. PROPOSED USES/DESIGN STANDARDS

The Applicant does not propose any changes to the Schedule of Uses or design standards approved in Resolution Z-17-014, as amended. The previously approved Schedule of Uses allows for a range of commercial, retail, office, hotel, and research and development uses. The 40-acre addition will be designated as an “R-MF” tract, which allows for to live-work, single-family (detached), live work, multiple family buildings, townhomes, two-family (attached), and related uses. No changes to the currently approved wet slips or their locations are proposed.

Required perimeter buffers and other design elements will be provided on the 40-acre parcel without the need for deviations to required perimeter buffers or any further amendments to previously approved deviations related to design standards. Required open space will be provided as required in the LDC with minimal modifications to Deviation #1 to reflect the addition of the new parcel.

The project is located within the University Community; therefore, no planning community-specific design requirements apply to this amendment request.

As shown on the proposed Master Concept Plan, the 40-acre addition will serve as a logical extension of the residential development pattern in the CenterPlace MPD and more specifically, the Esplanade Lake Club community.

VII. DECISION-MAKING COMPLIANCE

In accordance with LDC Section 34-145(d)(4), the data and analysis provided in the enclosed application demonstrate that the request meets or exceeds the following:

- a) The request will meet or exceed all performance and locational standards set forth for the proposed mixed use planned development, except where a deviation has been approved.**

The request does not include any changes to the development standards for the existing CenterPlace MPD, which was previously been found to meet or exceed all performance and locational standards in the LDC, except where deviations were previously granted or where the Applicant has requested on-site restoration of native vegetation in lieu of preservation of existing plant communities. The same performance and locational standards will apply the 40-acre property once incorporated into the MPD.

Ingress and egress to the property will be from Alico Rd., through the existing access points for the Esplanade Lake Club Community.

- b) Complies with the Lee Plan.**

The request will allow for residential development in accordance with the University Community FLUC and other relevant Goals, Objectives, and Policies. Additional analysis of Lee Plan consistency is provided below.

- c) Meets this Code and other applicable County regulations or qualifies for deviations.**

The rezone request will incorporate the 40-acre property into the existing CenterPlace MPD, which has previously been found to meet or exceed this criterion. The previously approved development standards, deviations, and conditions approved for the existing CenterPlace MPD will apply to the subject Property and an additional deviation is proposed to address new created indigenous preservation areas. As outlined in the Deviation Justification Narrative, the restoration will fully meet the intent of the LDC by providing for a clustered area of native vegetation in an appropriate location of the site that can support the plant communities but is not suitable for development.

- d) Is compatible with existing and planned uses in the surrounding area.**

The rezone request will ensure that the property is developed with uses similar neighboring properties. The Property will adhere to and utilize the same development standards used throughout the CenterPlace MPD. Perimeter buffers, lakes, and setbacks will be provided to the adjacent to the Miromar Lakes MPD and FGCU campus, consistent with those provided elsewhere in the CenterPlace MPD.

Impact to surrounding land uses are minimal due to the similarity of intent and intensity of uses. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

- e) Will provide access sufficient to support the proposed development intensity.**

The request does not increase previously approved density or intensity of the CenterPlace MPD. Access to the MPD has previously been established at three points along Alico Rd. Three access points exceeds the requirement in LDC section 10-291 that residential development of more than five acres must provide more than one means of ingress or egress for the development.

- f) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval.**

Public infrastructure and services are available to service the proposed development. The project will require development order approvals prior to site development activities. The project's impacts will be evaluated at that time in accordance with the LDC.

The CenterPlace MPD has previously demonstrated that all analyzed roadways are projected to operate at acceptable Level of Service even if the maximum of 1,950 dwelling units were developed as single-family dwellings.

The reduction in the total number of units to 1,654 dwelling units further ensures that the construction of additional single-family dwelling units does not result in any impacts on transportation facilities beyond those already anticipated by the previously approved TIS.

- g) Will not adversely affect environmentally critical or sensitive areas and natural resources.**

The request proposes to create 8 acres of indigenous vegetation to meet the intent of the LDC to provide for native preserves within developments. The existing vegetation on the 40-acre addition is relatively low quality and primarily disturbed or non-native vegetation. Per the enclosed Environmental Report, the Property contains approximately 9.60 acres of South Florida Water Management District (SFWMD) jurisdictional wetlands and 0.80 acre of SFWMD "other surface waters". These wetlands have been degraded through the historical activities on-site and contain a high degree of disturbed and exotic vegetation.

Due to the previous agricultural and mining activity, the areas of existing wetlands and other vegetation contain a high degree of exotics is also located on highly developable lands, whereas, the proposed location of created indigenous vegetation. Moreover, the addition of 8 acres of indigenous vegetation to the previously proposed created indigenous vegetation area within the Community Park tract, will provide for a larger contiguous area of native vegetation.

Due to previous mining activities significant portions of the MPD are unsuitable for development but can readily accommodate restoration plantings. The proposal makes efficient use of this infill site intended for development per the University Community FLUC, while ensuring Lee County's vision for expansion vegetation areas are accommodated in residential communities.

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

Public infrastructure and services are available to service the proposed development. This property is located within the University Community FLUC. This area is programmed to include a mix of uses. As such Lee County Utilities has adequate services for the existing CenterPlace MPD's previously approved residential density.

The property is served by the San Carlos Fire District with a primary station (#53) located on Ben Hill Griffen Pkwy. The Lee County Sheriff provides service in South Zone 4.

The data and analysis provided in the enclosed application also demonstrates that the request meets or exceeds the following Planned Development Rezoning review criteria:

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

The University Community FLUC allows for a range of uses throughout the area. The request will incorporate the property into the existing CenterPlace MPD, which has previously shown to include an appropriate mix of residential, commercial, office and other uses. Moreover, the development of residential dwellings on the 40-acre addition is appropriate for this location within the MPD as it provides for compatibility with neighboring developments.

j) 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.

The conditions related to the existing CenterPlace MPD have previously been found to be sufficient and reasonably related to the impacts on the public interest. The previously approved conditions are proposed to apply to the property.

Condition three is proposed to be modified to add eight acres to the previously identified on-site indigenous vegetation within the Community Park tract.

k) 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.**

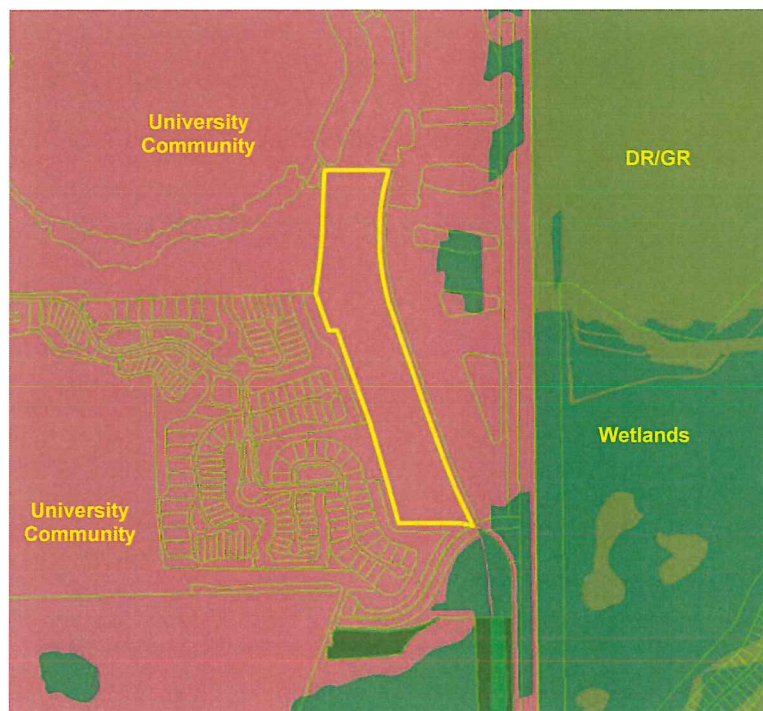
The Applicant has proposed one deviation is preserves intent to provide indigenous preservation on site. The intent of the application is to facilitate the redevelopment of a site that was previously impacted by mining activity. Without the deviation, it would not be possible to meet the LDC requirement for on-site native vegetation preservation.

VIII. LEE PLAN COMPLIANCE

The following is an analysis of the MPD's consistency with goals, objectives and policies of the Lee County Comprehensive Plan (Lee Plan).

POLICY 1.1.9: The University Community future land use category provides for Florida Gulf Coast University (FGCU) and associated support development. The location and timing of development within this category must be coordinated with the development of FGCU and the provision of necessary infrastructure. In addition to all other applicable regulations, development within the University Community future land use category must be designed to enhance and support FGCU and will be subject to cooperative master planning with, and approval by, the FGCU President or their designee. Overall residential development within the University Village future land use category will not exceed 6,510 dwelling units. None of the 6,510 dwelling units may be used on or transferred to lands located outside of the University Community future land use category boundaries as they exist on October 20, 2010. Specific policies related to the University Community future land use category are provided in Goal 15.

The Property is located in the University Community FLUC, as shown below.



The request is limited to residential dwellings and does not require any modifications to the schedule of uses or intensity of the CenterPlace MPD and provides a reduction in overall residential density, which are consistent with the intended uses, density, and intensity in the University Community category.

The existing CenterPlace MPD has previously been found consistent with the University Community FLUC. After the addition of the subject property, the CenterPlace MPD will remain consistent with this category as there will not be any dwelling units added to the MPD.

The addition of 40 acres to the MPD supports the University by facilitating the build out of the MPD which includes a mix of uses and housing products. South of the Property, the CenterPlace MPD has reserved the location for future access to FGCU which is not proposed to be changed. Infrastructure and public services are available to serve the property.

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.*

The proposed rezoning will allow for a clustered and logical development pattern in an area readily serviced by public infrastructure, in direct compliance with the above policy. As outlined in detail within the application, the project represents an infill development within an urbanized area of Lee County and surrounded by other residential and mixed-use development.

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, Florida Statutes and the county's Concurrence Management Ordinance.*

The Property is contiguous to developed or developing properties and will be integrating into the existing Centerplace MPD.

The existing Centerplace MPD has previously been found to be consistent with this policy and letters have previously been provided demonstrating the availability of public facilities and services to support the density approved in the existing CenterPlace MPD.

The proposed rezoning fully complies with the above policy's intent to direct new growth to appropriate Future Urban Areas of the county.

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.

The road network in the region has been specifically constructed to support a mix of residential uses, employment centers, and industrial activity. The request does not include any additional density and the exiting CenterPlace MPD has previously been determined to be in compliance with this policy.

Lee County utilities has both sewer and water infrastructure available to the property with capacities to serve the previously approved density and the surrounding area approved zoning. The area University Community FLUC, is designed to a mix of residential and non-residential uses supporting FGCU. The property is near existing networks, utility services and compatible, similar land uses.

GOAL 4

STANDARD 4.1.1 & 4.1.2: WATER & SEWER

Availability of potable water and sanitary sewer services have been demonstrated for the existing CenterPlace MPD through previous applications. With no changes to allowable unit count in the MPD, the addition of 40 acres into the MPD does not impact the project's previous consistency with this policy.

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.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

The Application is to incorporate the Property into the CenterPlace MPD in accordance with this policy.

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.

The Property does not include any physical constraints or hazards detrimental to residential development. As previously stated, the incorporation of the 40-acre property into the CenterPlace MPD facilitates the development of a site with a history of mining. The mining activity has resulted in portions of the CenterPlace MPD with unstable soils. The incorporation of the 40-acre property into the CenterPlace MPD facilitates a fuller utilization of previously approved density.

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.

This policy is not applicable as the CenterPlace MPD is not considered a high-density residential development.

POLICY 5.1.4: Prohibit residential development in all Industrial Development areas and Airport Noise Zone B as indicated on the Future Land Use Map, except for residences in the Industrial Development area for a caretaker or security guard.

The Property is not located in an Industrial Development area or in Airport Noise Zone B.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in Chapter 10 of the Land Development Code are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The Land Development Code will continue to require appropriate buffers for new developments.

The request is intended to allow for the development of single-family residential dwellings on the 40-acre property. The rezone request will ensure that the property is developed with uses similar neighboring properties, thereby protecting the character and integrity of the existing communities.

The Property will adhere to and utilize the same development standards used throughout the CenterPlace MPD. Perimeter buffers, lakes, and setbacks will be provided to the adjacent to the Miromar Lakes MPD and FGCU campus, consistent with those provided elsewhere in the CenterPlace MPD.

Impact to surrounding land uses are minimal due to the similarity of intent and intensity of uses. The zoning conditions and LDC requirements have adequately addressed any potential impacts on adjacent uses.

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.

The existing CenterPlace MPD includes previously approved open space, buffering, landscaping and recreation uses and was determined to be consistent with this policy. The 40-acre property will utilize the existing CenterPlace MPD development standards.

A minimum of 12 acres of open space will be added to the CenterPlace MPD. Eight acres of which will be provided in the form of restored indigenous vegetation.

A 15-foot Type "D" perimeter buffer will be constructed along the western and southern boundaries of the 40-acre property. Other landscaping throughout 40-acre property will be consistent and comparable to the previously approved landscaping for the CenterPlace MPD.

Finally, residents will be able to utilize the recreation facilities associated with the Esplanade Lake Club.

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 CenterPlace MPD includes previously approved development regulations which will apply to the 40-acre addition. Since the subject property will be integrated into the Esplanade Lake Club community, the parks, recreational, and open space areas will be accessible to residents within the 40-acre property. The existing CenterPlace MPD has previously been determined to be consistent with this policy.

POLICY 5.1.8: Provide for adequate locations of low- and moderate-income housing through the rezoning process, the provision of public facilities and services, and the elimination of unnecessary administrative and legal barriers.

The CenterPlace MPD includes a variety of housing types at market-rate pricing. The request does not create any unnecessary barriers to the provision of low- or moderate-income housing.

GOAL 11: MIXED USE. Encourage mixed use developments that integrate multiple land uses, public amenities and utilities at various scales and intensities in order to provide: diversified land development; a variety of housing types; greater connectivity between housing, workplaces, retail businesses, and other destinations; reduced trip lengths; more transportation options; and pedestrian and bicycle-friendly environments.

OBJECTIVE 11.1: MIXED USE DEVELOPMENT. Allow and encourage mixed use development within certain future land use categories and at appropriate locations where sufficient infrastructure exists to support development.

The existing CenterPlace MPD is in the University Community future land use area and was previously approved for a mix of residential and non-residential uses. The property will be accessible by Alico Rd., through the Esplanade Lake Club Community. The property is also nearby Ben Hill Griffin Pkwy. and I-75 to the west.

GOAL 15: UNIVERSITY COMMUNITY. In order to ensure that development within the University Community land use category protects and enhances the ability of Florida's 10th University to provide secondary education as described in the Mission Statement of that institution and to assure that land uses or development activities do not interfere with, disrupt, or impede the efficient operation of that institution the following Objectives and Policies will apply to all development within the University Community land use category. The Application (Volume 1 of 2) (1992) and the Support Document (Volume 2 of 2) (1992) to the Amendment to the Lee County Comprehensive Plan for the University Community is incorporated by reference herein as a resource and information document.

OBJECTIVE 15.1: FUTURE LAND USE. In order to ensure that the location and timing of development within the University Community is coordinated with the development of the University and the provision of necessary infrastructure; and, that all associated support development within the University Community is designed to enhance the University; all development within the University Community will be subject to cooperative master planning which must conform to the following policies.

POLICY 15.1.1: Lee County will, through public and private economic and business development initiatives, promote the University Community as a catalyst for economic diversification and the promotion of employment throughout Lee County and the Region. Within the University Community land use category the focus of this endeavor (the emphasis) will be on university related scientific research and high technology development activities.

The request does not include any change to the previously approved uses in the existing CenterPlace MPD, which was previously been found consistent with this policy. Incorporating the 40-acre property without modifying the allowed dwelling units, intensity, or uses will not impact the project's consistency with this policy.

POLICY 15.1.2: The University Community will provide a mix of housing types with densities sufficient to meet the needs of and designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development.

The request does not include any change to the previously approved mix of housing types or densities. The existing CenterPlace MPD was previously found to be consistent with this policy. Incorporating the 40-acre property will not impact the project's consistency with this policy.

POLICY 15.1.4: Lee County will maintain and as necessary adopt regulations further defining how densities for individual parcels within the University Community will be determined. The regulations will address how the total number of units will be tallied to ensure that the overall total number of residential units within the University Village do not exceed 6,510 dwelling units. The regulations will provide a mechanism for clustering densities within the University Community.

The request does not include any increase to the previously dwelling units. Incorporating the 40-acre property will not impact the project's consistency with this policy.

POLICY 15.1.5: In order to create a cohesive community, site design within the University Community must utilize alternative modes of transportation such as pedestrian networks, mass transit opportunities, sidewalks, bike paths and similar facilities. Site design must link related land uses through the use of alternative modes of transportation thus reducing automobile traffic within the University Community. The county will work cooperatively with the University on these matters as the University proceeds through the Campus Master Plan Process.

As part of the local development order approval for primary infrastructure installation on property within Area 9 of the University Community, the developer must demonstrate that the proposed plan of development supports pedestrian, bicycle and transit opportunities. A multi-modal interconnection between the property and the FGCU campus must be provided at no cost to Lee County consistent with Lee Plan Policy 15.1.16.5.

The request will facilitate the creation of a cohesive community by incorporating the Property into the previously approved CenterPlace MPD. The CenterPlace MPD was previously found to be consistent with this policy and sidewalks and bicycle facilities are provided throughout the existing CenterPlace MPD and will be continued in the 40-acre addition. South of the Property, the CenterPlace MPD has reserved the location for future access to FGCU, which is not proposed to be changed.

POLICY 15.1.7: A diverse mixture of land uses will be encouraged within the University Community.

The project will be incorporated into the previously approved CenterPlace MPD. Incorporating the 40-acre property will not impact the project's consistency with this policy.

POLICY 15.1.9: Prior to the commencement of development within the University Community land use category, an area-wide Conceptual Water Management Master Plan must be submitted to and approved by Lee County and South Florida Water Management District staff. This water management plan will be integrated with the Conceptual Master Plan and be prepared through a cooperative effort between the property owner, Lee County, and South Florida Water Management District. This master plan will ensure that the water management design of any development within the University Community will maintain or improve the currently existing quality and quantity of groundwater recharge. This plan must be consistent with the drainage basin studies that were prepared by Johnson Engineering, and approved by the SFWMD. Lee County will amend the county land development regulations to require all new development to be consistent with the appropriate basin study. Prior to zoning or development order approval on any portion of Area 9, the developer must demonstrate through modeling, accepted by Lee County staff, that the proposed development will not create significant impacts on present or future water resources.

The project will be incorporated into the surface water management system for the Esplanade Lake Club community. The project will require development order approvals prior to site development activities. The project's impacts will be evaluated at that time in accordance with the LDC.

POLICY 15.1.11: If not otherwise addressed by the Conceptual Master Plan, the landowner(s) within the University Village will coordinate infrastructure connections and interconnections, including but not limited to roadways, utilities and water management, with the University Campus through the established Board of Regents' master planning, review and approval process.

The project will be incorporated into previously approved infrastructure serving the existing CenterPlace MPD. Incorporating the 40-acre property will not impact the project's consistency with this policy.

POLICY 15.1.12: To encourage a variety of wildlife habitats and university study sites, special consideration will be given in the Conceptual Master Plan to the preservation of portions of the most pristine and diverse wildlife habitat areas (such as, pine flatwoods, palmetto prairies, and major cypress slough systems) as an incentive to reduce, on a one-for-one basis, open space requirements in other developments within the University Community. The implementation of this policy will occur at the time of zoning and development review.

The 40-acre property has been heavily impacted by previous mining activity. As such, the request proposes a deviation from LDC section 10-415 to allow for the restoration of indigenous vegetation on site.

POLICY 15.1.13: The use of septic tanks will be prohibited except for temporary septic tanks for model homes, construction trailers, and temporary sales offices. Permanent septic tanks will be limited to rest room facilities in golf courses, existing agricultural operations, or any agricultural operation of twenty five acres or more.

The request does not include the use of septic tanks. The property will utilize the sanitary sewer facilities serving the CenterPlace MPD.

POLICY 15.1.16: For those lands in Area 9, all development must be designed to enhance and support the University. All rezonings in this area must include a specific finding that the proposed uses qualify as Associated Support Development, as that term is defined in the glossary. The final design and components will be determined as part of the rezoning process and must be consistent with the following development standards:

1. Mixed Use: Development must incorporate a mix of uses (multiple types of residential development along with non-residential development) and be consistent with the intent of Goals 11 and 15 and Policy 1.1.9. Development on Alico West, Area 9, must be rezoned to a planned development as specified by the Land Development Code. The following maximum development parameters per use are approved for Area 9, subject to transportation mitigation requirements:

- **Residential:** A maximum of 1,950 units
- **Retail:** A maximum 200,000 square feet
- **Office/Research/Development:** A maximum of 140,000 square feet
- **Hotel:** 250 rooms

No change to the previously approved uses in the CenterPlace MPD are proposed. Incorporating the 40-acre property and reducing the maximum number of dwelling units will not impact the project's consistency with this policy.

2. Density: To ensure the creation of a development that has sufficient residential mass to support the proposed non-residential intensity, while providing a mixture of housing types to meet the needs and accommodate the varying lifestyles of persons related directly and indirectly to the University as required by Policy 15.1.2, the total project must not exceed a total of 1,950 dwelling units.

A reduction to the previously approved maximum dwelling units in the CenterPlace MPD is proposed. Incorporating the 40-acre property will not impact the project's consistency with this policy.

4. Office, Research and Development Facilities: Research and development facilities and office buildings are encouraged which will attract the targeted industries as established by the State of Florida and by Lee County to create economic diversity and to create synergy between FGCU and private facilities. As required by Policy 15.1.1, the emphasis will be on University related scientific research and high technology development activities but may also include and allow a diversity of activities that support the University and private development within Area 9 in keeping with the predominant land uses as established by Policy 15.2.2.

No change to the previously approved office and research and development facilities in the CenterPlace MPD are proposed. Incorporating the 40-acre property will not impact the project's consistency with this policy.

5. Connectivity to FGCU: To further implement Policy 15.1.5 relative to alternative modes of transportation, Area 9 will be designed with a connection to FGCU. This connection will be a pedestrian-friendly multi-modal facility, with traffic calming, multi use paths, and other pedestrian oriented safety features. The connection to FGCU must be constructed consistent with the FGCU Campus Master Plan and Development Agreement.

No change to the previously approved connection to FGCU is proposed. The connection remains to the south of the proposed addition in the CenterPlace MPD. Incorporating the 40-acre property will not impact the project's consistency with this policy.

6. Pedestrian Friendly Design: The development will be designed as a pedestrian-friendly community. Areas targeted and marketed as student housing, as well as retail, office, and research and development areas, will include pedestrian oriented design features, including traffic calming, sidewalks on both sides of the road system, safety call boxes, and facilities to accommodate the FGCU Eagle Express, Lee Tran, and other alternative modes of transportation.

No changes to the previously approved development standards are proposed as a part of this request. The existing CenterPlace MPD is proposed to include sidewalks in accordance with the LDC.

7. Parking: Parking in Area 9 should be screened and minimized to the furthest extent possible in order to create a walkable community that considers the needs of pedestrians and recognizes the possibility for internal trip capture. Parking may be minimized by using on-street parking, shared parking, or structured parking.

No changes to existing parking areas in the CenterPlace MPD are included in this request. A perimeter buffer will screen parking for residential dwellings from surrounding communities.

8. Residential Uses: Single-family residential units and zero lot line units, as defined in the Land Development Code, will be limited to a maximum of 25% of the total approved dwelling units in the planned development.

This policy is proposed to be deleted by CPA2021-00002.

9. Town Square: Area 9 may contain public and private entertainment venues, including but not limited to facilities such as theaters, bars and cocktail lounges, restaurants, bowling alleys, batting cages, arcades, as well as passive recreation facilities.

The additional lands proposed for inclusion will be developed with residential dwelling types already permitted by the MPD zoning approval. No changes to the previously approved list of uses are proposed. Incorporating the 40-acre property will not impact the project's consistency with this policy.

10. Landscaping: All plantings used in buffers and landscaping must be at least 75% native. Irrigation must be provided through a central irrigation system that complies with the Lee County Water Conservation Ordinance. Irrigation control boxes and wells are prohibited on individual residential lots.

No changes to the previously approved development standards are proposed. Buffer plantings and landscaping will be at least 75% native species and be irrigated through a central irrigation system in compliance with this policy. Incorporating the 40-acre property will not impact the project's consistency with this policy.

11. Florida Gulf Coast University Participation: The owner or agent for Development of Regional Impact or planned development rezoning requests must conduct two meetings with the President of FGCU or designees and will provide detailed information to such representatives at those meetings relating to the Site Plan and Master Concept Plan for any proposed development within Area 9. The developer must invite Lee County zoning and planning staff to participate in such meetings. These meetings must be conducted before the application can be found sufficient. The applicant is fully responsible for providing the meeting space and providing security measures as needed. Subsequent to this meeting, the applicant must provide county staff with a meeting summary document that contains the following information: the date, time, and location of the meetings, list of attendees; a summary of the concerns or issues that were raised at the meetings; and a proposal of how the applicant will respond to any issues that were raised.

Two meetings have been held with FGCU representatives.

A meeting between Charles Cook, Barbara Kininmonth, and Katherine Green was held for an on-site inspection on June 24, 2021. History of ownership of the property, and Taylor Morrison's intended uses on the property were also discussed.

A second meeting was held between Charles Cook, Barbara Kininmonth and Katherine Green on August 6, 2021, to discuss Taylor Morrison's due diligence findings and financial impacts of the wetlands on site for the purposes of updating the FGCU Foundation's Executive Committee.

Additionally, an affidavit of authorization is attached. If required, Lee County staff will be invited to additional meetings to demonstrate FGCU participation.

12. Stormwater Retention for adjacent transportation facilities: Area 9 will accommodate stormwater detention/retention requirements for the Alico Road widening and County Road 951 extension adjacent to the property, if constructed.

No changes to the previously approved stormwater detention/retention related to the Alico Road widening are proposed.

POLICY 61.1.1: Lee County recognizes that all fresh waters are a resource to be managed and allocated wisely, and will support allocations of the resource on the basis 1) of ensuring that sufficient water is available to maintain or restore valued natural systems, and 2) of assigning to any specified use or user the lowest quality freshwater compatible with that use, consistent with financial and technical constraints.

The Applicant has obtained Environmental Resource Permit (ERP #36-03568-P-05) from the South Florida Water Management District. The previously approved master drainage system and established conservation areas through the ERP and as required in the existing CenterPlace MPD zoning and subsequent development orders are in compliance with this policy.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

The 40-acre addition will include stormwater lakes adjacent to the residential tract to address water quality. The surface water system will be incorporated into the Esplanade Lake Club's existing stormwater system (ERP permit #36-03568-P-05). A major modification to the ERP will be obtained from the South Florida Water Management District at the time of DO. The project will continue to comply with the enhanced stormwater management conditions contained in the original zoning approval.

IX. CONCLUSION

The application has demonstrated the proposed incorporation of the 40-acre property into the existing CenterPlace MPD and reduction of maximum dwelling units will be compatible with the surrounding development pattern, and directly supports the County's intent for the University Community land use category.

The addition to the MPD promotes the redevelopment of a previously impacted site and will result in the recreation of 8 acres of indigenous vegetation while meeting or exceeding the standards set forth in the LDC, except where deviations are requested or were previously approved. The requested deviation and modifications to conditions are the minimum necessary to facilitate the development of the property in a manner consistent with surrounding development.

The rezoning does not require any increase in previously approved densities or intensities and facilitates a flexible response to changing market demands in the area. Additionally, the incorporation of the 40-acre property will not impact service availability or existing infrastructure.

For these reasons, the Applicant respectfully requests approval of this rezone as proposed.

RHODES & RHODES LAND SURVEYING, INC

***88100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FLORIDA 34135
PHONE (888) 485-5165 FAX (888) 485-5165***

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 11, 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 7 AND 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11 RUN N89°43'01"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2,244.43 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY BOUNDARY OF ESPLANADE LAKE CLUB PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2019000189935 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S01°00'21"E ALONG SAID NORTHERLY PROLONGATION FOR 125.03 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ALICO ROAD, BEING 125 FEET SOUTH AS MEASURED PERPENDICULAR TO THE CENTER LINE THEREOF, AS DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 2015000025953, LEE COUNTY RECORDS, THE SAME BEING THE MOST NORTHWESTERLY CORNER OF SAID ESPLANADE LAKE CLUB PHASE 1 PLAT AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN ALONG SAID ESPLANADE LAKE CLUB PHASE 1 PLAT, THE FOLLOWING FIVE (5) COURSES: COURSE NO. 1: S89°43'01"E FOR 2,243.03 FEET; COURSE NO. 2: N88°58'52"E FOR 2,674.00 FEET; COURSE NO. 3: N89°27'22"E FOR 2,597.29 FEET; COURSE NO. 4: N88°59'33"E FOR 180.15 FEET; COURSE NO. 5: S00°50'47"E FOR 1,329.44 FEET TO A POINT ON THE BOUNDARY OF TRACT "RR", ESPLANADE LAKE CLUB PLAT THREE, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2021000173051 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIVE (5) COURSES ALONG THE BOUNDARY OF SAID TRACT "RR"; COURSE NO. 1: S89°09'13"W FOR 125.00 FEET; COURSE NO. 2: S00°50'47"E FOR 4,217.33 FEET; COURSE NO. 3: N89°09'13"E FOR 25.00 FEET; COURSE NO. 4: S00°50'47"E FOR 1,393.41 FEET; COURSE NO. 5: N89°09'13"E FOR 100.00 FEET TO A POINT ON THE BOUNDARY OF AFORESAID ESPLANADE LAKE CLUB PHASE 1 PLAT; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: S00°50'47"E FOR 2,588.41; COURSE NO. 2: S89°23'43"W FOR 180.00 FEET; COURSE NO. 3: N00°50'47"W FOR 66.66 FEET; COURSE NO. 4: N09°57'20"E FOR 533.57 FEET; COURSE NO. 5: N00°50'47"W FOR 1,447.68 FEET TO A POINT OF CURVATURE; COURSE NO. 6: NORTHWESTERLY, NORTHWESTERLY, 625.75 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 71°42'20" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 36°41'57" WEST, 585.70 FEET TO A POINT OF COMPOUND CURVATURE, THE SAME BEING A POINT ON THE BOUNDARY OF THAT CERTAIN WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 2014000111812 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: WESTERLY, 150.32 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 17°13'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 81°09'56" WEST, 149.76 FEET; COURSE NO. 2: N89°46'43"W FOR 516.03 FEET; COURSE NO. 3: N15°43'44"W FOR 978.43 FEET; COURSE NO. 4: N20°09'57"W FOR 807.57 FEET; COURSE NO. 5: N89°48'06"W FOR 80.00 FEET; COURSE NO. 6: N20°09'57"W FOR 344.08 FEET TO A POINT ON THE BOUNDARY OF AFORESAID ESPLANADE LAKE CLUB PHASE 1 PLAT; THENCE RUN THE FOLLOWING SIXTEEN (16) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: S88°10'32"W FOR 1,984.51 FEET; COURSE NO. 2: N21°30'12"W FOR 81.17 FEET; COURSE NO. 3: S88°02'24"W FOR 612.22 FEET; COURSE NO. 4: N87°09'14"W FOR 469.81 FEET; COURSE NO. 5: N19°42'33"W FOR 157.74 FEET; COURSE NO. 6: N88°10'13"W FOR 1,363.08 FEET; COURSE NO. 7: N77°09'26"W FOR 573.01 FEET; COURSE NO. 8: N24°26'51"W FOR 150.17 FEET; COURSE NO. 9: N88°53'18"W FOR 216.95 FEET; COURSE NO. 10: N19°01'18"W FOR 249.76 FEET; COURSE NO. 11: N40°48'12"W FOR 322.81 FEET; COURSE NO. 12: S88°47'46"W FOR 376.79 FEET; COURSE NO. 13: N00°16'17"W FOR 606.52 FEET; COURSE NO. 14: N00°39'26"W FOR 1,432.24 FEET; COURSE NO. 15: N04°19'45"E FOR 1,091.78 FEET; COURSE NO. 16: N01°00'21"W FOR 832.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 39,671,784 SQUARE FEET OR 910.739 ACRES, MORE OR LESS.

**REVIEWED
DCI2021-00042
Hunter Searson, GIS
Planner
Lee County Government
5/25/2022**

John Scott Rhodes PSM # 5739 Digitally signed by John Scott Rhodes PSM #
State of Florida 5739 State of Florida
Date: 2022.05.25 09:38:16 -0400

JOHN SCOTT RHODES, PSM #5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



