



August 11, 2022

Mr. Dirk A Danley Jr, AICP
Department of Community Development
1500 Monroe Street
Fort Myers, FL 33901

Re: River Hall
DCI# 2022-00026

Dear Mr. Danley Jr.:

Please accept the following information in response to your June 3, 2022 correspondence regarding the above referenced project.

Zoning Review:

Comment 1:

LDC Section 34-201(c) states "Where the property is a subdivision, an application or petition may be initiated by no less than 75 percent of the total number of lot or parcel owners and the homeowners' association." Please provide evidence of initiation of no less than 75 percent of the property owners within the River Hall Community in order to request this rezoning.

Response 1:

LDC Section 34-201(a)(1)c.1 gives further definition of subdivision, relating it to plats: "For purposes of this subsection, a subdivision is an area of property defined by a specific boundary in which lot divisions have been established on a plat that has been recorded in either a plat book or official records book whereby legal descriptions are referred to by lot or parcel number. This term may include any unit or phase of the subdivision and not the entire subdivision."

The parcels subject to the requested rezone are unplatted parcels, and do not meet the definition of subdivision as it relates to this LDC provision. The applicant retains 100% ownership of the subject parcels.

Comment 2:

Please provide a codified set of conditions, deviations, and schedule of uses the applicant seeks to carry into this rezoning application from previous zoning approvals.

Response 2:

The Conditions and Deviations approved through previous zoning efforts have been compiled into one document each, with strike-

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through/underline text showing the conditions proposed to be changed by this amendment.

Comment 3:

Please be aware that staff does not support the provision of three Master Concept Plan alternates for the northern tracts along the northern end of the development. Staff is not able to determine the designation of the subject property, as it is described as Town Center, CPD, or RMF-2.

Response 3:

The inset details have been removed from the MCP.

Comment 4:

Please be aware that properties designated for a commercial use may not be used in the calculation for density.

Response 4:

The density calculations have been revised to show up to 15 acres as non-residential uses. Please see page 5 of the request statement.

Comment 5:

Staff is not able to clearly determine the purpose of the classification between RMF-1 and RMF-2 as well as R-1 and R-1A Please clarify.

Response 5:

The RMF-2 designation has been removed.

The R-1 designation is the original designation from Z-15-003 which allowed 45' wide single family detached units. R-1A was first approved through amendment ADD2021-00197, which allowed a lot width reduction of 10% from 45' to 40.5'. The new R-1A designation, with smaller lot width, was approved only in the undeveloped southeastern portion of the project (undeveloped as-of the ADD2021-00197 request). The configuration of the undeveloped southeastern portion is changed by the proposed request, but the location of R-1A, with smaller lot widths, is generally in the same location as the previous approval.

The property development regulations have been updated to note different single family detached lot widths for R-1 and R-1A.

Comment 6:

Please note that the property development regulations reference previous zoning approvals as footnotes to the regulations table. Please note that a zoning resolution of a planned development rezoning will supersede any previous zoning documents.

Response 6:

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Understood. The ADD notes were provided as reference and have been removed. The Property Development Regulations Table has been added to the proposed Conditions, replacing the previous Condition 2b.

Planning Review:

Comment 7:

The Master Concept Plan indicates three potential options for the lands that are proposed to be redesignated to the Suburban future land use category by CPA2021-00016. These options which include all residential, all commercial, or a mixture of residential and nonresidential uses. Based on the Lee Plans definition of Density these different options will result in different density calculations for the area proposed to be added to the Suburban future land use category. Please expand on the density calculations provided on page 5 of the Request Statement and Lee Plan Compliance exhibit.

Comment 8:

Based on the above comment, please review Part 4, letter B "Total area not eligible as gross residential acreage". Non-residential uses that are not specifically permitted to be included in the residential density by the Lee Plan's definition of density must be included in this number. Please update application.

Responses to comments 7 and 8:

The density calculations on page 5 of the Request Statement and Part 4 of the Application have been revised to allow up to 15 acres of commercial uses.

Legal Description Review:

Comment 9:

Sec. 34-202(a)(6) Please provide a boundary survey in accordance with the requirements of Lee County LDC §34-202(a)(6).

1. The survey must be based upon the title certification submitted in accord with section 34-201(a)(7).
2. The boundary survey does not depict or describe the 3 areas being subject to this zoning action. Please adjust it accordingly.

Response 9:

Please see enclosed boundary surveys.

Environmental Review:

Comment 10:

The CPD Detail depicts a C/F buffer along the east property line. The service area and possibly the rear of the building providing access to the building are within 125-feet from a residential use abutting the subject property. Per LDC Section 10-

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416(d)(6), if roads, drives, or parking are within 125-feet of an existing single-family lot the buffer must be 25-feet-in-width with wall setback 25-feet or a 30-foot Type-F buffer. A Type-C buffer is 15-feet-in-width and would not comply with the "125-foot rule". Please revise.

Response 10:

The enclosed MCP has been revised to note compliance with the referenced LDC provision.

Comment 11:

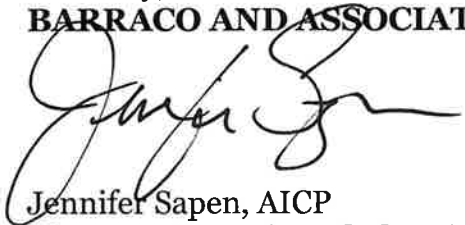
The CPD Detail and RMF-2 Detail depict the preserve to serve as the buffer to the subject development areas. These preserves are not included as part of the application nor does the species survey include the FLUCCS of these areas to meet the buffer. Please indicate if this area is in the scope of work. In addition, Condition 22(a) of Z-15-003 states that "this buffer will not include the conservation areas as shown on the approved MCP".

Response 11:

Consistent with the most recently modified MCP from ADD2021-00197, the note "preserve to serve as buffer" as been removed. It is not the intention of this amendment to make any alterations to preservation requirements or provisions.

If you should have any questions or require additional information, please advise.

Sincerely,
BARRACO AND ASSOCIATES, INC.



Jennifer Sapien, AICP
Vice President of Land Planning

JS/JZ
23898

Attachments

1. Application
2. Request Statement
3. Master Concept Plan
4. List of Deviations
5. List of Conditions
6. Boundary Surveys



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: River Hall

Request: Rezone from: RPD/CPD

To: RPD/CPD

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:

Rezone to add 9.98 acres and increase density by 489 dwelling units within specified unplatted areas of
River Hall.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Greenpointe Holdings, LLC

Address: 7807 Baymeadows Road East, Suite 205

City, State, Zip: Jacksonville, FL 32256

Phone Number: (352) 397-2922

E-mail Address: gmars@greenpointellc.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: Barraco and Associates, Inc.

Contact Person: Jennifer Sopen AICP, VP of Land Planning

Address: 2271 McGregor Blvd. #100

City, State, Zip: Fort Myers, FL 33901

Phone Number: (239) 461-3170

Email: JenniferS@Barraco.net

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: Please see attached "Owners of Record"

Address: _____

City, State, Zip: _____

Phone Number: _____

Email: _____

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): 5/05/2011, 10/17/2012

PART 3 PROPERTY INFORMATION

A. STRAP Number(s): [Attach extra sheets if additional space is needed.] [34-203(a)(5)]

See attached "Owners of Record List"

B. Street Address of Property: Please see attached "Owners of Record List"

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: RPD/CPD

☒ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.
Please see attached "List of Zoning Resolutions & Approvals"

F. Use(s) of Property:

1. Current uses of property are: Vacant residential / undeveloped AG

2. Intended uses of property are: Residential

G. Future Land Use Classification (Lee Plan):

Suburban	<u>23.64</u>	Acres	<u>13.69</u>	% of Total
Outlying Suburban	<u>139.95</u>	Acres	<u>81.05</u>	% of Total
Wetlands	<u>9.08</u>	Acres	<u>5.36</u>	% of Total

H. Property Dimensions: Multiple, see attached "Application - Part 3, Section H. Property Dimensions"

1. Width (average if irregular parcel): _____ Feet
2. Depth (average if irregular parcel): _____ Feet
3. Total area: _____ Acres or square feet
4. Frontage on road or street: _____ Feet on _____ Street
- 2nd Frontage on road or street: _____ Feet on _____ 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)** 172.67 Acres
1. Submerged land subject to tidal influence 0 Acres
 2.
 - a. Preserved freshwater wetlands 9.08 Acres
 - b. Impacted wetlands 0 Acres
 - c. Preserved saltwater wetlands 0 Acres
 - d. Total wetlands (A.2.a. plus A.2.b. plus A.2.c.) 9.08 Acres
 3. R-O-W providing access to non-residential uses 0 Acres
 4. Non-residential use areas ^{(1) (2)} 0 Acres
- B. Total area not eligible as gross residential acreage** (Items A.1. + A.3. + A.4.). 15.00 Acres
- C. Gross residential acres. (A minus B) ⁽³⁾** 157.67 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	8.64	Acres
	b.	Suburban – preserved freshwater wetlands	9.08	Acres
	c.	Suburban – impacted wetlands		Acres
5.	a.	Outlying Suburban – upland	139.95	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		Acres
	b.	University Community – wetlands		Acres
13.	a.	Coastal Rural – upland		Acres
	b.	Coastal Rural – wetlands		Acres

TOTAL (should equal “C” above)

157.67 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: Suburban, Outlying Suburban, Wetland

		Lee Plan Table 1(a)		
1. Standard Units		Max. standard density		Units
a.	Total upland acres (from Part 4, D.)	Suburban	8.64 x 6 equals	51.84
		Outlying Suburban	139.95 x 3 equals	419.85
b.				
Total preserved freshwater wetlands acres (from Part 4, D.)		9.08	x 6 equals	54.48
c.				
Total impacted wetlands acres (from Part 4, D.)			x equals	0
d. Total Allowed Standard Units ⁽¹⁾				526
2. Bonus Units [2-143]				
a.	Site-built Affordable Housing			N/A
b.	Transferrable Dwelling Units			N/A
c.	Sub-total			N/A
3. Total Permitted Units ⁽¹⁾				526

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**

		Height	Total Floor Area (Square Feet)
A. Commercial	1. Medical		N/A
	2. General Office		N/A
	3. Retail		N/A
	4. Other: _____		N/A
	5. TOTAL FLOOR AREA		N/A
		Height	Total Floor Area (Square Feet)
B. Industrial	1. Under Roof		N/A
	2. Not Under Roof		N/A
	3. TOTAL FLOOR AREA		N/A
		Depth	Total Acres
C. Mining	1. Area to be excavated		N/A
		Height	Total Beds/Units
D. Assisted Living Facilities	1. Dependent Living Units		N/A
	2. Independent Living Units		N/A
	3. TOTAL BEDS/UNITS		N/A
		Height	Total Rental Units
E. Hotels/Motels (Room Size)	1. < 425 sq. ft.		N/A
	2. 426-725 sq. ft.		N/A
	3. 725 < sq. ft.		N/A
	4. TOTAL UNITS		N/A

**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:**
- 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)]**
 - 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 attached Quadrangle map.
-
- 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)].
-
- C. Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
-
- D. Shoreline Stabilization:** If the project is located adjacent to navigable natural waters, describe the method of shoreline stabilization, if any, being proposed:
N/A
-
- 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.]**
- 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.]**
- 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.]**
- 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.]**

**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:

 2. Quality of the effluent:

3. Expected life of the facility:

4. Who will operate and maintain the internal collection and treatment facilities:

5. Receiving bodies or other means of effluent disposal:

C. Spray Irrigation: If spray irrigation will be used, specify:

1. The location and approximate area of the spray fields:

2. Current water table conditions:

3. Proposed rate of application:

4. Back-up system capacity:

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. Attach proof of notice to other 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. (Rezone Area 1 and Area 2)
- ☐ 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		
<i>Clearly label your attachments as noted in bold below</i>		
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]

RIVER HALL RPD/CPD

REZONING

Request Statement & Lee Plan Compliance

BACKGROUND AND REQUEST

The Subject Property is located in Alva, FL, (Unincorporated Lee County) southeast of the intersection of Buckingham Rd and State Road 80 (See Figure 1.) and consists of ± 172.67 acres encompassing six (6) parcels, further referenced as the Subject Property. The proposed zoning request runs concurrently with the proposed River Hall Map Amendment (CPA2021-00016).

The proposed rezoning seeks to add 9.98 acres to the River Hall RPD and increase density to allow 3,184 units, for a total of 1.6 units per acre on 1,988 acres.



Figure 1. Subject Property Location Map

HISTORY

1999 - The River Hall Project, which refers to the 1,798 acres that makes up the entire development, was rezoned from AG-2 to RPD to allow 1,598 units through zoning resolution Z-99-056.

- Project size: 1,798 acres
- All land Rural FLU

2005 - Followed by a rezone from AG-2/RPD to RPD/CPD to allow 1,999 units on 1,978 acres through zoning resolution Z-05-2015.

- Project size: 1,978 acres
- All land Rural FLU

2015 - The project then underwent a rezoning and Comprehensive Plan Amendment (CPA) to increase density to allow 2,695 units through Z-15-003 and CPA2012-00001.

- Project size unchanged at 1,978 acres
- 1,064 acres of Rural and 223 acres of Wetlands converted to 153 acres of Conservation Lands Wetlands, 264 acres of Conservation Lands Uplands, and 870 acres of Sub-Outlying Suburban (SOS)
- Created irregular, isolated SOS shapes in the Future Land Use Map (FLUM)

RIVER HALL II - 2022

Shown on the MCP as “River Hall II – 2022”, the Subject Property is located in three unplatted areas of River Hall, totaling 172.67 acres:

Rezone Area 1 – Southwest of River Hall Project Entrance – ±9.98 Acres

- Proposed to be 100% preserved
- Located on west side of River Hall Parkway, undeveloped
- Current FLU: Suburban / Wetlands
- Current zoning: AG-2
- Proposed zoning: RPD
- Proposed use: preserve

Rezone Area 2 – Southeast of River Hall Project Entrance – ±22.74 Acres

- Located on east side of River Hall Parkway, undeveloped
- Current FLU: SOS
- Proposed FLU: Suburban (CPA2021-00016)
- Zoning: CPD & RPD
- Proposed use: Commercial and/or residential

Rezone Area 3 – Southeastern portion of River Hall – ±139.95 acres

- Proposed density cap of 420 units (140 ac x 3 du/ac)
- Located east of the platted portion of Hampton Lakes, undeveloped
- Current FLU: SOS
- Proposed FLU: Outlying Suburban (CPA2021-00016)
- Zoning: RPD
- Proposed use: Residential

Approval of this rezoning will allow a total of 3,184 units for River Hall. The proposed increase in density and acreage equates to 1.6 dwelling units per acre for the overall River Hall Project, an increase of 0.2 units per acre when compared to the current approval.

Consistent with the allowable density within the Outlying Suburban Future Land Use, and consistent with Policy 5.1.10, Rezone Area 3 is proposed with a density limitation of 420 units. The remaining density within River Hall, and any density not used in Rezone Area 3, may be utilized in Rezone Area 1.

ADJACENT LAND USE AND ZONING

The adjacent properties to the north, south, east, and west of the three Subject Property locations are all within the Urban Community, Suburban, Outlying Suburban, Rural, and Wetlands FLUM categories, based on the concurrent CPA's proposed FLUM, as shown in tables 1.a, 1.b, and 1.c.

North - To the north of the River Hall Project, and abutting the Subject Property, are properties within the Rural FLU category. The River Hall Project also abuts Commercial FLU just north of Palm Beach Blvd, at the entrance to the River Hall Community.

South - To the south of the River Hall Project, including the canal, are properties within the Urban Community category, which allows a standard density range of 1 du/ac to 6 du/ac under Policy 1.1.4. The Urban Community FLU also allows a maximum total density of 10 du/ac, as well as the potential to increase to 15 du/ac utilizing Greater Pine Island Transfer of Development Units. In addition to the River Hall Project, the Urban Community FLU also abuts the southern boundary of Rezone Area 3.

East - To the east of the River Hall Project are the Rural and Urban Community FLU categories. A LAMSID canal abuts the southern portion of the River Hall Project's eastern boundary, designated as Urban Community, followed by Hickey Creek Mitigation Park (Conservation lands). The northern portion of the eastern boundary abuts a Rural FLU, including a portion of the Subject Property in Rezone Area 2.

West - To the west of the River Hall Project, along the northern portion of the western boundary line, are lands designated Suburban, which allows a standard density range of 1 du/ac to 6 du/ac under Policy 1.1.5, as well as the potential to increase to 8 du/ac utilizing Greater Pine Island Transfer of Development Units. The southern portion of the western boundary line abuts two RPD developments under the Outlying Suburban FLUM Category, which allows up to 3 du/ac.

COMPATIBILITY WITH SURROUNDING PROPERTY

The proposed rezoning is compatible with the existing and planned uses in the surrounding area. Being located within and/or completely surrounded by for the River Hall Project, the Subject Property's specified locations mostly abut land within the River Hall RPD/CPD, designated as Suburban, Outlying Suburban, Rural, and Wetlands on the CPA's proposed FLUM. The perimeter of the River Hall Project also abuts Outlying Suburban to the west, Urban Community to the south, and Rural to the east. Please refer to the tables below, which inventory in further detail the Subject Property's surrounding Future Land Use categories, zoning and existing land uses.

TABLE 1.a – Rezone Area 1

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Suburban, Rural, Wetlands	RPD:CPD (RH)	Vacant Commercial, indigenous open space, lake
SOUTH	Suburban, Rural, Wetlands	RPD:CPD (RH)	Indigenous open space
EAST	Suburban, Rural, Wetlands	RPD:CPD (RH)	Indigenous open space, sales center
WEST	Suburban, Wetlands	RPD:CPD (RH)	Residential, lake, indigenous open space

(RH) – River Hall RPD/CPD

(OFF) – Offsite

TABLE 1.b - Rezone Area 2

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Rural	RPD:CPD (RH)	Vacant Commercial, indigenous open space, undeveloped
SOUTH	Rural	RPD:CPD (RH)	Elementary School, indigenous open space
EAST	Rural	RPD:CPD (RH) /AG-2 (OFF)	Residential, indigenous open space
WEST	Suburban, Rural	RPD:CPD (RH)	ROW, sales center

(RH) – River Hall RPD/CPD

(OFF) – Offsite

TABLE 1.c – Rezone Area 3

	Existing Future Land Use	Zoning District	Existing Uses/Notes
NORTH	Outlying Suburban, Rural	RPD (RH)	Residential, lake
SOUTH	Urban Community Rural & Wetlands	RS:1 (OFF) RPD (RH)	Vacant residential, residential, conservation easements
EAST	Rural, Wetlands	RPD (RH)	Conservation easements, lake, residential
WEST	Outlying Suburban	RPD (RH)	Residential

(RH) – River Hall RPD/CPD

(OFF) – Offsite

The proposed uses are compatible with the surrounding development. Rezone Area 1 is entirely preserve. The uses proposed in Rezone Areas 2 and 3 are unchanged from the previous approval. Rezone Areas 2 and 3 are land areas that have been included within River Hall since the first rezoning in 1999, deemed compatible and consistent with the surrounding properties through 3 public hearing processes. Acknowledging a potential for incompatibility near the project entry, additional provisions are proposed where density increase is proposed by offsite Rural Future Land Use. As noted on the MCP, if multifamily height exceeds 35' (allowed height of abutting rural / AG land), principal building setback will be increased to 150-feet. Additionally, to ensure a parking lot isn't constructed in the separation to rural land, a

transition lake is required. Notes have been added to the eastern boundary of the CPD outlining these requirements.

FUTURE LAND USE ELEMENT

Upon approval of the concurrent River Hall CPA, the ±172.67 acre Subject Property will have FLU designations of Suburban, Outlying Suburban, Rural, and Wetland. The proposed rezoning complies with the maximum densities permitted in each future land use category, as proposed by the concurrent CPA, which are associated with Policies 1.1.5, 1.1.6, 1.4.1, and Objective 1.5.

The proposed rezoning is consistent with Objective 1.1 (Future Urban and Suburban Areas) and corresponding Policies 1.1.5 and 1.1.6, for the Suburban and Outlying Suburban future land use categories, based on the approval of the companion CPA's proposed map amendment to the Lee Plan. This rezoning application will ensure the Subject Property is developed at the density approved by the concurrent CPA request. The proposed increase of 489 dwelling units will allow for buffers, open space, recreational/amenities, and increased flexibility to allow for the continued protection of environmentally sensitive lands. The proposed density is compatible and consistent with the existing densities found in residential developments adjacent to the Subject Property east of Buckingham Road.

Table 2 - ALLOWABLE DENSITY TABLE						
	Current	CPA	Added Land	Net Acreage	Density Rate	Allowable Density
Suburban	71.50 ac	+25.20 ac	+9.98 ac	Residential = 86.68 ac Commercial = 15.00 ac	6 du/ac	550.08 units
Outlying Suburban	-	+45.68 ac +276.36 ac	-	322.04 ac	3 du/ac	966.12 units
Sub-Outlying Suburban	585.60 ac	+32.40 ac -11.94 ac -25.20 ac -276.63 ac	-	304.23 ac	2 du/ac	608.46 units
Rural	1140.30 ac	-32.40 ac +11.94 ac +45.68 ac	-	1,074.16 ac	1 du/ac	1,074.16 units
Impacted Wetlands	181.00 ac	-	-	181.00 ac	0.05 du/ac	9.05 units
Total Allowable Density						3,216 units
Total Proposed Density						3,184 units

LEE PLAN – VISION STATEMENT

The Fort Myers Shores vision statement provides an overview of the existing conditions and unique characteristics of the Fort Myers Shores Community. Although encompassed by residential single-family homes in a more rural character, the community is anticipated to grow substantially, with majority of the land designated as Suburban, Outlying Suburban, Rural or Urban Community, and planned commercial nodes for higher intensity development. The vision for this plan is to allow the Fort Myers Shores Community to continue to develop a commercial/employment center for the adjacent communities.

The Subject Property is located within the Fort Myers Shores Community, as shown on Lee Plan Map 1-B. Listed as Goal 21 within the Lee Plan (Caloosahatchee Shores Community Plan), the intent for the area outlines the need to “protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of the future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments.” The requested rezone will reinforce this goal by promoting an increase in new residential development in a location already planned for future residential.

In line with the Fort Myers Shores Community’s intent to support continued development of a commercial/employment center, the additional rooftops proposed by this request will help aide future commercial development. Viability of future commercial development is often dependent on the availability of surrounding residential homesites. As such, the proposed additional dwelling units may play a vital role in the timing associated with the future commercial development within the Fort Myers Shores Planning Community. The proposed increase of 489 dwelling units mirrors the additional density allowed by the concurrent CPA’s proposed FLUM changes, which is consistent with this vision. The proposed rezoning areas represent a location where slightly greater density is compatible with the surrounding uses and where existing infrastructure can support the proposed project.

Adequate urban services exist to justify and support future development under the proposed request without negatively impacting the surrounding natural resources or burdening the surrounding infrastructure and public services. Under this zoning application for the River Hall Project, the intended development plan will create a residential community consisting of 489 units more than the currently approved River Hall RPD. Buffering, open space/preserve areas, environmental stewardship, and recreational areas are incorporated within the current development and can be modified, if necessary, to accommodate the additional density, providing sufficient facilities and ensuring compatibility with the surrounding properties and consistency with the objectives provided in the Fort Myers Shores Community vision.

GROWTH MANAGEMENT

The request is consistent with Goal 2, Objective 2.1 (DEVELOPMENT LOCATION), and the corresponding applicable Policies 2.1.1 and 2.1.2, which outline the intent to promote contiguous and compact growth patterns, contain urban sprawl, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities. Upon approval of the concurrent CPA, the acreage included in this request is within the Suburban, Outlying Suburban, Rural and Wetland FLU categories,

and is located where adequate urban services not only exist, but are in place for development to proceed without negatively affecting natural resources or requiring additional infrastructure.

The existing urban services support the appropriateness for the proposed density increase, and indicate the residential development intensification in this region, supported by the approved CPAs/Rezoning to increase density on properties adjacent to the River Hall Project. Subsequently, the proposed density increase represents a logical extension of existing development patterns and an efficient use of public infrastructure. The developments that have recently went through a CPA and rezoning are located to the west of the River Hall Project.

The northern parcels included in this request (Rezone Areas 1 and 2) abut land within the Suburban FLU designation to the west. Its location adjacent to the Suburban FLU, access to urban services, and proximity to State Road 80 and future commercial substantiates the appropriateness of the increased density proposed by this request. In addition, the timing of this request is appropriate given the need for additional dwelling units in this area based on the continued population growth trend in Southwest Florida and the limited housing availability for both renters and buyers.

The proposed rezoning will not result in urban sprawl, which is defined in the Lee Plan as “The uncontrolled, premature, or untimely expansion and spreading out of urban levels of density or intensity into out-lying, non-urban areas.” Conversely, the proposed rezoning will help to prevent leap-frogging of density into out-lying non-urban areas by permitting the additional density in a logical location as an extension of existing development patterns within the Community. The availability and current existence of urban services provides supporting evidence for development to take place in the proposed rezone areas, which will utilize and adhere to the strict regulations associated with the planned development process to deliver a quality product, which closely aligns with the needs and desires of the Fort Myers Shores Community.

The request is consistent with Objective 2.2 (DEVELOPMENT TIMING), which outlines the intent to direct new growth to future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. The existing and future residential uses surrounding the property, and adequate urban services justify the timing of this rezoning, which will allow for medium to low-density development that will help fulfill housing needs in Lee County. The attached letters of determination of existing support facilities (Fire, EMS, Law Enforcement, Solid Waste, Mass Transit, Schools) further emphasize the adequacy of timing and support in place for the purposed development. Please note that the attached letters of determination are associated with the companion CPA and are based on single family units, the largest rate generator for utilities and schools. As such, any combination of single family and/or multi-family will comply with the capacities found sufficient by Lee County Utilities and The School District of Lee County, for the requested 489 additional dwelling units.

The project will comply with Objective 2.5 (HISTORIC RESOURCES). A Historical Resources query was made to the Florida Master Site File and the results included with this submittal delineating the location of the property regarding historical and culturally sensitive areas in Lee County. The Subject Property was found to be clear of any cultural or historical resources.

GENERAL DEVELOPMENT STANDARDS

The request is consistent with Standard 4.1.1 (WATER), AND 4.1.2 (SEWER), and 4.1.4 (ENVIRONMENTAL FACTORS).

The River Hall Project's existing and proposed density does not and will not exceed 2 dwellings units per acre. However, the Subject Property is located within the LCU future water service area, according to Map 4-A of the Lee Plan, and as a result is required to connect to a public water system, in accordance with Standard 4.1.1. The project intends to tap into LCU for potable water service. A letter of availability from LCU is included with this submittal, demonstrating sufficient capacity within the Olga Water Treatment Plant.

Due to the development's location within the LCU future sewer service area, as shown on Map 4-B of the Lee Plan, it must connect to sewer utility if there is existing infrastructure adequate to accept the effluents of the development within 1/4 mile from any part of the development, as required by Standard 4.1.2. The project intends to tap into City of Fort Myers Utilities for sewer service. A letter of availability from LCU is included with this submittal, demonstrating sufficient treatment capacity within the City of Fort Myers South Water Reclamation Facility.

Consistent with Standard 4.1.4, an Environmental Assessment Report is included with this submittal. The report analyzes environmentally sensitive areas of the site. No environmentally sensitive lands will be impacted by the proposed rezone. As shown on the MCP, the added 9.98 parcel will be entirely preserved.

RESIDENTIAL LAND USES

Pursuant to Goal 5 (RESIDENTIAL LAND USES) of the Lee Plan, the County needs "to accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types." According to the Bureau of Economic and Business Research (BEBR), the medium range population projection for Lee County anticipates a population increase from 750,493 in 2020 to 904,700 by 2030. This influx of an additional 154,207 residents further emphasizes the need to provide housing to accommodate the projected population growth for the area. Additionally, the Subject Property is located within Unincorporated Lee County (a sub-section of Lee County), which has housed approximately half of the County's total population from 2010 to 2020. As such, Unincorporated Lee County should anticipate garnering a large percentage of the County's total population increases year after year. The utilization of the Subject Property for some additional housing will assist in achieving this goal. Consistent with Policy 5.1.1, River Hall will be developed as a planned development. Furthermore, in alliance with Policy 5.1.3 – which emphasizes directing residential developments to locations near employment and shopping centers, parks and schools – the proposed development is proximate to SR 80 corridor growth and existing and future commercial nodes within 3 miles, public parks, and public schools to serve its residents.

The request is consistent with Policy 5.1.2, which outlines the intent to prohibit residential development where physical constraints or hazards exist. The Subject Property is outside of any Coastal High Hazard Area as delineated in Map 5-A of the Lee Plan. Through the Planned Development process, the proposed cluster development will provide the necessary environmental, historical, water quality, and infrastructure enhancement measures needed to ensure proper functionality and design.

Policy 5.1.6 calls for development regulations requiring high-density, multi-family, cluster, and mixed-use developments to have open space, buffering, landscaping, and recreation areas appropriate for their density and design. The River Hall Project is currently a clustered development plan and the proposed rezoning to increase density and acreage will comply with the community's development regulations providing sufficient open space, preservation areas and recreational areas incorporated within the development.

Policy 5.1.7 requires that community facilities (such as park, recreational, and open space areas) in residential developments to be functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. The proposed development has an existing centrally located amenity center facility with multi-access for all residents. Additionally, open space areas will meet or exceed requirements of the LDC, and passive recreational areas will be provided, such as a shared-use pathway network linked to interior sidewalks and any proposed pedestrian/bicycle facilities along State Road 80.

COMMUNITY PLANNING

The Subject Property is identified within Lee Plan Map 2-A as being within the Caloosahatchee Shores Planning Community. Listed as Goal 21 within the Lee Plan (Caloosahatchee Shores Community Plan), the intent for the area outlines the need to "Protect the existing character, natural resources and quality of life in the Caloosahatchee Shores Community Plan area, while promoting new development, redevelopment and maintaining a more rural identity for the neighborhoods east of I-75 by establishing minimum aesthetic requirements, planning the location and intensity of future commercial and residential uses, and providing incentives for redevelopment, mixed use development and pedestrian safe environments." The requested rezoning will reinforce this goal by promoting new residential development in an ideal location planned for growth. Additionally, and consistent with Policy 21.1.3, a rezoning to RPD is requested by this application. The requested RPD, through "appropriate conditions of approval," will implement protection from inconsistent and incompatible urban development and ensure compatibility with the rural character through buffers and open space and a clustered development land use pattern.

TRANSPORTATION ELEMENT

A Traffic Impact Statement prepared by David Plummer & Associates is included in this submittal.

In summary, the study reveals that with or without the proposed rezoning request the resulting project will not:

- The proposed density increase is expected to generate 251, 381, and 3,538 more net new external trips during the AM peak hour, PM peak hour, and on a weekday, respectively, as compared to the development allowed under the current zoning;
- The proposed density increase has no significant and adverse impacts on County-maintained roadways
- The segment of SR 80 from SR 31 to Buckingham road is anticipated to operate at LOS F under future conditions with the current zoning and with the proposed amendment;

- The applicant will meet Lee County requirements regarding the payment of road impact fees at the time of development order application. Road impact fees can be used by Lee County to fund road or intersection improvements needed to support all area development as deemed necessary through the MPO LRTP process.
- The proposed amendment for the River Hall CPD/RPD does not trigger additional transportation infrastructure improvements beyond those identified in the Lee Plan.

Objectives 39.2, 39.6, and associated policies of the Transportation Element ensure coordination of land use development with planned transportation facilities appropriate for that area, resulting in increased mobility options and improving all modes of transportation. The concurrent rezone application will ensure consistency with Policy 39.2.2 by providing connectivity and accessibility via incorporating pedestrian, bicycle, and alternative modes other than motor vehicles, while ensuring connection to the adjacent public right-of-way (Palm Beach Blvd/SR 80).

Consistent with Policies 39.6.1, 39.6.2, and 39.6.3, the proposed River Hall development, at time of Development Order, will ensure all necessary traffic management infrastructure and pedestrian/bicycle connections are in place. Providing proper access both internally as well as externally to the planned shared use path/sidewalk along Palm Beach Blvd per Map 3-D and connection with the Pine Island – Hendry Trail per Map 4-E of the Lee Plan.

COMMUNITY FACILITIES & SERVICES ELEMENT

Potable Water - The Subject Property is currently located within the Lee County Utilities (LCU) service area based on the most recent Lee County Utilities Future Water Service Areas Map 4-A, dated November of 2021. The LCU Potable Water and Wastewater Availability Letter, dated August 31, 2021, indicates that potable water mains are in operation adjacent to the property and presently have sufficient capacity to service the 489 SF dwelling units proposed by this rezoning request..

In summary, LCU has sufficient potable water capacity to meet the needs of the requested rezoning based on consistency with Policies 53.1.2 and 95.1.3, and pursuant to the LOA and supporting data presented in the Existing and Future Conditions Analysis.

Sanitary Sewer - The Subject Property is located within the Lee County Utilities future sewer service area based on Lee Plan Map 4-B. The LCU Potable Water and Wastewater Availability Letter, dated August 31, 2021, indicates that sanitary sewer lines are in operation adjacent to the property and presently have sufficient capacity to service the 489 SF dwelling units proposed by the companion FLUM amendment and this rezoning request.

In summary, LCU has sufficient sanitary sewer capacity to meet the needs of the requested rezoning based on consistency with Policies 56.1.2 and 95.1.3, and pursuant to the LOA and supporting data presented in the Existing and Future Conditions Analysis.

Surface Water Management - The Subject Property is located within the South Florida Water Management District's (SFWMD) Tidal Caloosahatchee Basin. Lee Plan Map 5-D shows the property within the Olga Creek Watershed area. The River Hall RPD has a current surface water

management system on site and a surface water management permit on file with the South Florida Water Management District. There are existing wetlands on site. The existing and proposed system meets the applicable County's LOS Standard, which is as follows per Lee Plan Policy 95.1.3.4:

Policy 95.1.3.4: Stormwater Management Facilities LOS: The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map3-F) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

A modified storm water management system will be provided for the property and will benefit the public through clearly defining storm water treatment methods, establishing maintenance accountability, and providing runoff attenuation consistent with Objective 60.1 and Policy 60.1.1. Treated runoff from the developed site will discharge to adjacent tidal creeks and rivers. The Lee County Public Facilities 2020 LOS and Concurrency Report (2020 Report) indicates that all watersheds within the county were studied and concluded that no evacuation routes located within these watersheds are expected to be flooded for more than a 24-hour period. Per the 2020 Report, Lee County states that all new developments receiving approval from SFWMD and in compliance with appropriate standards will be deemed concurrent with the Lee Plan's surface water management level-of-service standards.

The proposed development will seek and obtain all applicable South Florida Water Management District approvals, as well as comply with all Florida Administrative Code Chapter 62-330 standards to ensure consistency with the stated LOS standards per Policy 95.1.3.4 of the Lee Plan. Additionally, through the utilization of clustered development, the proposed development will ensure preservation of existing waterways and wetland habitats consistent with Policy 60.1.2.

Objective 60.4 outlines the intent to incorporate natural systems into surface water management systems to improve water quality, air quality, water recharge/infiltration, water storage, wildlife habitat, recreational opportunities, and visual relief. The proposed development will provide Florida Friendly Landscaping vegetation, retention/detention lakes, and preserved wetlands and conservation easements. It will also provide a surface water management system that will incorporate natural flow ways through utilization of the existing wetland systems, complying with policies 60.4.1, 60.4.2, and 60.4.3.

PARKS, RECREATION & OPEN SPACE

Pursuant to Section 10-415 of the LDC, the development is required to provide 40% open space with 50% of the required open space provided as indigenous native vegetation preserve areas. The clustered design and site layout of the proposed MCP allows a significant amount of land area to be provided for open space, meeting the LDC's requirements. These open spaces will encompass preserve areas, passive recreational areas, lakes, and buffers ensuring consistency with Goal 77 – requiring new development “to provide adequate open space for improved aesthetic appearance, visual relief, environmental quality, preservation of existing native trees and plant communities, and the planting of required vegetation.” Consistent with Policy 77.3.1, the development will provide more than half of the required 40% open space as existing native plant communities. Additionally, the project's clustered design incorporates “large, contiguous open space areas in the development design,” consistent with Policy 77.3.4. Additionally, the

added 9.98 parcel will be preserved, adding to the provided open space of the overall development.

CONSERVATION & COASTAL MANAGEMENT ELEMENT

The Subject Property is not within the Coastal High Hazard Area or Coastal Building Zone, based on Lee Plan Map 5-A.

To ensure consistency with Goal 123 of the Lee Plan, an environmental assessment was conducted and a report by Passarella & Associates, Inc., dated October 2021 is included as part of this submittal (Exhibit M13). Consistent with Policies 123.1.5, 123.1.7, 123.2.2 and 123.2.4, the proposed clustered development provides designated preserve areas and conservation easements. These preserves/conservation easements protect high quality wetlands, plant communities, and indigenous uplands, while addressing restoration and management of non-indigenous/invasive areas of the property. In addition, the preserves/conservation easements located in the eastern portion of the River Hall Project about a LAMSID Canal followed by Hickey Creek mitigation park (County owned conservation land), supporting “connectivity between public and private conservation and preservation efforts,” outlined in Policy 123.1.5.

Consistent with the intent of Policies 123.2.8, 123.2.9, 123.2.10, and 123.2.11, the River Hall Project is subject to a long-term plan, as approved by Lee County, to provide management and maintenance of the preservation areas and be designed to protect the natural character of adjacent nature preserves.

Lee Plan Goal 124 provides language to ensure adequate maintenance and enforcement for any development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. Portions of the 9.98 acres added parcel contain wetlands, but no development is proposed in this parcel. As such, there will be no development related impacts to the River Hall Project’s existing wetlands by the requested rezoning. The Project’s provided wetlands and conservation areas will be reviewed for compliance with the Lee Plan during the rezoning process. The use of a cluster development pattern on the urban designated lands, included in this request, permits an increase in the Project’s density without impacting the project’s existing wetlands, preservation, and conservation areas. The development, as it moves through the permitting process, will be reviewed by the South Florida Water Management District and as a result will be consistent with overall Goal 124, Objective 124.1, and Policies 124.1.1 and 124.1.2.

The proposed rezoning to the River Hall Project will be consistent with Lee Plan Goal 125, Objective 125.1, and Policies 125.1.2 and 125.1.3. The concurrent comprehensive plan map amendment and rezoning application review processes will ensure that water quality is maintained or improved through a comprehensive surface water management system, which will be modified if needed to support the additional 489 dwelling units. The proposed development will reduce nutrient loading and impacts to adjacent waterways; preserve high-quality wetlands; and eliminate the potential for hundreds of individual wells and septic systems by requiring connection to the adjacent potable water and sanitary sewer infrastructure.

HOUSING ELEMENT

Consistent with Goal 135, the proposed rezoning will help to provide adequate housing for existing and future residents of Lee County. The County's objective is to work with private and public housing providers to ensure the types, costs, and locations of housing are provided to meet the needs of the County's population, per Objective 135.1 of the Lee Plan. Southwest Florida is one of the state's leading in-migration areas with Fort Myers being among one of the fastest growing metro areas in the nation, based on data from the U.S. Census Bureau. The County's population is estimated to increase to approximately 900,000 by 2030 (8 years), pursuant to the University of Florida's BEBR Projections of Florida Population by County 2025-2045, and will need additional dwelling units to be provided in unincorporated Lee County to meet the needs of the County's existing and future residents. The proposed rezoning and companion comprehensive plan amendment will allow for up to 489 new housing units to help meet Goal 135 and the intent of Objective 135.1. The proposed rezoning and companion amendment are also consistent with Policy 135.1.9, which outlines the need to provide "a wide variety of allowable housing densities and types through the planned development process."

PLANNING COMMUNITY ACREAGE ALLOCATION – TABLE 1(b) ANALYSIS & EFFECT ON POPULATION

Lee Plan Policy 1.6.5 outlines, by reference Lee Plan Map 1-B and Table 1(b), the "proposed distribution, extent, and location of generalized land uses through the Plan's horizon." As discussed with Staff on February 1, 2022, there is adequate acreage within Table 1(b) at this time for the proposed River Hall CPA, companion to this rezoning request, which will be re-evaluated prior to development.

Lee County's population projections will not be impacted negatively by the proposed rezoning. There are 2.64 persons per household and an overall population of 618,754 (2010 Census) in Lee County, as estimated by the United States Census Bureau's Quick Facts database. The Subject Property under the proposed rezoning and concurrent map amendment, which caps density at 489 additional units, could accommodate approximately 1,291 additional persons (489 units x 2.64 persons per household).

Lee County's 2020 population estimate was 760,822 according to the United States Census Bureau QuickFacts. The County's 2030 projected population is 904,700 and 1,010,900 in the year 2040, according to the UFCLAS – Bureau of Economic and Business Research. Taking these projections into consideration, more than 50,000 dwelling units will be needed within the next 5 to 10 years, with over one third of those dwelling units needed in Unincorporated Lee County. The proposed rezoning and concurrent map amendment will provide 489 additional dwelling units that are compatible and complimentary to the surrounding community and support the future population growth in Lee County.

SANDSTONE AQUIFER

The use of the Sandstone aquifer at the project site is permitted under South Florida Water Management District Irrigation Water Use Permit No. 36-04006-W. The irrigation system is permitted with the supply derived from the lake system with groundwater from the Sandstone and Lower Hawthorn aquifers discharged to the lakes as recharge. The permit has a source limitation on the Sandstone aquifer and allocates a maximum monthly usage of 16.76 million gallons (MG) and an annual use of 203.67 MG from the aquifer.

During the application and review process of the permit prior to development, computer impact analyses were conducted to determine the allowable allocation to be derived from each source. As the Sandstone aquifer is also a source for nearby domestic use, the allocation from the aquifer was limited to volumes that computer modeling showed did not create adverse impacts to adjacent users and that met the applicable SFWMD permitting criteria.

With respect to the Sandstone aquifer and the requirements of the Lee Plan policy 60.1.1 (POLICY 60.1.1: Require design of surface water management systems to protect or enhance the groundwater), the permitted use of the aquifer is as an irrigation source that discharges to the surface water system to recharge the water withdrawn from the lake system. The specific use of the Sandstone aquifer and the surface water system is balanced as there is no net change in the water levels in the lake system resulting from use of the Sandstone aquifer as the recharge from the aquifer is replacing an equal volume withdrawn for irrigation. The Sandstone aquifer on site is a confined aquifer that is separated from the water-table aquifer/surface water system by an approximately 40 foot thick confining unit (District Publication WS-35) which limits interaction between zones. Therefore, the interaction between the surface water management system and the Sandstone aquifer is negligible and has no net positive or negative effect. No changes to the allocation or use of the Sandstone aquifer are proposed.

The Lee Plan's Goal 126: Water Resources is to "Conserve, manage, and protect the natural hydrologic systems of Lee County to ensure continued water resource availability." The use of the Sandstone aquifer on site meets this goal and the requirements of policy 126.1.2 (POLICY 126.1.2: Recognize and encourage water and wastewater management practices that do not exceed the natural assimilative capacity of the environment or applicable health standards. Conservation and Coastal Management VII-16 November 2021 Water and wastewater management includes, but is not limited to, aquifer recharge, aquifer storage and recovery, reuse water, reverse osmosis, dual water systems, use of low volume irrigation systems, use of water-conserving vegetation, and other conservation and recycling techniques.).

As noted, the impacts of the use of the Sandstone aquifer had been evaluated during the SFWMD permitting process. Computer modeling conducted during the permitting process done in 2005 and 2006 (Application No. 050531-4) assessed the impacts of Sandstone aquifer withdrawals at the maximum monthly withdrawals of 16.76 MG. The District noted in the Staff Report prepared for the permit that modeling data were consistent with the criteria set forth in Subsection 3.1.2 of the SFWMD Applicant's Handbook. The aquifer parameters for the Sandstone aquifer modeling were obtained from onsite pump tests and aquifer parameters determined from the testing. Withdrawals of the recommended maximum monthly allocation were simulated for 90 days with no recharge. The purpose of the analysis was to simulate withdrawals of the maximum monthly allocations during a 1-in-10 year drought scenario. The modeling results showed that the maximum drawdown as a result of the maximum monthly withdrawals from the Sandstone aquifer was 5.77 feet at a well node.

To assess the impacts on the regional Sandstone aquifer, a determination of the effect of the modeled drawdown on the Maximum Developable Limit (MDL) was undertaken. The assessment assumed a land surface elevation at the project site of approximately 13 feet NGVD. The top of the Sandstone in the vicinity of the site is approximately -50 feet NGVD (District Publication WS-35). The MDL, which is defined as water levels 20 feet above the top of the aquifer, is -30 feet NGVD. The lowest recorded water level in the Sandstone aquifer, obtained

from USGS Monitor Well L-1975, located approximately 1.5 miles north of the site was 4.10 feet NGVD. The modeling results submitted under Application 050531-4 show a drawdown of approximately 5.8 feet in the aquifer at the project's wells as a result of the withdrawal of the permitted allocation, leaving approximately 28 feet of head above the MDL. Therefore, the potential for harm to occur to water resource availability of the Sandstone aquifer as a result of the withdrawal of the recommended allocation was considered minimal.

To assess the water levels in the Sandstone aquifer on site, two monitor wells were constructed in June 2019 at the northern and southern property boundaries (Figure 1). Monitoring data have shown that the minimum level in the aquifer on site during the period of record occurred in April 2021 at the northern monitor well location. The minimum level recorded was -2.43 feet NAVD (approximately -1.23 feet NGVD). The minimum recorded level was greater than 28 feet above the MDL.

The site is currently utilizing onsite resources to supply the irrigation demands of the project. The use of reclaimed water as an irrigation source has been investigated with Lee County Utilities. A July 2021 letter (River Hall Reuse 07-16-21) from Nathan Beal, Utilities Planning Manager, indicates that the Utility does not have the capability to supply reuse water to the site. The use of reclaimed water as an irrigation source will be considered for use in the future as it becomes available.

The project uses best management practices to limit unnecessary irrigation including the use of xeriscaping principles, soil moisture sensors, rain gauges, monitoring of site conditions by qualified onsite personnel, and employs the use of calibrated totalizing flow meters on all withdrawal sources. The project limits water usage to mandated irrigation schedules and watering restrictions. In addition, all irrigation measures comply with the mandatory year-round landscape measures for Lee, Charlotte, and Collier Counties, per Chapter 40E-24, F.A.C. A compliance monitoring program is currently in place to monitor water levels and water quality within the source aquifers and the lake system.

RIVER HALL Deviations

The following deviations have been approved and will carry forward into the proposed zoning amendment.

1. Deviation from section 10-385(d)(3)a requirement to provide a maximum fire hydrant spacing of 800 feet in the one- and two-dwelling unit area, to eliminate this requirement in areas along the "spine" road where no homes exist.
2. Withdrawn.
3. Deviation from section 10-329(d)(4) requirement to provide lake banks to be sloped 4:1, to allow bulkheads for up to 25 percent of the shoreline of lake banks.
4. Deviation from section 34-2194(b) requirement to provide a 25-foot setback from bodies of water, to allow 20-foot setbacks for the manmade lakes to be consistent with the existing development orders and permits.
5. Deviation from section 30-152(2)c to allow a reduction in the minimum setback from residential subdivision entrance signage from 15 feet to 5 feet from the right-of-way.
6. Deviation from LDC section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a side setback of 17 feet for the following existing platted lots: river hall country club, phase two, block k, lots 29, 57, 76 and 77; hampton lakes at river hall, phase one, lot 87.
7. Deviation from LDC section 10-415(b)(1)c which requires a minimum setback of 20 feet from buildings and a 30 foot setback for indigenous plant communities subject to fire to allow a rear setback of 20 feet for all existing platted lots.
8. Withdrawn.
9. Withdrawn.
10. Deviation from LDC section 34-394 which permits dwelling units within a CPD when there are at least 50,000 square feet or more of commercial uses to allow dwelling units within the existing river hall CPD which was permitted for 45,000 square feet of commercial uses.
11. Withdrawn.
12. Deviation from LDC 10-296(e)(1)(i)(5) which requires a closed drainage cross-section for local roadways in the Urban Community Future Land Use category to provide an open drainage cross-section in accordance with LDC 10-296(e)(2)(h)(5)(iii)(b) which depicts an open drainage cross section in Suburban Future Land Use categories.

RIVER HALL Conditions

The following conditions include all conditions approved through ADD2021-00197, approved 5-26-2022. The provided strike-through/underline text indicates text changes proposed by the 2022 rezoning application, DCI2022-00026.

1. Development of this project must be consistent with the five-page Master Concept Plan (MCP) for River Hall, stamped receivedDATE.... (Exhibit C), except as modified by the conditions below.

The project is limited to a maximum of 45,000 square feet of commercial floor area and ~~2,695~~ 3,184 residential units. See further Condition 5. The ~~696~~ 489 dwelling units added by this resolution must be located in River Hall ~~2~~ II-2022 only. No currently platted land within River Hall ~~2~~ II-2022 may be replatted to increase density.

This development must comply with all of the requirements of the LDC at the time of local development order approval, except as may be granted by deviations approved as part of this planned development.

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

A. SCHEDULE OF USES

RESIDENTIAL, GOLF & AMENITY AREAS

Accessory Uses and Structures Administrative Office

Club - country and private

Consumption on Premises - limited to the clubhouse/amenity areas. No outdoor seating unless approved as a special exception (public hearing required)

Dwelling Units single-family (R-1, R-1A or RMF-1), two-family attached (R-1A or RMF-1), townhouse (RMF-1), multiple-family (RMF-1), zero-lot-line units (RMF-1)

Entrance Gates and Gatehouse Essential Services

Essential Services Facilities, Group I

Excavation, Water Retention - No blasting and removal of excavated material off site is not permitted

Fences and Walls

Golf Course - 36 holes, golf maintenance facility, cart barn and related accessory uses to a golf course. (See Conditions 6 and 20 for additional requirements)

Golf and Tennis Pro Shops (limited to ancillary use in clubhouse)

Golf Driving Range

Golf Training Facility

Model Home and Model Unit - must be in compliance with LDC §34-1954

Model Display Center, must be in compliance with LDC §34-1955, limited to one which must be located in the sales center area shown on the MCP and must only serve this project

Parking Lot, Accessory

Parks, Group I (River Hall 1 only)

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

Recreational Facilities - Private, On-site only

Residential Accessory Uses - In compliance with LDC §622(c)42 and LDC Article VII Division 2

Signs, in compliance with LDC Chapter 30 (See Deviation 5)

Storage, Open, recreational vehicles, boats and similar items for residents only, (River Hall 1 only) limited to locations shown on the MCP attached to Resolution Z-05-051, if any, and must be shielded behind a continuous visual screening at least eight feet in height when visible from any residential use, and six feet in height when visible from any street right-of-way or street easement (See Condition 19 for additional requirements)

Temporary Uses

TOWN CENTER (CPD)

Maximum 15,000 sf office and maximum 30,000 sf retail within the Town Center CPD parcel only

Accessory Uses and Structures

Administrative Office

Banks and Financial Establishments, Group I

Business Services, Group I

Consumption on Premises - Indoor only in conjunction with a Restaurant use only. No outdoor seating unless approved as a special exception (public hearing required)

Day Care Center, Adult & Child

Drive through in connection with any approved use except drugstore/pharmacy

Dwelling Units, limited to Townhouse and Multi-family, only in River Hall 2

EMS, Fire or Sheriff's Station

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention - No blasting; Removal of excavated material off site not permitted

Food Stores, Group I

Hardware Store

Laundry or Dry Cleaning, Group I

Parking lot, accessory

Personal Services, Group I

Pharmacy/Drugstore - limited to one within a multi-occupancy complex only and no drive-through

Place of Worship, Religious Facilities

Real Estate Sales Office

Recreational Facilities - Private, On-site only (River Hall 2 only)

Repair Shop, Group I

Restaurant, Groups I, II, III

Specialty Retail Shops, Group I

Temporary Uses

ELEMENTARY SCHOOL SITE

Public Schools and Related Accessory Uses

B. SITE DEVELOPMENT REGULATIONS*Minimum Lot Area and Dimensions*~~Single-Family~~~~Width: 40.5 feet~~

~~Lots 148 and 149 of Cascades at River Hall, Phase I, as platted in Instrument Number 2005000166035 of the Lee County Records are permitted a minimum lot width of 44 feet.~~

~~Depth: 120 feet~~

~~Lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 of Cascades at River Hall, Phase I & II, as platted in Instrument Numbers 2005000166035 and 2005000166038 of the Lee County Records may be permitted a minimum lot depth of 110 feet.~~

~~Lot Size: 5,400 sf~~

~~1) The minimum single-family lot area and dimensions regulations for parcels 35-43-26-L4-08000.2650, 35-43-26-L4-08000.2660, 35-43-26-L4-08000.2670, and 35-43-26-L4-08000.2680, aka Lots 265-268 as recorded on the plat entitled "Hampton Lakes at River Hall South Plat" recorded in instrument number 2021000035440, are as shown below:~~

~~a. Width 45 feet~~~~b. Depth 100 feet~~~~c. Lot Size 5,400 sf~~~~2) Hampton Lakes Lot 4 per ADD2019-00017~~~~Two-Family Attached and Zero Lot Line~~~~Width: 33 feet~~~~Depth: 130 feet~~~~Lot Size: 4,290 sf~~~~Multi-Family~~~~Width: 75 feet~~~~Depth: 100 feet~~~~Lot Size: 10,000 sf~~~~Commercial~~~~Width: 200 feet~~~~Depth: 100 feet~~~~Lot Size: 20,000 sf~~*Minimum Perimeter Setbacks (for River Hall 2)*

~~RPD - one-half the building height~~

~~CPD - the greater of 15 feet, one-half the building height, or the perimeter buffer
(including the buffer required by LDC §10-416(d)(6))~~

Minimum Setbacks

Single Family

~~Road - Palm Beach Blvd 25 feet/Private Roads 20 feet~~

~~Side - 5 feet~~

~~Rear - 15 feet~~

~~Lots 302-307 and 344-348 of Cascades at River Hall,
Phase I & II, as platted in Instrument Numbers
2005000166035 and 2005000166038 of the Lee County
Records may be permitted a minimum rear primary
structure setback of 5 feet. (ADD2006-00173)~~

~~Water Body - 20 feet~~

~~Accessory - Per the LDC~~

~~Lots 302-307 and 344-348 of Cascades at River Hall,
Phase I & II, as platted in Instrument Numbers
2005000166035 and 2005000166038 of the Lee County
Records may have a minimum rear accessory structure
setback of 6 inches. (ADD2006-00173)~~

Two-Family Attached and Zero Lot Line

~~Road - Palm Beach Blvd 25 feet/Private Roads 20 feet~~

~~Side - 0/5 feet. Side opposite the zero-lot-line or for two-family
attached structures. Structures (including but not limited to,
sidewalks, air conditioners, mechanical equipment, door
stoops, walls, etc.) may not be located within the required 5-
foot side setbacks; or prior to issuance of Certificate of
Occupancy on each lot, the Engineer of Record must certify
that the drainage for each lot is built in compliance with the
typical lot grading detail provided.~~

~~Rear - 15 feet~~

~~Water Body - 20 feet~~

~~Accessory - Per the LDC~~

~~Minimum Distance Between Buildings: 10 feet~~

~~Minimum building separation between Lots 117 and 154, 147 and 148,
and 148 and 149 of Cascades at River Hall, Phase I, as platted in
Instrument Number 2005000166035 of the Lee County Records may be
11 feet. (ADD2006-00164)~~

~~Townhouse & Multi-family~~

~~Road ————— Palm Beach Blvd 25 feet/Private Roads 20 feet~~
~~Side ————— N/A~~
~~Rear ————— 15 feet~~
~~Water Body ——— 20 feet~~
~~Accessory ——— Per the LDC~~

~~Minimum Distance Between Buildings— 20 feet~~

~~Clubhouse, Amenity & Golf Maintenance Buildings~~

~~Road ————— Palm Beach Blvd 25 feet/Private Roads 20 feet~~
~~Side ————— 15 feet~~
~~Rear ————— 15 feet~~
~~Water Body ——— 20 feet~~
~~Accessory ——— Per the LDC~~

~~Minimum Distance Between Buildings— 20 feet~~

~~Commercial~~

~~Road ————— Palm Beach Blvd 25 feet/Private Roads 20 feet~~
~~Side ————— 15 feet~~
~~Rear ————— 20 feet~~
~~Water Body ——— 20 feet~~
~~Accessory ——— Per the LDC~~

~~Minimum Distance Between Buildings— 20 feet~~

~~Maximum Lot Coverage~~

~~Single Family ————— 60 Percent~~
~~Two-Family Attached and Zero Lot Line ————— 60 Percent~~
~~Townhouse & Multi-family ————— 60 Percent~~
~~Clubhouse, Amenity & Golf Maintenance Buildings — 60 Percent~~
~~Commercial ————— 45 Percent~~

~~Maximum Height~~

~~Residential Uses ————— 45 feet/3 stories~~
~~Commercial uses ————— 35 feet/3 stories~~
~~Recreational/Amenity sites~~
~~————— On the perimeter of the property — 35 feet/3 stories~~
~~————— On the interior of the project ——— 60 feet/3 stories~~

PROPERTY DEVELOPMENT REGULATIONS TABLE

	<u>Min. Lot Area (SF)</u>	<u>Min. Lot Width</u>	<u>Min. Lot Depth</u>	<u>Max. Height</u>	<u>Max. Lot Coverage</u>
<u>Single Family</u>	<u>R-1: 5,400</u> <u>R-2: 4,860</u>	<u>R-1: 45'</u> <u>R-1A: 40.5'</u>	<u>120'</u>	<u>45' / 3 stories</u>	<u>60%</u>
<u>Two-Family Attached and Zero Lot Line</u>	<u>3,960</u>	<u>33'</u>	<u>120'</u>	<u>45' / 3 stories</u>	<u>60%</u>
<u>Townhouse</u>	<u>1,800</u>	<u>18'</u>	<u>100'</u>	<u>45' / 3 stories</u>	<u>60%</u>
<u>Multi-family</u>	<u>10,000</u>	<u>75'</u>	<u>100'</u>	<u>45' / 3 stories</u>	<u>60%</u>
<u>Clubhouse, Amenity & Golf Maintenance Buildings</u>	<u>10,000'</u>	<u>100'</u>	<u>100'</u>	<u>Project Perimeter</u> <u>35' / 3 stories</u>	<u>60%</u>
<u>Commercial</u>	<u>20,000</u>	<u>200'</u>	<u>100'</u>	<u>35' / 3 stories</u>	<u>45%</u>

<u>Minimum:</u>	<u>Road Setback</u> <u>(Palm Beach Blvd / Private Roads)</u>	<u>Side Setback</u>	<u>Rear Setback</u>	<u>Water Setback</u>	<u>Accessory Setback</u>	<u>Building Separation</u>
<u>Single Family</u>	<u>25'/20'</u>	<u>5'</u>	<u>15'</u>	<u>20'</u>	<u>Per LDC</u>	<u>10'</u>
<u>Two-Family Attached and Zero Lot Line</u>	<u>25'/20'</u>	<u>0'/5'</u>	<u>15'</u>	<u>20'</u>		<u>10'</u>
<u>Townhouse</u>	<u>25'/20'</u>	<u>N/A</u>	<u>10'</u>	<u>20'</u>		<u>10'</u>
<u>Multi-family</u>	<u>25'/20'</u>	<u>N/A</u>	<u>15'</u>	<u>20'</u>		<u>10'</u>
<u>Clubhouse, Amenity & Golf Maintenance Buildings</u>	<u>25'/20'</u>	<u>15'</u>	<u>15'</u>	<u>20'</u>		<u>20'</u>
<u>Commercial</u>	<u>25'/20'</u>	<u>15'</u>	<u>20'</u>	<u>20'</u>		<u>20'</u>

Notes:

1. Minimum lot width for Cascades at River Hall, Phase I, Inst. Number 2005000166035, lots 148 and 149 is 44 feet.
2. Minimum lot depth for Cascades at River Hall, Phase I & II, lots 26, 27, 28, 38, 55, 302, 303, 304, 305, 306, 307, 344, 345, 346, 347, and 348 is 110 feet.

3. Minimum lot depth for Hampton Lakes at River Hall, Phase II, Inst. Number 2021000035440, lots 265, 266, 267, and 268 is 100 feet.
 4. Minimum rear setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038, lots 302-307 and 344-348 is 5 feet.
 5. Minimum rear accessory setback for Cascades at River Hall, Phase I & II, Inst. Numbers 2005000166035 and 2005000166038 lots 302-307 and 344-348 is 6 inches.
 6. Minimum building separation for Cascades at River Hall, Phase I, Inst. Number 2005000166035, between lots 117 and 154, 147 and 148, and 148 and 149 is 11 feet.
 7. Minimum side setback for Hampton Lakes at River Hall, Phase I, Inst. Number 2005000153004, lot 4 is 4.5 feet.
 8. Minimum single family dimensions for parcels 35-43-26-L4-08000.2650, 35-43-26-L4-08000.2660, 35-43-29-L4-08000.2670, and 35-45-26-L4-08000.2680, aka lots 265-268, Inst. Number 2021000035440 is as follows:
 - a. Width – 45'
 - b. Depth – 100'
 - c. Lot size – 5400 sf
3. The following conditions address environmental issues:
- a. The "American Alligator Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Prior to local development order approval, the location of the American Alligator Management Plan signage must be delineated on the development order plans for Division of Environmental Sciences' review and approval. Warning signs must be placed where there is potential for human/alligator interaction. These signs must discourage the feeding or harassment of alligators.
 - b. The "Gopher Tortoise Management Plan" provided as part of the "Protected Species Management Plan for Shulman Parcel" counter stamped May 19, 1999 incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. Any revisions to the Tortoise Management Plan are subject to Environmental Sciences' review and approval.
 - c. The "Florida Burrowing Owl Management Plan" provided as part of the "Protected Species Management Plan for Schulman Parcel," counter stamped May 19, 1999, must be revised for Division of Environmental Sciences' review and approval at the time of local development order submittal. The plan must either commit to preserving the existing burrowing owl burrows in place with a buffer in accordance with LDC Appendix H, or commit to a detailed relocation management plan. The developer demonstrates it is necessary to impact the burrows, the management proposal must provide details about where appropriate replacement habitat for the owls will be provided, how the owls will be attracted to this area, and how it will be protected during construction activities on the site.

- d. The developer must submit a detailed Scrub Jay Management Plan to the Division of Environmental Sciences for review and approval at the time of local development order submittal. This plan must follow the general guidelines of the "Florida Scrub Jay Management Plan" provided as part of the "Protected Species Management Plan For Schulman Parcel," counter stamped May 19, 1999 and incorporated into the 2005 resolution of approval (Resolution Z-05-051) as Exhibit D. The finalized Scrub Jay Management Plan must be approved by the Florida Fish and Wildlife Conservation Commission (FWC) prior to local development order approval.
- e. The developer must submit a detailed Sandhill Crane Management Plan to the Division of Environmental Sciences for review and approval at the time of local development order submittal.
- f. Open space must be provided in accordance with the MCP. All individual tracts must provide a minimum of ten percent open space within the tract and may be met with private open space.
- g. The developer must provide a minimum of 465 acres of indigenous preservation areas in substantial compliance with the MCP. The preserves must be delineated on the local development order plans when they are within or adjacent to the development phase or tract to be developed.
- h. Prior to local development order approval, the plans for any residential units on individual lots that abut a preserve must delineate a preserve boundary sign location at every other lot line and provide a detail of the sign for the Division of Environmental Sciences' Staff review and approval.
- i. Every effort must be made in the final design of the golf course and residential tracts to preserve large native trees. The developer must schedule an on-site preconstruction meeting with Division of Environmental Sciences' Staff prior to the issuance of a vegetation removal permit for any phase of development to confirm preservation and barricading requirements prior to the initiation of site clearing.
- j. Existing development and River Hall 1 future development will meet requirements of the River Hall Lee County Protected Species Management Plan, dated May 2006. Prior to local development order approval for future development of lands within River Hall 2, a Protected Species Management Plan must be submitted revising the gopher tortoise and burrowing owl management plans to address the current conditions and update management techniques and required permits; include resident educational materials for the gopher tortoise, listed wading birds, and Florida scrub jay; as well as incorporate a large mammal management plan to limit potential negative human/wildlife interactions.
- k. Prior to prescribed burn management activities occurring within the on-site preserve or on the adjacent Hickey's Creek Mitigation park (as notified by the CDD and/or park staff), the HOA of the development pods in River Hall 2 located adjacent to the easternmost preserve must notify these development pods residents of the scheduled prescribed burn activities

and general education material on prescribed burn management activities must be provided. If covenants or deed restrictions are required for these development pods, the documents must include language requiring each deed holder will be informed of their purchase of a lot adjacent to an on-site preserve or public preserve land which is managed with prescribed burning and each deed holder will be presented with education material on prescribed burn management activities at the time of purchase.

4. The following recommendations are presented in order to mitigate future hurricane damage and loss of life, as well as to ensure compliance with Lee Plan objectives.
 - a. The developer must establish a homeowners' or residents' association that will provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, who will provide literature, brochures and speakers for Hurricane Awareness/Preparedness Seminars, describing the risks of natural hazards. The intent of this recommendation is to provide a mechanism to educate residents concerning the actions they should take to mitigate the dangers inherent in these hazards.
 - b. The developer must formulate an emergency hurricane notification and evacuation plan, which will be subject to review and approval by the Lee County Office of Emergency Management.
 - c. If access to this development or any portions thereof, is through a security gate or similar device that is not manned 24 hours a day, it must be equipped with an override strip installed in a glass covered box to be used by drivers of emergency vehicles to gain entry, consistent with LDC §34-1749.
 - d. The developer must cooperate with the Division of Public Safety/Emergency Management in determining and participating in a means to lessen hurricane shelter impacts on the County's hurricane preparedness process and public safety. Those "means" could include the provision of equipment, monies in lieu of equipment, or such other goods, materials or actions deemed appropriate by Emergency Management that results in the provision of additional shelters, or improvement of roads for use as additional evacuation routes. The choice of "means" will rest with the developer, so long as the choice adequately mitigates the adverse impacts.
5. The following conditions are included to address Lee Plan consistency issues:
 - a. The total residential dwelling count within River Hall may not exceed 2,695 dwelling units. In accordance with the Lee Plan, maximum densities per the Future Land Use Categories are provided below:

TABLE

Future Land Use Category	Acreage	Density	Maximum Units Allowed per Future Land Use Category *
Suburban	71.5 <u>86.68</u>	6 du/ac	429 <u>550</u>
<u>Outlying Suburban</u>	<u>322.04</u>	<u>3 du/ac</u>	<u>966</u>
Sub-Outlying Suburban	585.6 <u>304.23</u>	2 du/ac	1,171 <u>608</u>
Rural	1,140.3 <u>1074.16</u>	1 du/ac	1,140 <u>1074</u>
Wetlands	181.0	0.05 du/ac	9

(*) Density calculations assume all acreage is available for residential density calculations. Actual achievable numbers may be less

The portion of the property within the Rural Future Land Use category must maintain densities of one dwelling unit per acre or less. No more than ~~1,140~~ 1,074 dwelling units may be constructed in the Rural designated areas of the project.

- b. In River Hall 1 - Densities may not be shifted between Future Land Use categories unless a new public hearing occurs and the allocation of density complies with provisions of Policy 5.1.10 of the Lee Plan.
- c. In River Han 2 II-2022 2 - If permitted by Lee Plan Policy 5.1.10, units may be shifted from River Hall 1 to River Hall 2 II-2022.
- d. Given the limited existing available Rural 2020 Planning Community Acreage Allocation at the time of rezoning, the available Rural allocation must be determined by the Planning Division prior to any development order approval for residential use in the Rural portions of the site. No development order will be issued or approved if the acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Lee Plan Table 1 (b), Acreage Allocation Table (per Lee Plan Policy 1.7.6). In order to develop more Rural acreage with residential uses, the Lee Plan must be amended to change the Rural residential acreage allocation for the Fort Myers Shores planning community in Table 1 (b). Adequate data and analysis to support this amendment must be submitted by the applicant at the time of the request for the Lee Plan amendment. Development in excess of the current Table 1 (b) allocations will not be permitted until Table 1 (b) is amended accordingly.

6. The following conditions are included to address the golf course:

- a. The developer of the golf course must use fertilizers with a low leaching potential (slow release). The fertilizers must not be applied after active growth of the turfgrass has ceased, and must be kept to the lowest reasonable levels; and
- b. To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan that includes an integrated pest management (1PM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary. The program must address prevention, diagnosis, and limited treatment with pesticides when necessary rather than blanket treatment with broad spectrum pesticides as insurance against all pest species. The application of pesticides will involve only the purposeful and minimal application of pesticides, aimed only at identified targeted species. The regular widespread application of broad spectrum pesticides is prohibited. The 1PM program must minimize the use of pesticides and must include the use of the US Department of Agriculture - Natural Resources Conservation Service (USDA-NRCS) Soil Pesticide Interaction Rating guide to select pesticides for use that have a minimum potential for leaching or loss from runoff. The nutrient management program must be based upon the USDA-NRCS Nutrient Management Standard and must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals may be used. Turf managed areas (including fairways, tees, and greens) within 35 feet of wetlands or preserve areas are prohibited. This chemicals management plan must be submitted to and approved by Lee County Planning Division Staff prior to the development order approval.
- c. The golf course manager must coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of applied pesticides and nutrients.
- d. The utilization of a golf course manager licensed by the state to use restricted pesticides and experienced in the principles of 1PM is required. The golf course manager is responsible for ensuring that the golf course fertilizers are selected and applied to minimize fertilizer runoff into the surface water and the leaching of those fertilizers into the groundwater.
- e. The storage, mixing, and loading of fertilizer and pesticides must be designed to prevent/minimize the pollution of the natural environment.
- f. The golf course must comply with the "Best Management Practices for Golf Course Maintenance Departments," prepared by the Florida Department of Environmental Protection, as amended.

- g. The golf course must be planted with a turfgrass cultivated variety that is drought and pest resistant, and that requires relatively low fertilizer use.
 - h. The irrigation system must operate on an "as needed" basis through the utilization of weather forecasting and ongoing assessment of the moisture content of the soil.
 - i. All fairways, greens, and tees must be elevated above the 25-year flood level, and all greens must utilize underdrains. The effluent from these underdrains must be pre-treated prior to discharge into the balance of the project's water management system.
 - j. Stormwater run-off must be pre-treated through an acceptable recreated natural system or dry retention and water retention system, prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
 - k. An annual monitoring report of ground water and surface water quality is required for the golf course operation. The monitoring program must include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water within the area of the golf course; identification of the locations for the ground water monitoring and testing on a map(s); testing and recording requirements. The developer must submit the test results with the monitoring report to the Lee County Planning Division. The monitoring program will be established and operated at the expense of the developer, or other comparable legal entity charged with the legal responsibility of managing the golf course. This plan will be evaluated in accordance with the directives of Chapter 17-302, F.A.C., water quality standards.
 - l. If groundwater or surface water pollution occurs, as that term is defined by the rules or regulations in effect at the time, and if the pollution is caused by the application of fertilizers, herbicides or pesticides to the golf course, the application must cease until the developer submits a revised management plan. If mitigation is necessary to address the pollution, the developer must implement a mitigation plan approved by Lee County.
7. Model units and homes are permitted in compliance with the following conditions:
- a. Each model must be a unique example. Multiple examples of the same unit are not permitted; and
 - b. All model sites must be designated on the development order plans; and
 - c. Prior to constructing model homes within this project, the lots upon which the model homes will be constructed will have been shown on a preliminary plat filed concurrently with the required local development order for this project. Such model home(s) will comply with all setbacks set forth within the Property Development Regulations for River Hall (f/k/a Hawk's Haven) or the LDC, whichever applies.

Should setback problems arise after construction of a model home, it will be the responsibility of the owner/developer to resolve the setback problem.

- d. Hours of operation for model units and real estate sales within the model units are limited to Monday through Sunday, 8 a.m. through 8 p.m.
8. Construction traffic is prohibited on Hickey Creek Road.
9. Buildings extending 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
10. Based on the intersection improvements identified in the applicant's TIS as being necessary for the project, a traffic signal is required at River Hall Parkway/State Road 80 intersection. Upon completion of the Community Development a copy of the FDOT Final Acceptance Letter. Please note that this condition placed by Lee County as part of this rezoning does not exempt the applicant from having to comply with the permit as approved by FDOT.
11. Approval of this rezoning does not give the developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
12. The developer is required to design the project in a manner that will provide the internal "outparcels" (separate tracts encapsulated by the project property) the ability to obtain reasonable and practicable access through the subject property, unless the developer provides a circuit court order indicating that the internal outparcels are not legally entitled to access through the subject property. However, this rezoning does not obviate the developer's responsibility to provide access to the internal "outparcels" in accordance with Florida law.
13. If the developer constructs structures other than conventional single-family homes within 100 feet of the "outparcels," the developer must provide a 25-foot-wide enhanced vegetative buffer completely around the outparcel. In addition, the enhanced vegetative buffer must utilize native vegetation, indigenous to the plant community in which it is to be planted. The vegetation must be installed prior to vertical construction and it must be installed according to the following density and size:
 - a. Six trees per 100 linear feet -At installation, trees must be a minimum of 12 to 14 feet tall, with a 2-112 inch minimum caliper and a 5-foot minimum canopy. No palm trees, or completely deciduous trees, may be used to meet the requirements of this enhanced buffer.

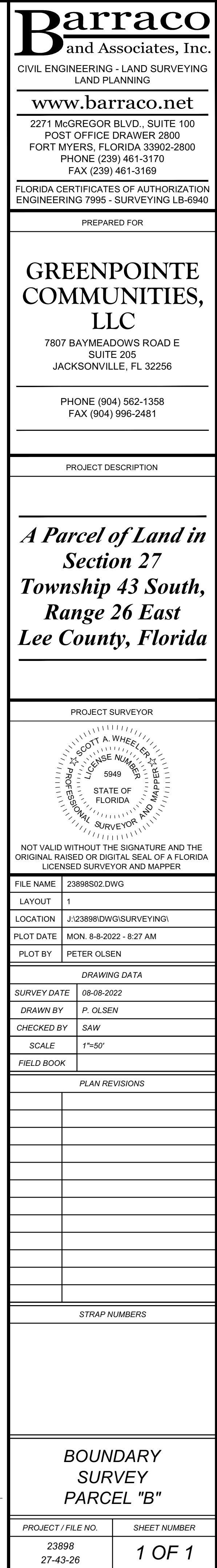
- b. 33 shrubs per 100 linear feet - 1) At installation, all shrubs must be 18 to 24 inches in height, 3-gallon pots, and spaced 30 to 36 inches on center; and 2) all shrubs used to meet the enhanced buffer requirements must reach a mature height in excess of six feet under normal growing conditions. If these "outparcels" come under the control of the developer prior to construction within the 100-foot-wide area, then compliance with this condition is not required
- 14. Vehicle access from the northern boundary of the subject property over and across Hickey Creek Road is prohibited.
- 15. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.
- 16. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.
- 17. All required buffers must utilize 100 percent native vegetation.
- 18. The school site is limited to a public school operated by the School District of Lee County.
- 19. Outdoor storage areas in River Hall 1 must be in compliance with §34-3001, *et seq.*, of the Lee County LDC, with the additional requirements as outlined on page 2 of 2 of the MCP attached to Resolution Z-05-051, including a 200-foot perimeter setback and enhanced buffer.
- 20. A plan showing landscaping in accordance with page 2 of 2 of the approved MCP must be submitted and approved prior to the issuance of a development order for the golf course maintenance facility and amenity center.
- 21. Signage referencing the town center is prohibited within 50 feet of the right-of-way of Palm Beach Boulevard (State Road 80).
- 22. BUFFERS.
 - a. A Type "C" or "F" buffer, as described in the LDC, must be provided in the River Hall 2 CPD "Town Center" portion bordering the agriculturally-zoned property to the east. This buffer will not include the existing conservation areas shown on the approved MCP.
 - b. A Type "D" buffer must be added to the MCP on the "spine" Road for the commercial Town Center portion of the property, in accordance with the LDC.
- 23. Second access
 - a. Within 24 months of the effective date of this Zoning Resolution, the applicant will design, permit, and construct the secondary access to 75th Street West shown on

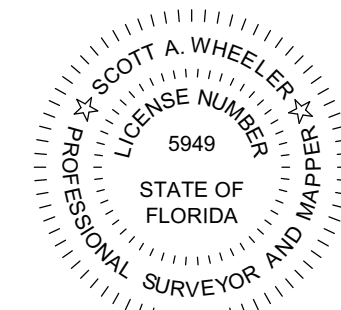
Page 4 of the MCP. The design of the second driveway to the River Hall community must be shown as a part of the first local development order approval for any of the unplatted lands in the southern portion of the development. In the event the secondary access is not constructed within 24 months of the effective date of this Resolution, the Director of Community Development may issue a reasonable extension for completion if the development has not exceeded the occupancy of 1,598 dwelling units, and the applicant demonstrates good faith progress on the design, permitting, and construction of the access. This requirement is contingent upon approval from the East County Water Control District (ECWCD) to cross the 50-foot-wide canal along the south side of River Hall. The County will work with the developer to obtain approval to cross the 50-foot-wide canal.

- b. Upon construction of the second access to the River Hall community, access through the security gates must be provided to Lee County School District buses and to emergency vehicles.
24. Wall between River Hall and Portico (ADD2007-00063)
The construction of a wall along a portion of the southern and western property boundaries adjacent to the Portico Residential Planned Development (RPO) is subject to the following conditions:
- a. The Development must be in compliance with the amended Master Concept Plan, dated APRIL 17, 2007, Master Concept Plan for ADD2007-00063.
 - b. Approval of this administrative amendment was contingent upon approval of ADD2007-00084 Portico, which was approved on May 14, 2007.
25. Within ninety (90) days of the effective date of this Resolution, the developer of lands within River Hall 2 must submit a request to the South Florida Water Management District (SFWMD) for a letter modification to the consumptive use permit for the project to reinstate the groundwater monitoring requirements that were not included in the 2013 permit renewal. These requirements include conditions 31, 32, and 33 of the original Permit No. 36-04006-W issued in 2006. If the SFWMD approves the requested modification, all monitoring reports filed with the SFWMD pursuant to the permit will also be simultaneously filed with the County's Department of Natural Resources.
26. The developer of lands within River Hall 2 must provide the ability for drainage from the ECWCD to pass through the project's surface water management system in order to lower flood stages within the ECWCD. The intent of this condition is to provide for a stormwater conveyance from the existing ECWCD canal along the southern boundary of River Hall during major storm events. This condition is not intended to require the construction of any physical improvements to the surface water management system within River Hall, but only to require access to and authority for the ECWCD to utilize the surface water management system within River Hall in accordance with its existing permit. Documentation of compliance with this requirement will be provided by the developer to the County prior to issuance of any residential development orders for River Hall 2;

provided, however, that this will not prohibit the issuance of development orders solely for the infrastructure improvements (including but not limited to sewer, water, and drainage) for the project.

27. At the written request of the County, the developer of lands within River Hall 2 must provide, at developer's expense, a temporary modular unit to be located on the River Hall sales facility parcel for use as a station for Lee County Emergency Medical Services (EMS). At a minimum, the modular unit will provide office space, rest/sleeping area, shower and restroom facilities for EMS, along with a minimum of 4 dedicated parking spaces. Upon installation, the modular unit and parking spaces will be leased to the County for \$10.00 per year, whereupon the County will be responsible for all costs of operation including, but not limited to, utilities, electricity, telecommunications, furniture, and maintenance. The developer shall be responsible for the initial development order application and certificate of occupancy for the installation of the modular unit upon receipt of the written request from the County. The modular unit will be installed within ninety (90) days of receipt of all necessary permitting. The developer's obligation under this condition will expire upon the earlier of: (1) construction and issuance of a certificate of occupancy for the fire station on the parcel within River Hall owned by the Fort Myers Shores Fire District; or (2) five years after the issuance of a certificate of occupancy for the modular unit.
28. The applicant will provide quarterly monitoring reports to the Director of Community Development on the status and progress of the southerly access point (Condition 23). A courtesy copy should be provided to the River Hall CDD and Master Homeowner's Association. The first quarterly monitoring report will be due three months after the effective date of this Resolution and will be submitted every three months thereafter until the southerly access receives a certificate of completion from the County. Each monitoring report will identify the current status of the improvement through the design, permitting, and construction stages, and will identify an issues that may affect completion of the improvement within the time specified in its applicable zoning condition.
29. The developer of land within River Hall 2 must submit, with each development order, a cumulative land development summary table indicating the Future Land Use classification and the number of residential units, and square footage and acreage of commercial retail and commercial office.





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

FILE NAME	23896503.DWG
LAYOUT	1
LOCATION	J:\23896\DWG\SURVEYING\
PLOT DATE	MON. 8-8-2022 - 10:57 AM
PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	08-08-2022
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=200'
FIELD BOOK	

[illegible]STRAP NUMBERS

THIS SURVEY IS FOR THE BENEFIT OF:

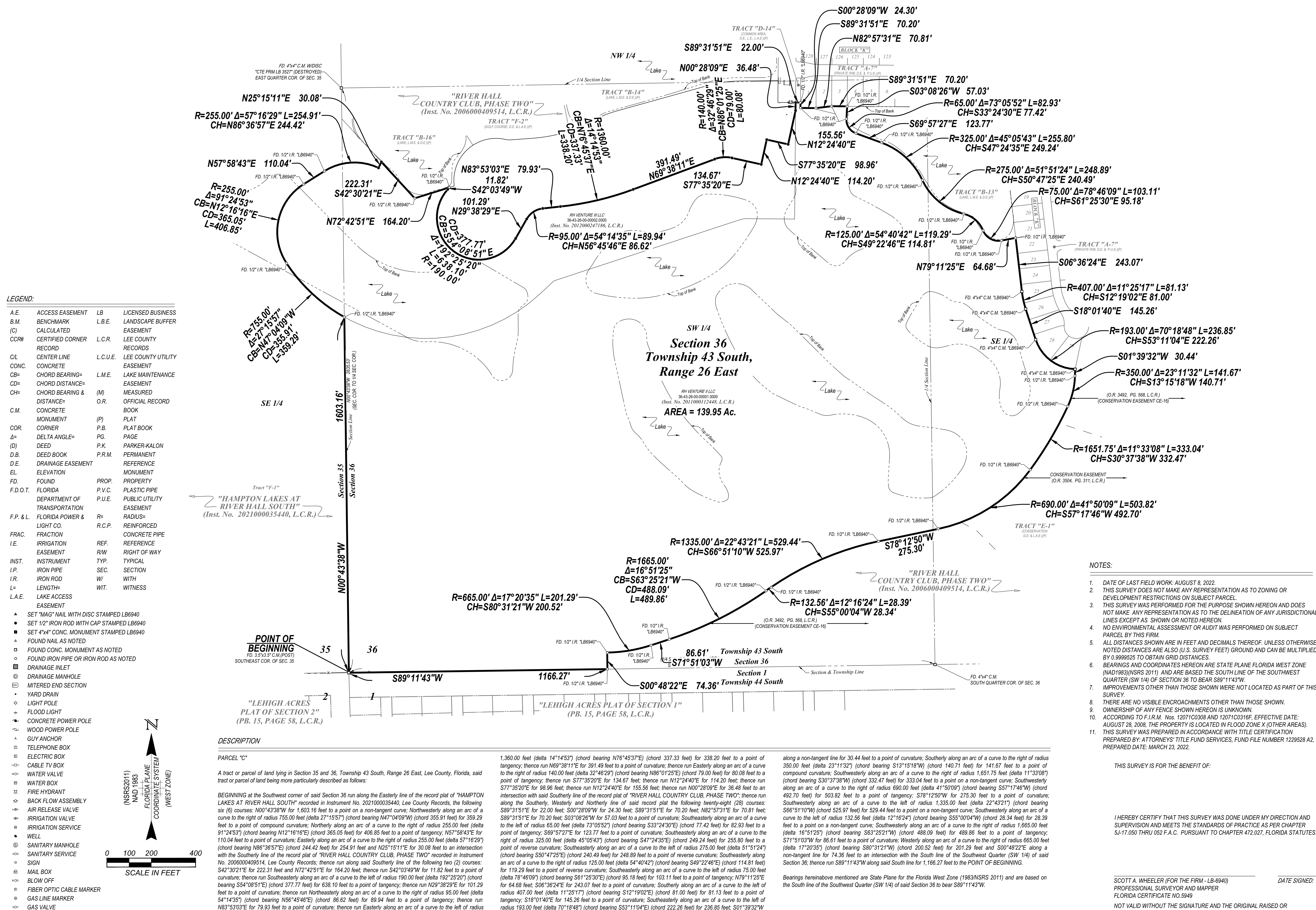
I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES.

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 5949

DATE SIGNED: _____

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

PROJECT / FILE NO.	SHEET NUMBER
23898 35-43-26	1 OF 1





PREPARED FOR

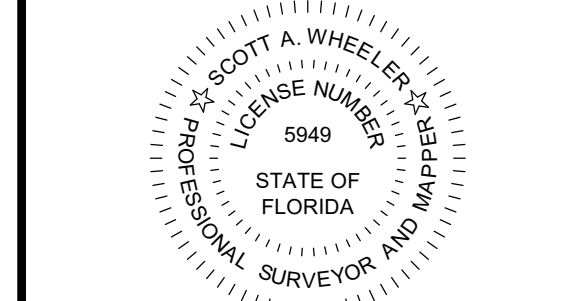
**GREENPOINTE
COMMUNITIES,
LLC**
7807 BAYMEADOWS ROAD E
SUITE 205
JACKSONVILLE, FL 32256

PHONE (904) 562-1358
FAX (904) 996-2481

PROJECT DESCRIPTION

***A Parcel of Land in
Section 27
Township 43 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	23898S01.DWG
LAYOUT	1
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PLOT BY	PETER OLSEN
DRAWING DATA	
SURVEY DATE	08-08-2022
DRAWN BY	P. OLSEN
CHECKED BY	SAW
SCALE	1"=100'
FIELD BOOK	

PLAN REVISIONS

[illegible]

STRAP NUMBERS

THIS SURVEY IS FOR THE BENEFIT OF:

I HEREBY CERTIFY THAT THIS SURVEY WAS DONE UNDER MY DIRECTION AND SUPERVISION AND MEETS THE STANDARDS OF PRACTICE AS PER CHAPTER 5J-17.050 THRU 052 F.A.C. PURSUANT TO CHAPTER 472.027, FLORIDA STATUTES

BOUNDARY
SURVEY
PARCEL "A"

PROJECT / FILE NO.	SHEET NUMBER
23898 27-43-26	1 OF 1

SCOTT A. WHEELER (FOR THE FIRM - LB-6940) DATE SIGNED:
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO.5949

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

DESCRIPTION

PARCEL "A"

A tract or parcel of land lying in Section 27, Township 43 South, Range 26 East, Lee County, Florida, said tract or parcel of land being more particularly described as follows:

COMMENCING at the North Quarter Corner of said Section 27 run S00°51'17"E along the East line of the West Half (W 1/2) of said Section 27 for 1,573.70 feet to the POINT OF BEGINNING.

[illegible]

LEGEND

A.E.	ACCESS EASEMENT	C.M.	CONCRETE	F.P. & L.	LANDSCAPE POWER &	L.B.E.	LANDSCAPE BUFFER	P.B.	PLAT BOOK	R.C.P.	R.C.P.
B.M.	BENCHMARK		MONUMENT		LIGHT CO.		EASEMENT	P.G.	PAGE		R.C.P.
(C)	CALCULATED	COR.	CORNER	FRAC.	FRACTION	L.C.R.	LEE COUNTY	P.K.	PARKER-KALON	REF.	R.C.P.
CDR#	CERTIFIED CORNER RECORD	Δ=	DELTΑ ANGLE=	I.E.	IRRIGATION		RECORDS	P.R.M.	PERMANENT REFERENCE	R/W	R.C.P.
CL	CENTER LINE	(D)	DEED		EASEMENT	L.C.U.E.	LEE COUNTY UTILITY		REFERENCE	TYP.	TYP.
CONC.	CONCRETE	D.B.	DEED BOOK	INST.	INSTRUMENT		EASEMENT		MONUMENT	SEC.	SEC.
CB=	CHORD BEARING=	D.E.	DRAINAGE EASEMENT	I.P.	IRON PIPE	L.M.E.	LAKE MAINTENANCE	PROP.	PROPERTY	W/	W/
CD=	CHORD BEARING=	EL.	ELEVATION	I.R.	IRON ROD		EASEMENT	P.V.C.	PLASTIC PIPE	WIT.	W/
CD=	CHORD DISTANCE=	FD.	FOUND	L=	LENGTH=	(M)	MEASURED	P.U.E.	PUBLIC UTILITY		
CH=	CHORD BEARING & DISTANCE=	F.D.O.T.	FLORIDA DEPARTMENT OF TRANSPORTATION	L.A.E.	LAKE ACCESS EASEMENT	O.R.	OFFICIAL RECORD BOOK		EASEMENT		
				I.B.	LICENSED BUSINESS	(P)	PLAT	R=	RADIUS=		

(chord 2.66 feet) to 2.66 feet to a point on a non-tangent curve; Westerly along an arc of a curve to the right of radius 70.00 feet (delta 89°33'57") (chord bearing N76°34'03"W) (chord 98.62 feet) for 109.43 feet; S28°40'01"W along a non-tangent line for 168.43 feet; S49°55'00"W for 120.21 feet; S08°34'30"W for 59.47 feet; N6°25'18"E for 53.01 feet; S10°53'05"W for 52.02 feet; S21°20'30"E for 68.84 feet; S62°54'21"E for 119.90 feet; S66°05'27"E for 32.67 feet; S15°30'06"E for 72.37 feet; S40°00'04"E for 34.02 feet; S30°40'51"E for 25.26 feet; S70°07'12"W for 69.86 feet; S61°26'29"W for 17.36 feet; S27°08'48"W for 19.92 feet; N66°51'22"W for 30.42 feet; N77°06'37"E for 44.10 feet; S64°52'29"W for 38.94 feet; S20°52'27"W for 43.82 feet; S31°30'37"E for 59.12 feet; N06°41'36"E for 84.58 feet; S63°46'58"E for 103.50 feet; S40°41'16"E for 40.32 feet; S42°43'38"E for 45.16 feet; S87°36'20"E for 23.72 feet; S41°52'34"E for 38.96 feet; S63°15'06"E for 34.18 feet; S39°23'27"E for 35.43 feet; N63°29'28"E for 14.44 feet to a point on a non-tangent curve and Southeasterly along an arc of a curve to the right of radius 29.94 feet (delta 79°24'50") (chord bearing S37°32'25"E) (chord 376.91 feet) for 308.92 feet to an intersection (the Northernly line) of lands described as recorded in Official Record No. 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997,

North westerly along a curve for 128.15 feet; N2°29'51" for 111.26 feet to a point on a non-tangent curve; non-tangentially along an arc of a curve to the right of radius 284.50 feet (delta 151°17'25") (chord bearing N54°28'27"W (delta 75°10'36") for 75.92 feet to a point on a non-tangent curve; Westerly along an arc of a curve to the left of radius 215.00 feet (delta 48°01'46") (chord bearing N07°51'26"W (delta 175°00'00") for 182.03 feet to a point to tangent; S85°07'41"W for 47.77 feet; S4°52'19"E for 25.00 feet; S85°07'41"W for 40.00 feet; N40°52'19"W for 25.00 feet; S85°07'41"W for 99.33 feet; S40°52'19"E for 84.36 feet; S00°43'01"E for 44.90 feet; S09°23'27"W for 21.52 feet; S85°07'41"W for 214.14 feet; S40°52'19"E for 195.19 feet to a point of curvature; Southerly along an arc of a curve to the right of radius 645.00 feet (delta 24°05'35") (chord bearing S07°10'29"W (delta 269°23'30") for 271.23 feet; S56°46'33"E along a non-tangent line for 5.45 feet; S22°03'38"E for 26.30 feet and S44°22'17"E for 89.18 feet to an intersection with said Northernly line of lands described in a deed recorded in Official Record Book 4326, at Page 2075, Lee County Records; thence run S84°07'41"E along said Northernly line for 30.00 feet to a point on a non-tangent curve and another non-tangent curve to the Easterly right of said Northernly line; Half Past Four (1/2) miles (0.5 miles) to the intersection of said Official Record Book 185, Lee County Records; thence run along said Easterly right of way the following five (5) courses; Northernly along an arc of a curve to the right of radius 70.00 feet (delta 35°18'45") (chord bearing N17°39'25"W (delta 424.63 feet) for 431.42 feet to a point of tangent; N00°00'00"W for 514.62 feet to a point of tangent; Northernly along an arc of a curve to the right of radius 30.00 feet (delta 58°24'51") (chord bearing N29°12'23"E (delta 292.78 feet) for 308.86 feet to a point of tangent; N56°24'46"E for 260.56

[illegible]

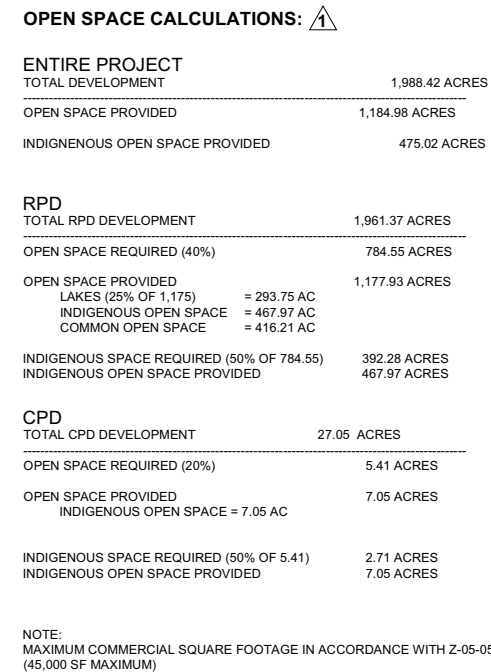
Bearings hereinabove mentioned are State Plane for the Florida West Zone (1983/NSRS 2011) and are based on the East line of the West Half (W 1/2) of said Section 27 to bear S00°51'17"E.

APPROVED	▲ SET "MAG" NAIL WITH DISC STAMPED LB6940	☛	FLOOD LIGHT
ENTRANCE PIPE	■ SET 1/2" IRON ROD WITH CAP STAMPED LB6940	☛	CONECRETE POWER P
ELECTRIC	■ SET 4"x4" CONC. MONUMENT STAMPED LB6940	☛	WOOD POWER POLE
OF WAY	▲ FOUND NAIL AS NOTED	▲	GUY ANCHOR
IN	● FOUND CONC. MONUMENT AS NOTED	▲	TELEPHONE BOX
	● FOUND IRON PIPE OR IRON ROD AS NOTED	▲	ELECTRIC BOX
GS	□ DRAINAGE INLET	☛	CABLE TV BOX
	⊕ DRAINAGE MANHOLE	☛	WATER VALVE
	⊕ MITERED END SECTION	⊕	WATER BOX
	☆ YARD DRAIN	☛	FIRE HYDRANT
	☆ LIGHT POLE	☛	BACK FLOW ASSEMB

	AIR RELEASE VALVE
	IRRIGATION VALVE
	IRRIGATION SERVICE
	WELL
	SANITARY MANHOLE
	SANITARY SERVICE
	SIGN
	MAIL BOX
	BLOW OFF
	FIBER OPTIC CABLE MARKER
	GAS LINE MARKER
	GAS VALVE

SCOTT A. WHEELER (FOR THE FIRM - LB-6940)

DATE SIGNED:



Barraco and Associates, Inc.	
CIVIL ENGINEERING - LAND SURVEYING LAND PLANNING	
www.barraco.net	
2271 MCGREGOR BLVD., SUITE 100 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	
GREENPOINTE COMMUNITIES, LLC	
7807 BAYMEADOWS ROAD E SUITE 205 JACKSONVILLE, FL 32256	
PHONE (904) 562-1358 FAX (904) 996-2481	
PROJECT DESCRIPTION	
RIVER HALL	
FORMERLY KNOWN AS HAWKS HAVEN	
PART OF SECTIONS 27,34,35 AND 36 TOWNSHIP 43 SOUTH RANGE 26 EAST LEE COUNTY, FLORIDA	
DRAWING NOT VALID WITHOUT SEAL, SIGNATURE AND DATE. © COPYRIGHT 2022, BARRACO AND ASSOCIATES, INC. REPRODUCTION, CHANGES OR ASSIGNMENTS ARE PROHIBITED	
FILE NAME	Z3898Z02.DWG
LOCATION	J:\Z3898\DWG\ZONING\
PLOT DATE	THU 8-11-2022 - 12:06 PM
PLOT BY	JENNIFER SAPEN
CROSS REFERENCED DRAWINGS	
BASEPLAN = Z3898Z00.DWG	
PLAN REVISIONS	
1-23-15	REVISED PER HEX
2-15-18	TRAFFIC SIGNAL ADDED
9-13-19	EXPAND CLUB SITE
11-17-21	REVISE SOUTHEN LAYOUT
1-26-22	ADD DEVIATIONS 11 & 12
4-8-22	NOTE DEVIATION 12
5-28-10 2022	RIVER HALL II-2022 DENSITY INCREASE
PLAN STATUS	
NOT FOR CONSTRUCTION	
MASTER CONCEPT PLAN	
PROJECT / FILE NO.	SHEET NUMBER
23898	2