

Summary of Hearing Examiner Recommendation

CENTERPLACE MPD AMENDMENT

(By Taylor Morrison of Florida, Inc.)

Request:	Rezone 40± acres from Agricultural (AG-2) and incorporate into the CenterPlace Mixed Use Planned Development (MPD)
Location:	South of Alico Road, 1± mile East of Ben Hill Griffin Parkway San Carlos Planning Community (District 2)
Size:	40± Acres
Recommendation:	Approve
Deviations:	17 Existing
Public Concerns:	None

Hearing Examiner Remarks

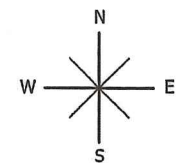
Applicant seeks to add 40 acres to the CenterPlace MPD to allow single family residences. The request reduces project density to maintain approved traffic generation.

Detailed recommendation follows

DCI2021-00042

Future Land Use

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



0 2,000 4,000
Feet



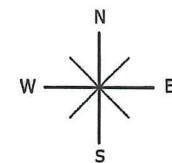
DCI2021-00042

Aerial



 Subject Property

 City Limits



0 2,000 4,000
Feet



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2021-00042

Regarding: CENTERPLACE MPD AMENDMENT

Location: South of Alico Road, 1± mile East of Ben Hill Griffin Parkway

San Carlos Planning Community
(District 2)

Hearing Date: June 9, 2022

I. Request

Amend Resolution Z-17-014 to rezone 40± acres from Agricultural (AG-2) to Mixed Use Planned Development (MPD) and incorporate into the CenterPlace MPD.

The property's legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approval, subject to the conditions and deviations set forth in Exhibit B.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property.¹ In satisfaction of this duty, the Hearing Examiner accepted testimony and evidence on the application to amend an existing MPD.

In preparing a recommendation to the Board, the Hearing Examiner must consider the Lee County Comprehensive Plan (Lee Plan), the Land Development Code (LDC), and other applicable County regulations to the facts presented in a rezoning request.² Specifically, the Hearing Examiner must find the request compatible with surrounding uses and complies with the Lee Plan and LDC relating to such items as transportation, natural resources, and urban services.³ The Hearing Examiner may take judicial notice of previous Board decisions in the context of reviewing

¹ LDC 34-145(d)(1)(a) & (2)(a).

² LDC 34-145(d)(3).

³ LDC 34-145(d)(4).

zoning requests and preparing recommendations to the Board.⁴ The Hearing Examiner's recommendation must be based on competent and substantial evidence.⁵

Zoning Review Criteria

Before recommending approval for rezoning to the Board, the Hearing Examiner must find the request:

- A. Complies with the Lee Plan;
- B. Meets the LDC and other applicable County regulations or qualifies for deviations;
- C. Is compatible with existing and planned uses in the surrounding area;
- D. Will provide access sufficient to support the proposed development intensity;
- E. Addresses expected impacts on transportation facilities through existing County regulations or conditions of approval;
- F. Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- G. Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.⁶

If the request involves planned development zoning, the Hearing Examiner must also find:

- H. The proposed use or mix of uses is appropriate at the proposed location;
- I. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- J. Each requested deviation (1) enhances the achievement of the objectives of the planned development, and (2) preserves and promotes the general intent of the LDC to protect the public health, safety, and welfare.⁷

⁴ Lee Co. Admin. Code 2-6, 2.3(D)4(b).

⁵ Lee Co. Admin. Code 2-6, 3.3(A)(2); LDC 34-83(a)(4)(a)(1)(a).

⁶ LDC 34-145(d)(4)(a)(1).

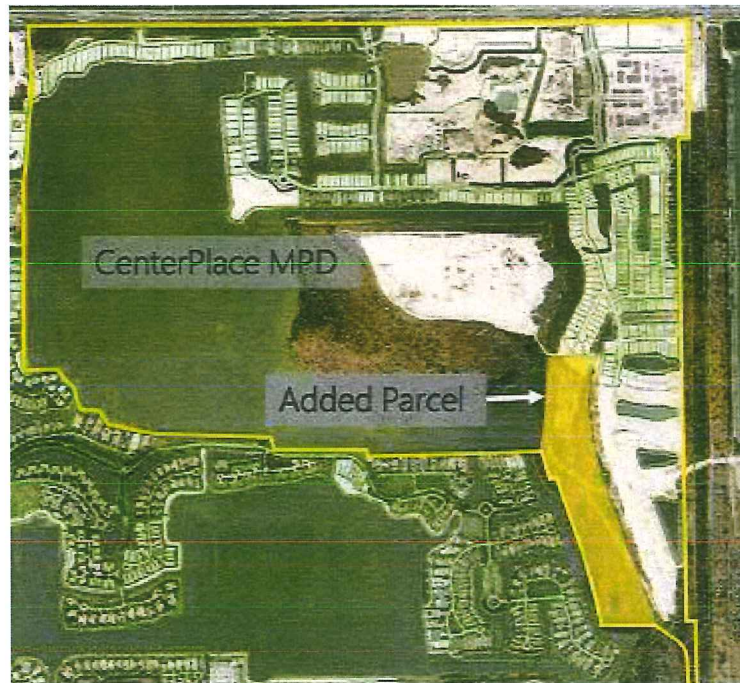
⁷ LDC 34-145(d)(4)(a)(2).

Discussion supporting the recommendation of approval follows below.

Synopsis of Request/Zoning History

The Board first rezoned the site from Agricultural (AG-2) and Light Industrial (IL) to Compact Planned Development (COMP-PD) in 2014.⁸ The rezoning approved a mix of residential, commercial, hotel, office/medical office, research and development uses.⁹ In 2017, the Board rezoned from COMP-PD to MPD with the same development parameters.¹⁰ Eleven administrative amendments followed.¹¹

Applicant seeks to add 40 acres to the MPD and codify prior zoning approvals. At the time of original rezoning, the Lee Plan required the developer to donate the 40 acre parcel to FGCU.¹² The developer completed the donation in 2014.¹³ FGCU now authorizes Applicant to seek this zoning amendment as the contract purchaser of the property.¹⁴



⁸ See Staff Report (pg. 1); Z-14-021. Originally, COM-PD was the only option for rezoning under the University Community Future Land Use category. Lee Plan Amendment CPA2016-11 removed the Compact Community rezoning and site specific design requirements. See Staff Report (pg. 1-2).

⁹ The COMP-PD allowed 1,950 residential dwelling units, 250 hotel rooms, 246,400 square feet of commercial retail, 100,000 square feet of office space (general and medical), and 300,000 square feet of Research and Development.

¹⁰ See Staff Report (pg. 1-2); Z-17-014.

¹¹ See Staff Report (pg. 2); ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019, ADD2021-00068, ADD2021-00107, and ADD2021-00198A.

¹² See Staff Report (pg. 2, Attachment H, referencing Ordinance 10-40, Policy 18.1.16(6)).

¹³ See Staff Report (Attachment Q); Staff Ex. 2.

¹⁴ *Id.*; Affidavit of Authorization (executed 10.19.21 by Katherine C. Green); Testimony of Jeremy Frantz.

Applicant proposes to develop single family residences on the 40 acres.¹⁵ The request reduces project density from 1,950 to 1,654 units.¹⁶ The reduction results from recalibrating the mix of single family and multi-family units to maintain the MPD's approved traffic generation.¹⁷

Staff recommended approval of the request with conditions.

Character of the Area

The CenterPlace MPD is located south of Alico Road, east of I-75 and Ben Hill Griffin Parkway.¹⁸ Gulf Coast Town Center and Miromar Lakes sit between the site and I-75.¹⁹ FGCU abuts to the south.



Lee Plan Consistency

Planned developments must be consistent with the Lee Plan.²⁰ Rezoning requests must be compatible with existing/planned uses in the surrounding area.²¹ Planned

¹⁵ Testimony of Jeremy Frantz (Transcript pg. 7).

¹⁶ The 1,654 units are broken down into a maximum 800 single family and zero-lot line units and a maximum 854 multi-family units.

¹⁷ Single family uses generate more traffic than multi-family units. The request increases single family units so reduces the multi-family units to ensure no net change in traffic generation.

¹⁸ The property is about a mile east of Ben Hill Griffin Parkway. See Applicant's Ex. 1 (slide 4).

¹⁹ See Applicant's Ex. 1 (slide 3).

²⁰ LDC 34-411(a).

²¹ LDC 34-145(d)(4)(a).

developments must be located to minimize negative effects of proposed uses on neighboring properties.²²

Lee Plan maps designate the site within the University Community future land use category.²³ Development within the University Community must be designed to enhance/support FGCU.²⁴ Density within this category is limited to 6,510 units.²⁵

The Lee Plan identifies various policies specific to the University Community. The proposal complies with these policies as follows:

- Achieves cooperative master planning through coordination with FGCU officials;²⁶
- Provides a mix of housing types;²⁷
- Adds housing opportunities near FGCU;²⁸
- Qualifies as Associated Support Development;²⁹
- Rezones from a conventional zoning district to a planned development;³⁰
- Reduces project density while increasing single family and zero lot line units;³¹ and
- Unifies development with CenterPlace MPD to ensure consistency across development parameters.

The Board found the MPD consistent with the Lee Plan and compatible with the surrounding area in 2014 and again in 2017.³² Nothing has changed to alter this finding.

Environmental/Natural Resources

Planned development design should reflect creative use of open space.³³ Developers must make an effort to protect and preserve natural site features.³⁴

²² LDC 34-411(c) and (i).

²³ Lee Plan Map 1A, Goal 15, Policy 1.1.9.

²⁴ Lee Plan Goal 15, Policy 1.1.9.

²⁵ *Id.*

²⁶ See Lee Plan Objective 15.1; Staff Report (pg. 4, referencing FGCU coordination).

²⁷ See Lee Plan Policy 15.1.2. The MPD offers single family and multi-family housing. The recent Lee Plan amendment removing the limitation on zero-lot line development permits the request to offer a greater range of housing opportunities. See Staff Report (Attachment F: CPA2021-00002, Ordinance 22-04); Testimony of Chahram Badamtchian (Transcript pg. 20-21).

²⁸ It is noteworthy that FGCU is the current property owner, and authorized Applicant to seek this rezoning.

²⁹ See Lee Plan Policy 15.1.16; Lee Plan Glossary; Testimony of Jeremy Frantz (Transcript pg. 16-17); Staff Report (pg. 5).

³⁰ See Lee Plan Policy 15.1.16 ¶1.

³¹ CPA2021-00002/Ord. 22-04 removed the 25% limitation on single family/zero lot line units. See Staff Report (Attachment F). The MPD capped single family/zero lot line units to 487. The request increases to 800 units.

³² Z-14-021; Z-17-014.

³³ LDC 34-411(h).

³⁴ LDC 34-411(g).

The MPD is subject to environmental conditions concerning water quality monitoring, emergent vegetation and shoreline location monitoring, and species and indigenous preserve management plans.³⁵ The request provides for additional indigenous vegetation retention acreage.³⁶ The request does not degrade preservation of environmentally critical areas or natural resources.³⁷

The Master Concept Plan remains compliant with Code required buffers and open space.³⁸

Transportation Facilities/Traffic

Planned developments must have access to roads with sufficient capacity to support proposed intensity.³⁹ Existing regulations or conditions of approval must address expected transportation impacts.⁴⁰

The property accesses Alico Road through the CenterPlace MPD. The request does not propose changes to approved access points.

Applicant obtained a waiver from providing a Traffic Impact Statement since the request reduces traffic impacts approved by the MPD.⁴¹

Urban Services

Urban services are the facilities, capital improvements, and infrastructure necessary to support development.⁴² The Lee Plan requires urban service evaluation for rezoning.⁴³

The site has access to a full complement of urban services and infrastructure.⁴⁴ Potable water and sanitary sewer serve the project.⁴⁵ The MPD is centrally located near parks, shopping/employment centers, library, and schools.⁴⁶ Emergency services and public transit are within close proximity.⁴⁷

³⁵ See Conditions of Approval; Z-17-014 and attendant amendments; See Lee Plan Policy 15.1.9.

³⁶ See Applicant's Ex. 1 (slide 9); MCP.

³⁷ See Staff Report (pg. 7).

³⁸ Lee Plan Goal 77, Objective 77.2, LDC 10-416; Staff Report (pg. 7).

³⁹ LDC 34-145(d)(4)(a)(1)(d); 34-411(d)(1).

⁴⁰ LDC 34-145(d)(4)(a)(1)(e); 34-411(d)(2).

⁴¹ See Staff Report (pg. 5, Attachment I).

⁴² Lee Plan Glossary. Public services include public water/sewer, paved streets/roads, public transit, parks and recreation facilities, urban levels of police, fire/emergency services, urban surface water management, schools, employment, institutional/public/administrative/community facilities, and libraries.

⁴³ Lee Plan Policy 2.2.1.

⁴⁴ See Staff Report (pg. 5).

⁴⁵ *Id.*

⁴⁶ South Lee County library is within 4 miles, FGCU abuts the site, and two parks are within 4-8 miles of the site. See Staff Report (pg. 5).

⁴⁷ Lee Tran route 60 travels along Ben Hill Griffin Parkway; San Carlos Park Fire District with EMS substation is three miles away, and the Sheriff's station is four miles from the site. See *Id.*

Deviations

A “deviation” is a departure from the land development regulations.⁴⁸ The MPD has 17 approved deviations by virtue of prior zoning action.⁴⁹ One deviation requires amendment to account for the new 40± acre tract.⁵⁰ No new deviations are requested in this application.

The Hearing Examiner’s standard of review for deviations requires a finding that the deviation:

- Enhances the achievement of the objectives of the planned development; and
- Preserves and promotes the general intent of the LDC to protect public health, safety, and welfare.⁵¹

Requested deviations are carried forward to acknowledge existing site conditions. The Hearing Examiner finds the deviations continue to meet LDC review criteria.

Conditions

Conditions may be applied to planned developments to address unique aspects of the property in the protection of a bona fide public interest.⁵²

The MPD is subject to many conditions of approval.⁵³ Applicant seeks to revise conditions and codify prior zoning approvals. Other conditions are recited for codification purposes but have not been modified.

Public

No members of the public spoke at hearing.

Conclusion

The Hearing Examiner concurs with staff’s analysis and recommendation that the requested MPD amendment meets LDC approval criteria.

⁴⁸ LDC 34-2.

⁴⁹ Z-04-025, ADD2014-00143.

⁵⁰ Deviation 1 is amended to add the new tract.

⁵¹ LDC 34-377(a)(4).

⁵² LDC 34-932(b) provides conditions may be applied to address unique aspects of the parcel to protect a bona fide public interest. LDC 34-936(a) requires conditions of approval in the zoning resolution be incorporated into covenants, restrictions and rules of operation binding on the developer, his successors and heirs, tenants-in-fee, or leasehold.

⁵³ *Id.*

IV. Findings and Conclusions

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

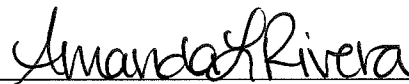
- A. As conditioned herein, the proposed amendment to the CenterPlace MPD:
 - 1. Complies with the Lee Plan. See, Lee Plan Goals 2, 4, 5, 15, Objective 1.5, 2.1, 2.2, and Policy 1.1.9, 2.2.1, 5.1.5, 15.1.1, 15.1.2, 15.1.3, 15.1.4, 15.1.5, 15.1.7, 15.1.11, 15.1.16, 135.9.5; Lee Plan Map 1A.
 - 2. Complies with the LDC and other County regulations. See, LDC 34-934.
 - 3. Is compatible with existing and planned uses in the area. See, Lee Plan Policies 1.1.9, 2.1.1, 2.1.2, 2.2.1, 5.1.5, 15.1.7, 135.9.5; LDC 34-411(c), (i), and (j).
 - 4. Will not adversely affect environmentally critical areas and natural resources. See, Lee Plan Goal 77, Objectives 4.1, 77.2, Policy 15.1.9; and LDC 34-411(h).
 - 5. Will address expected impacts on transportation facilities by existing County regulations or conditions of approval.
 - 6. Will be served by urban services. See, Lee Plan Glossary, Goal 2; Objectives 2.1, 2.2, 4.1; Policies 2.2.1, and Standards 4.1.1 and 4.1.2; LDC 34-411(d).
- B. The Master Concept Plan reflects sufficient access to support the intensity of development. In addition, County regulations and conditions of approval will address expected impacts to transportation facilities. See, Lee Plan Goal 39, Policy 15.1.5, 15.1.11; LDC 34-411(d).
- C. The proposed mix of uses is appropriate at the proposed location. See, Lee Plan Policies 1.1.9, 2.1.1, and 15.1.2, 15.1.3, 135.9.5.
- D. The recommended conditions are sufficient to protect the public interest and reasonably relate to the impacts expected from the development. See LDC Chapters 10 and 34.
- E. As conditioned herein, the deviations:
 - 1. Enhance the objectives of the planned development; and

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP

2. Promote the intent of the LDC to protect the public health, safety and welfare. See, 34-377(b)(4).

Date of Recommendation: August 12, 2022.



Amanda L. Rivera
Deputy Hearing Examiner

Lee County Hearing Examiner
1500 Monroe Street, Suite 218
Post Office Box 398
Fort Myers, FL 33902-0398

Exhibits to Hearing Examiner's Recommendation

Exhibit A Legal Description and Vicinity Map
Exhibit B Recommended Conditions and Deviations
Exhibit C Exhibits Presented at Hearing
Exhibit D Hearing Participants
Exhibit E Information

RHODES & RHODES LAND SURVEYING, INC***88100 BONTA GRANDE DRIVE #107 NAPLES, FLORIDA 34105
PHONE (800) 405-5163 FAX (800) 405-5163***

BEING A PORTION OF SECTIONS 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHEAST CORNER OF TRACT "W5-6", ESPLANADE LAKE CLUB PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2019000189935, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE ALONG THE EASTERLY BOUNDARY LINE OF SAID TRACT "W5-6", THE FOLLOWING 4 COURSES; (COURSE 1) NORTH 07°38'50" EAST, 351.57 FEET TO A POINT OF CURVATURE; (COURSE 2) NORTHERLY, 228.68 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 06°33'04" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 04°22'18" EAST, 228.56 FEET; (COURSE 3) NORTH 01°05'46" EAST, 292.24 FEET TO A POINT OF CURVATURE; (COURSE 4) NORTHERLY, 222.51 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 06°22'28" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 04°16'59" EAST, 222.39 FEET TO A POINT ON THE SOUTHERLY BOUNDARY LINE OF TRACT "F2" OF SAID ESPLANADE LAKE CLUB PHASE 1; THENCE LEAVING SAID EASTERLY BOUNDARY LINE, NORTH 89°09'14" EAST, ALONG SAID SOUTHERLY BOUNDARY LINE, A DISTANCE OF 563.00 FEET TO A POINT ON THE WESTERLY BOUNDARY LINE OF TRACT "F3" OF SAID ESPLANADE LAKE CLUB PHASE 1, SAID POINT BEING A POINT ON A NON-TANGENTIAL CURVE; THENCE SOUTHERLY ALONG SAID WESTERLY BOUNDARY LINE THE FOLLOWING 4 COURSES; (COURSE 1) SOUTHERLY, 1,343.46 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 2,150.00 FEET, THROUGH A CENTRAL ANGLE OF 35°48'07" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 02°09'45" EAST, 1,321.71 FEET; (COURSE 2) SOUTH 20°03'48" EAST, A 1,285.37 FEET TO A POINT OF CURVATURE; (COURSE 3) SOUTHEASTERLY, 476.13 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 5,050.00 FEET, THROUGH A CENTRAL ANGLE OF 05°24'07" AND BEING SUBTENDED BY A CHORD THAT BEARS SOUTH 22°45'52" EAST, 475.96 FEET; (COURSE 4) SOUTH 25°27'56" EAST, 198.92 FEET TO A POINT ON A NON-TANGENTIAL CURVE SAID POINT BEING A POINT ON THE NORTHERLY BOUNDARY LINE OF MIROMAR LAKES COMMUNITY DEVELOPMENT DISTRICT AS RECORDED IN INSTRUMENT NUMBER 2008000036958 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE WESTERLY, ALONG SAID NORTHERLY BOUNDARY LINE THE FOLLOWING 2 COURSES; (COURSE 1) WESTERLY, 150.33 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 17°13'36" AND BEING

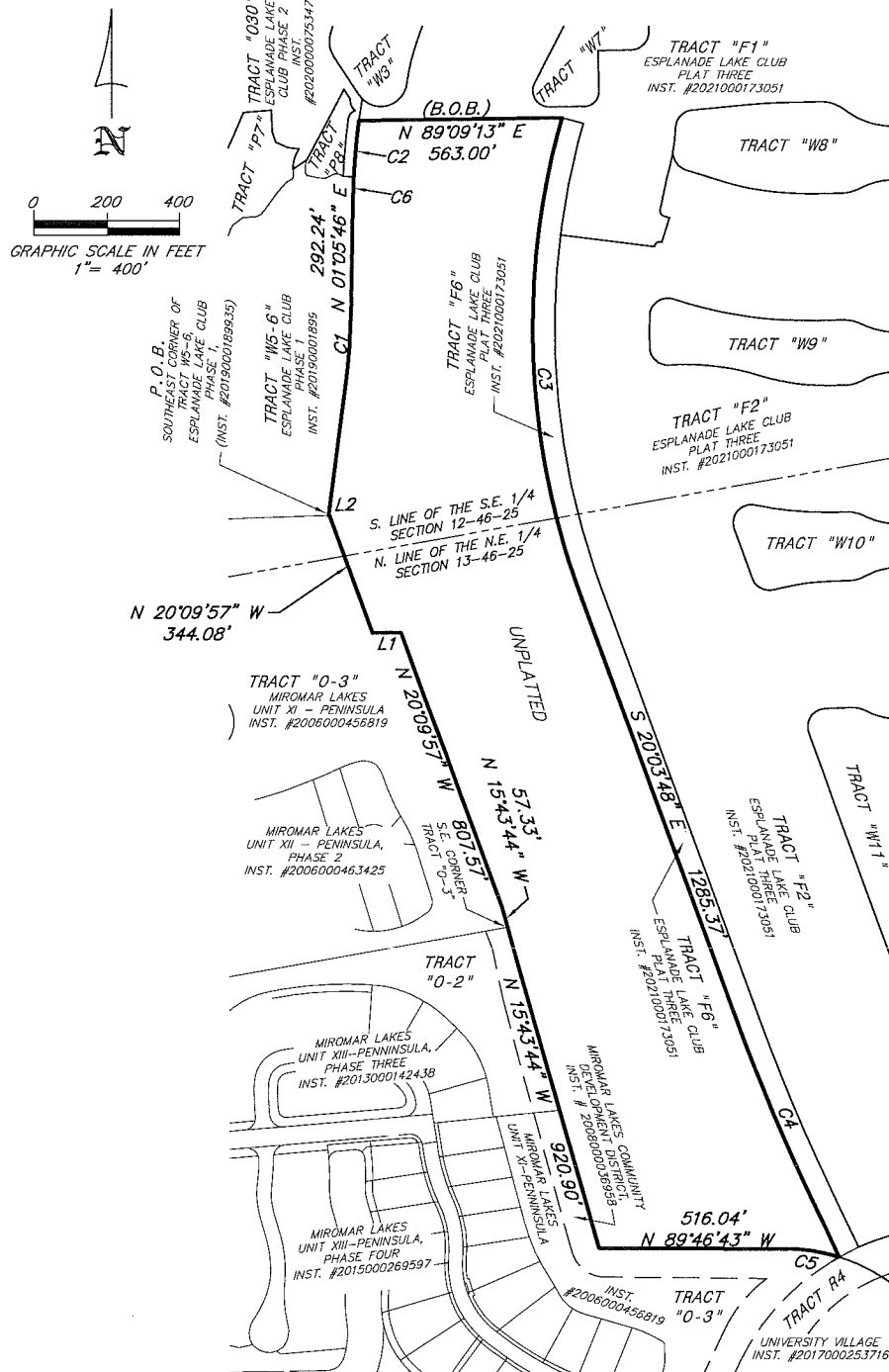
RHODES & RHODES LAND SURVEYING, INC

***86100 BONTA GRANDE DRIVE #107 NAPLES, FLORIDA 34106
PHONE (888) 485-5163 FAX (888) 485-5163***

SUBTENDED BY A CHORD THAT BEARS NORTH 81°09'55" WEST, 149.77 FEET;
(COURSE 2) NORTH 89°46'43" WEST, 516.03 FEET TO A POINT ON THE
EASTERLY BOUNDARY LINE OF SAID MIROMAR LAKES COMMUNITY
DEVELOPMENT DISTRICT; THENCE NORTHERLY ALONG SAID EASTERLY
BOUNDARY LINE, NORTH 15°43'44" WEST, A DISTANCE OF 978.45 FEET;
THENCE NORTH 20°09'57" WEST, A DISTANCE OF 807.57 FEET; THENCE NORTH
89°48'06" WEST, A DISTANCE OF 80.00 FEET; THENCE NORTH 20°09'57" WEST,
A DISTANCE OF 344.08 FEET; THENCE SOUTH 88°10'32" WEST, A DISTANCE OF
3.61 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,742,562 SQUARE FEET OR 40.004 ACRES, MORE OR LESS.

***REVIEWED
DCI2021-00042
Hunter Searson, GIS
Planner
Lee County Government
5/6/2022***



ABBREVIATIONS

P.O.C. = POINT OF COMMENCEMENT
 P.O.B. = POINT OF BEGINNING
 B.O.B. = BASIS OF BEARING
 P.S.M. = PROFESSIONAL SURVEYOR
 & MAPPER
 L.B.# = LICENSED BUSINESS NUMBER
 L1 = LINE NUMBER
 C1 = CURVE NUMBER
 INST. = INSTRUMENT NUMBER
 PGS. = PAGES
 OR = OFFICIAL RECORD

LINE TABLE		
LINE	LENGTH	BEARING
L1	80.00'	N 89°48'06" W
L2	3.61'	S 88°10'32" W

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD	CHORD BEARING
C1	2000.00	6°33'04"	228.68'	228.56'	N 04°22'18" E
C2	2000.00	4°27'30"	155.63'	155.59'	N 05°14'28" E
C3	2150.00	35°48'07"	1343.46'	1321.71'	S 02°09'45" E
C4	5050.00	5°24'07"	476.13'	475.96'	S 22°45'52" E
C5	500.00	17°13'33"	150.32'	149.76'	N 81°09'56" W
C6	2000.00	01°54'57"	66.88'	66.88'	N 02°03'14" E



BY:
 JOHN SCOTT RHODES PSM #5739

SKETCH FOR DESCRIPTION

BOUNDARY SKETCH

RHODES & RHODES
 LAND SURVEYING, INC.
 LICENSE #LB 6897

date: OCTOBER 23, 2021
 scale: 1" = 400'
 cadd file: 2021-506 SKETCH.dwg

28100 BONITA GRANDE DRIVE SUITE 107
 BONITA SPRINGS, FL 34135
 (239) 405-8166 (239) 405-8163 FAX

PSM:
 JSR
 drawn:
 RWC
 checked:
 JSR
 view:
 SKETCH
 project#:
 2021-506
 sheet #:
 1 of 1

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ALICO ROAD (RIGHT OF WAY WIDTH VARIES), BEING SOUTH 89°27'22" WEST, AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

NOT A SURVEY

RHODES & RHODES LAND SURVEYING, INC.

88100 BONITA GRANITE DRIVE SUITE 104
BONITA SPRINGS, FLORIDA 33435
PHONE (800) 405-6166 FAX (800) 405-6166

DESCRIPTION

A TRACT OR PARCEL OF LAND LYING IN SECTIONS 11, 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST AND SECTIONS 7 AND 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, SAID TRACT OR PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 11 RUN N89°43'01"W ALONG THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 11 FOR 2,244.43 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY BOUNDARY OF ESPLANADE LAKE CLUB PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2019000189935 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN S01°00'21"E ALONG SAID NORTHERLY PROLONGATION FOR 125.03 FEET TO AN INTERSECTION WITH THE SOUTH RIGHT OF WAY LINE OF ALICO ROAD, BEING 125 FEET SOUTH AS MEASURED PERPENDICULAR TO THE CENTER LINE THEREOF, AS DESCRIBED IN A DEED RECORDED IN INSTRUMENT NO. 2015000025953, LEE COUNTY RECORDS, THE SAME BEING THE MOST NORTHWESTERLY CORNER OF SAID ESPLANADE LAKE CLUB PHASE 1 PLAT AND THE POINT OF BEGINNING. FROM SAID POINT OF BEGINNING RUN ALONG SAID ESPLANADE LAKE CLUB PHASE 1 PLAT, THE FOLLOWING FIVE (5) COURSES: COURSE NO. 1: S89°43'01"E FOR 2,243.03 FEET; COURSE NO. 2: N88°58'52"E FOR 2,674.00 FEET; COURSE NO. 3: N89°27'22"E FOR 2,597.29 FEET; COURSE NO. 4: N88°59'33"E FOR 180.15 FEET; COURSE NO. 5: S00°50'47"E FOR 1,329.44 FEET TO A POINT ON THE BOUNDARY OF TRACT "RR", ESPLANADE LAKE CLUB PLAT THREE, ACCORDING TO THE PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2021000173051 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING FIVE (5) COURSES ALONG THE BOUNDARY OF SAID TRACT "RR"; COURSE NO. 1: S89°09'13"W FOR 125.00 FEET; COURSE NO. 2: S00°50'47"E FOR 4,217.33 FEET; COURSE NO. 3: N89°09'13"E FOR 25.00 FEET; COURSE NO. 4: S00°50'47"E FOR 1,393.41 FEET; COURSE NO. 5: N89°09'13"E FOR 100.00 FEET TO A POINT ON THE BOUNDARY OF AFORESAID ESPLANADE LAKE CLUB PHASE 1 PLAT; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: S00°50'47"E FOR 2,588.41; COURSE NO. 2: S89°23'43"W FOR 180.00 FEET; COURSE NO. 3: N00°50'47"W FOR 66.66 FEET; COURSE NO. 4: N09°57'20"E FOR 533.57 FEET; COURSE NO. 5: N00°50'47"W FOR 1,447.68 FEET TO A POINT OF CURVATURE; COURSE NO. 6: NORTHWESTERLY, NORTHWESTERLY, 625.75 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 71°42'20" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 36°41'57" WEST, 585.70 FEET TO A POINT OF COMPOUND CURVATURE, THE SAME BEING A POINT ON THE BOUNDARY OF THAT CERTAIN WARRANTY DEED RECORDED AS INSTRUMENT NUMBER 2014000111812 OF THE PUBLIC RECORDS OF SAID LEE COUNTY, FLORIDA; THENCE RUN THE FOLLOWING SIX (6) COURSES ALONG THE BOUNDARY OF LAST SAID LANDS; COURSE NO. 1: WESTERLY, 150.32 FEET ALONG THE ARC OF A CIRCULAR CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 17°13'33" AND BEING SUBTENDED BY A CHORD THAT BEARS NORTH 81°09'56" WEST, 149.76 FEET; COURSE NO. 2: N89°46'43"W FOR 516.03 FEET; COURSE NO. 3: N15°43'44"W FOR 978.43 FEET; COURSE NO. 4: N20°09'57"W FOR 807.57 FEET; COURSE NO. 5: N89°48'06"W FOR 80.00 FEET; COURSE NO. 6: N20°09'57"W FOR 344.08 FEET TO A POINT ON THE BOUNDARY OF AFORESAID ESPLANADE LAKE CLUB PHASE 1 PLAT; THENCE RUN THE FOLLOWING SIXTEEN (16) COURSES ALONG THE BOUNDARY OF LAST SAID PLAT; COURSE NO. 1: S88°10'32"W FOR 1,984.51 FEET; COURSE NO. 2: N21°30'12"W FOR 81.17 FEET; COURSE NO. 3: S88°02'24"W FOR 612.22 FEET; COURSE NO. 4: N87°09'14"W FOR 469.81 FEET; COURSE NO. 5: N19°42'33"W FOR 157.74 FEET; COURSE NO. 6: N88°10'13"W FOR 1,363.08 FEET; COURSE NO. 7: N77°09'26"W FOR 573.01 FEET; COURSE NO. 8: N24°26'51"W FOR 150.17 FEET; COURSE NO. 9: N88°53'18"W FOR 216.95 FEET; COURSE NO. 10: N19°01'18"W FOR 249.76 FEET; COURSE NO. 11: N40°48'12"W FOR 322.81 FEET; COURSE NO. 12: S88°47'46"W FOR 376.79 FEET; COURSE NO. 13: N00°16'17"W FOR 606.52 FEET; COURSE NO. 14: N00°39'26"W FOR 1,432.24 FEET; COURSE NO. 15: N04°19'45"E FOR 1,091.78 FEET; COURSE NO. 16: N01°00'21"W FOR 832.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 39,671,784 SQUARE FEET OR 910.739 ACRES, MORE OR LESS.

REVIEWED
DCI2021-00042
Hunter Searson, GIS
Planner
Lee County Government
5/25/2022

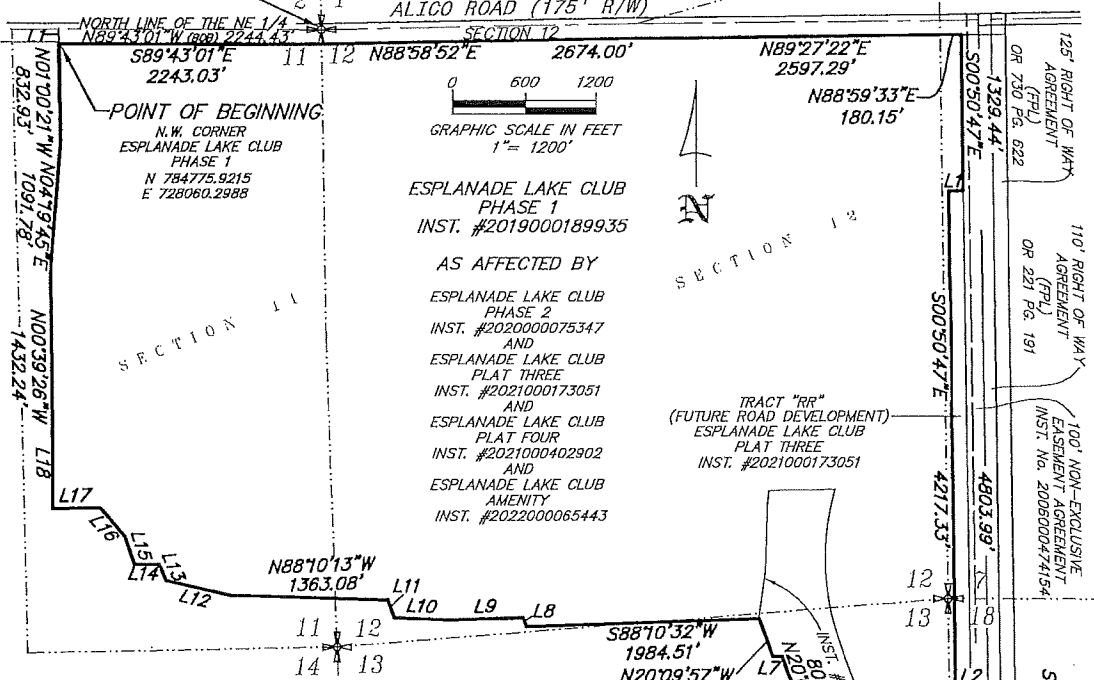
John Scott Rhodes PSM # 5739 Digitally signed by John Scott Rhodes PSM #
State of Florida 1750 State of Florida
Date: 2022.05.25 09:38:14 -0400

JOHN SCOTT RHODES, PSM #5739
PROFESSIONAL SURVEYOR & MAPPER
STATE OF FLORIDA



POINT OF COMMENCEMENT

N.E. CORNER SECTION 11-46-26
N 784889.8440
E 730302.5030



LINE	BEARING	DISTANCE
L1	S89°09'13"W	125.00'
L2	N89°09'13"E	25.00'
L3	S89°09'13"W	100.00'
L4	S89°23'43"W	180.00'
L5	N00°50'47"W	66.66'
L6	N89°46'43"W	516.03'
L7	N89°48'06"W	80.00'
L8	N21°30'12"W	81.17'
L9	S88°02'24"W	612.22'
L10	N87°09'14"W	469.81'
L11	N19°42'33"W	157.74'
L12	N77°09'26"W	573.01'
L13	N24°26'51"W	150.17'
L14	N88°53'18"W	216.95'
L15	N19°01'18"W	249.76'
L16	N40°48'12"W	322.81'
L17	S88°47'46"W	376.79'
L18	N00°16'17"W	606.52'

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	500.00'	71°42'20"	625.75'	585.70'	N36°41'57"W
C2	500.00'	17°13'36"	150.33'	149.77'	N81°09'55"W

ABBREVIATIONS

B.O.B. = BASIS OF BEARING
P.S.M. = PROFESSIONAL SURVEYOR
& MAPPER
L.B.# = LICENSED BUSINESS NUMBER
L1 = LINE NUMBER
C1 = CURVE NUMBER
INST. = INSTRUMENT NUMBER
PG(S). = PAGE(S)
OR = OFFICIAL RECORD



John Scott Rhodes PSM # 5739
By: 5739 State of Florida
JOHN SCOTT RHODES PSM #5739

NOTES

1. BEARINGS SHOWN HEREON ARE BASED ON THE CENTERLINE OF ALICO ROAD (RIGHT OF WAY WIDTH VARIES), BEING SOUTH 89°27'22" WEST, AND RELATE TO THE STATE PLANE COORDINATE SYSTEM ESTABLISHED BY THE NATIONAL GEODETIC SURVEY FOR FLORIDA WEST ZONE, 1983 DATUM WITH 1990 ADJUSTMENT.
2. SUBJECT TO EASEMENTS, RESERVATIONS AND RESTRICTIONS OF RECORD.
3. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF, UNLESS OTHERWISE NOTED.

NOT A SURVEY

SKETCH FOR DESCRIPTION

CENTERPLACE MPD

RHODES & RHODES
LAND SURVEYING, INC.
LICENSE #LB 6897

date: MAY 25, 2022
scale: 1" = 1200'
cadd file: 2022-521MPD

28100 BONITA GRANDE DRIVE SUITE 107
BONITA SPRINGS, FL 34135
(239) 405-8166 (239) 405-8163 FAX

PSM:

JSR

drawn:

RWC

checked:

AR

view:

SKETCH

project#:

2022-521

sheet #:

2 of 2

DCI2021-00042

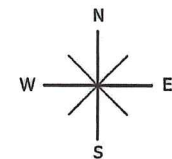
Zoning



 Subject Property

 City Limits

ATTACHMENT B



0 2,000 4,000
Feet



Exhibit B

RECOMMENDED CONDITIONS AND DEVIATIONS

This Amendment rescinds/replaces Resolution Z-17-014, ADD2017-00139, ADD2017-00170, ADD2018-00100, ADD2018-10042, ADD2019-00078, ADD2019-00098, ADD2020-00148, ADD2021-00019, ADD2021-00068, ADD2021-00107, and ADD2021-00198A.

CONDITIONS

1. Master Concept Plan/Development Parameters

- a) MCP. Development must be consistent with the two-page MCP entitled "CenterPlace Master Concept Plan," stamped received May 6, 2022 (Exhibit B1), except as modified by the conditions below.
- b) Lee Plan and LDC. Development must comply with the LDC and Lee Plan at time of local development order approval, except where deviations are approved herein. Subsequent amendments to the MCP, conditions, or deviations may require further development approvals.
- c) Development Parameters. The MPD is approved for 1,654 dwelling units (including a combined maximum of 800 dwelling units allocated for single family and zero-lot line); 200,000 square feet of retail; 110,000 square feet of office; 20,000 square feet of research & development; 10,000 square feet of medical office; and 250 hotel/motel rooms.

2. Uses and Site Development Regulations

- a) Schedule of Uses

Single Family Residential (R-SF) Tracts

Accessory Uses and Structures

Administrative Offices

Dwelling Units

Live-work

Single Family, detached

Two family, attached

Zero Lot Line

Entrance gates and gatehouses

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Excess Spoil Removal

Fences, walls
Home Occupation
Models: Model home
Parking Lot, Accessory
Real Estate Sales Office- limited to sales of lots, homes or units within the development
Recreation Facilities – Personal and Private, on-site
Residential accessory uses, including boat docks
Signs
Temporary Uses, limited to temporary contractor's office and equipment storage shed

Multi-Family Residential (R-MF) Tracts

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

Signs

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

Timeshare Units, Subject to Condition 15

Residential Amenities Tracts

Clubs, Private

Essential Services

Essential Service Facilities, Group I

Excavation, water retention

Excess Spoil Removal

Fences, walls

Parking lot:

Accessory

Temporary

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

Recreation Facilities, Private on-site

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

Beach Club Main Amenity and Beach Club Satellite Amenity Tracts

Clubs, Private

Accessory uses, including but not limited to:

Boat dock, limited to Fifty (50) boat slips

Boat ramp

Consumption on premises subject to Condition 8

Dry Boat Storage, limited to Fifty (50) slips

Fishing pier

Food and beverage service, limited

Personal services

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

Excess Spoil Removal

Parking lot, Accessory

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

Recreation Facilities, Private On-Site

Rental or Leasing Establishments, Group II limited to:

Appliances

- Bicycles
- Costumes
- Furniture
- Movies, videotapes and similar home entertainment
- Party or banquet supplies
- Temporary Uses, limited to temporary contractor's office and equipment storage shed

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

- Accessory Uses and Structures
- Administrative Offices
- Auto parts store
- Bait and Tackle Shop
- Banks and Financial Establishments, Group I
- Bar or cocktail lounge, Subject to Condition 8
- Boat parts store
- Business Services, Group I
- Cleaning and maintenance services
- Clothing Stores, general
- Clubs, Commercial, Fraternal, Membership Organization, Private
- Cold Storage, pre-cooling, warehouse and processing plant
- Communication Facility, wireless, antenna only
- Computer and data processing services
- Consumption on Premises- accessory to a Restaurant including
 - Outdoor Seating and Bar and Cocktail Lounge, Subject to Condition 8
- Contractors & Builders Group I, limited to:
 - Carpentering and flooring
 - Electrical contractors
 - General contractors
 - Glass and glazing
 - Operative builders
 - Painting, paperhanging and decorations
 - Plumbing, heating and air conditioning
 - Special trades
- Convenience food and beverage store, may include Self Service
 - Fuel Pumps limited to a maximum of 16
- Cultural Facilities
- Day Care Center, child or adult
- Department Store
- Drive-through facility for any permitted use
- Drugstore, pharmacy
- Dwelling units:
 - Live Work
 - Multiple family

- Townhouses
 - Two-family attached
- EMS, Fire or Sheriff's Station
- Essential Services
- Essential service facilities, Group I
- Excavation, water retention
- Excess Spoil Removal
- Fences, walls
- Food Stores, Group I
- Gift & Souvenir shop
- Hardware store
- Health care facilities, Group I
- Hobby, toy, and game shops
- Home Care Facility
- Hotel/Motel, Limited to 250 rooms
- Household and office furnishings, Group I, II
- Insurance companies
- Laundromat
- Laundry or Dry Cleaning, Group I
- Library
- Manufacturing of
 - Apparel products, excluding marine canvas tops, tents, etc.
 - Electrical machinery and equipment
 - Fabricated Metal products, Group II
 - Food and Kindred products, Group III limited to Malt beverages, Wines, brandy and Brandy spirits and distilled, rectified and blended liquors.
 - Furniture and fixtures
 - Leather products, Group II
 - Measuring, analyzing and controlling instruments
 - Novelties, jewelry, toys and signs, All groups
 - Paper and allied products, Group II
 - Stone, clay, glass and concrete products, Group I
- Medical Office
- Motion Picture Production Studio
- Non-Store Retailers, Group I
- Paint Glass and wallpaper
- Parcel and express services
- Parking Lot:
 - Accessory
 - Garage, Public
 - Park and Ride
 - Temporary
- Personal services, All Groups, except: Dating Services, Escort Services, and Palm Readers, Fortunetellers or Card Readers.
- Pet Services

Pet Shop
Photofinishing Laboratory
Place of Worship
Post Office
Printing and publishing
Religious facilities
Rental or Leasing Establishments, Groups I, II
 Group I limited to:
 Beach chairs, umbrellas and similar facilities
 Bicycles
 Mopeds and scooters
 Passenger car pickup and drop-off (no maintenance,
 limited storage only)
 Group II limited to:
 Appliances
 Bicycles
 Costumes
 Furniture
 Movies, videotapes and similar home entertainment
 Party or banquet supplies
Repair shops, Group I and II, excluding gunsmiths and taxidermists
Research and development laboratories, All Groups
Restaurant, fast food
Restaurants, All Groups
Retail and wholesale sales, when clearly incidental and subordinate
 to a permitted principal use on the same premises
Schools, commercial
Signs
Social Services, Group I
Specialty Retail Shops, All Groups
Storage, Indoor & Open
Studios
Temporary Uses
Theatre, indoor
Used Merchandise Stores, Group I, II
Variety Store
Warehouse, High Cube, Cold Storage only
Wholesale establishments, Group III

Community Park Tract

Community Garden
Excess Spoil Removal
Farmers Market
Parking lot:
 Accessory

Temporary
Recreation Facilities, Commercial, Group III limited to passive and active recreation & swimming pools, tennis courts and other similar activities not grouped elsewhere.
Rental or Leasing Establishments, Group III, limited to bicycles

Passive Open Space Area Tract

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

b) Development Regulations

Residential Property Development Regulations

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

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

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

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

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

Development Regulations for Tract C-1

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

All setbacks are measured from Tract Boundaries

Commercial/Non-residential Property Development Regulations

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

Building Separation: 15 feet

Waterbody Setback per LDC §34-2194

3. Environmental Conditions

a. American Alligator and Wading Birds

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

b. Large Mammal Management Plan.

A large mammal management plan must be submitted as part of local development order approval. The management plan must include details on how the preserve within the Stewart Cypress Slough will be maintained for Florida black bear and Florida panther; educational brochures to increase awareness and safety to residents and construction precautions

to contractors, recommended design of bear proof dumpsters, and any other state and/or federal permit requirements. Language concerning these requirements must also be included in any required deed restrictions.

c. Indigenous Management Plan.

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

d. Landscape Materials.

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

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

4. Transportation and Development Services Conditions

a. Pedestrian Friendly Design.

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

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

b. Storm Water Retention for CR 951. The project design must accommodate the storm water retention/detention needs for the proposed CR 951

adjacent to CenterPlace. The County will permit the roadway storm water requirements with the developer's assistance as necessary.

5. Natural Resources Conditions

a. Storm Water Run-Off.

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

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

b. Dewatering Activities.

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

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

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

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

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

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

6. State/Federal Permits

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

7. Tall Structures

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

8. Outdoor Seating in Conjunction with Consumption on Premises

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

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

9. Amplified Sound/Noise

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

10. Boat Slips and Boat Ramp

The MPD is limited to a maximum of:

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

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

11. Boat Safety

Developer must adopt and implement a Boating Management Plan to:

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

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

12. Open Space Activities

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

13. Lighting

- a. Height Limitations: Light poles within 50 foot of the shoreline of CenterLake may not exceed 12 feet in height. Recreational field lights may not exceed 25 feet in height.

- b. Photometric Analysis: Developer must conduct a photometric analysis to confirm there is no light spillage on adjacent native areas, or property beyond the CenterPlace project boundary. The photometric design analysis must demonstrate no more than zero-foot-candles of light at the CenterPlace project boundary. Measurements must be taken at 30 foot intervals.
- c. Prohibition: Permanent lighting is prohibited in areas labeled as Passive Open Space.

14. Existing Berm

Developer must retain the portion of the existing berm within the Passive Open Space area, as depicted on the MCP.

15. Residential Density

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

16. Airport Noise Zone Notification

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

DEVIATIONS

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

HEX Note: Previously Approved in Z-17-014, amending to account for the new 40-acre tract. HEX Recommends Approval, *subject to* Condition 3(c).

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

HEX Note: Previously Approved in ADD2017-00170.

- 3. Internal Setback. Deviation #3 seeks relief from LDC §34-2194(b), which requires a minimum 25-foot setback between buildings and structures and bodies

of water; to allow for a 0-foot setback between private on-site and off-site recreational facilities and internal natural and artificial bodies of water.

HEX Note: Previously Approved in ADD2017-00170 in conjunction with Deviation 5, limited to 20% of each lake's shoreline.

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

HEX Note: Previously Approved in ADD2017-00170.

5. Lake Maintenance Easement. Deviation #5 seeks relief from LDC §10-328(a), which requires a 20-foot wide lake maintenance easement on both sides of lakes greater than 50 feet in width, to allow for no lake maintenance easement where bulkhead is proposed along the lake shoreline per LDC Section 10-418(3).

HEX Note: Previously Approved in ADD2017-00170 in conjunction with Deviation 3 for private on-site and off-site recreational facilities only.

6. Identification Signs. Deviation #6 seeks relief from LDC §30-152(2)(d)(2), which limits residential development identification signs to 10 feet in height and 105 square feet in area; to allow a maximum main entrance identification sign height of 14 feet and a maximum sign area of 250 square feet

HEX Note: Previously Approved in ADD2018-10042.

7. South Buffer. Deviation #7 seeks relief from LDC §10-416(d)1, which requires a buffering area along the entire perimeter of the proposed development whenever the proposed development abuts a different use, to eliminate the south Type "D" Buffer required for commercial use to right-of-way use

HEX Note: Previously Approved in ADD2019-00078.

8. Vehicle Stacking. Deviation #8 seeks relief from LDC §34-2015(2)c, which permits stacking of vehicles only for single-family, duplex, two-family, and townhouses where each dwelling unit has a garage or driveway appurtenant to it, to allow stacking of vehicles for the multi-family site with associated garages for buildings 2, 3, 4, 5, 7, 9, 10, 13, 15 & 16.

HEX Note: Previously Approved in ADD2019-00078.

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

HEX Note: Previously Approved in ADD2019-00078.

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

HEX Note: Previously Approved in ADD2019-00078.

11. Planting Strip. Deviation #11 seeks relief from LDC §10-296 (e)5. ii. & iii, which requires that a 6-foot planting strip is required between the sidewalk and the travel lane along a residential urban local street, to allow no planting strip between the sidewalk and travel lane where on-street parking exists.

HEX Note: Previously Approved in ADD2019-00078.

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

HEX Note: Previously Approved in ADD2019-00078.

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

HEX Note: Previously Approved in ADD2019-00078.

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

HEX Note: Previously Approved in ADD2019-00098.

15. Boat Trailer Parking. Deviation #15 seeks relief from LDC §34-2015, which requires all parking spaces to be provided on the same premises as principal use,

to allow a maximum of 13 boat trailer parking spaces for the Beach Club Main Amenity Tract to be placed on the Beach Club Satellite Amenity Tract.

HEX Note: Previously Approved via ADD2019-00098.

16. Turnaround. Deviation #16 seeks relief from LDC §10-296(k)(1), which requires dead-end streets to be closed at one end by a circular turnaround for vehicles, to allow no turnaround at the dead-end of Sacra Place and Caravita Court as depicted on the Esplanade Lake Club – Dead End Street.

HEX Note: Previously Approved in ADD2021-00019.

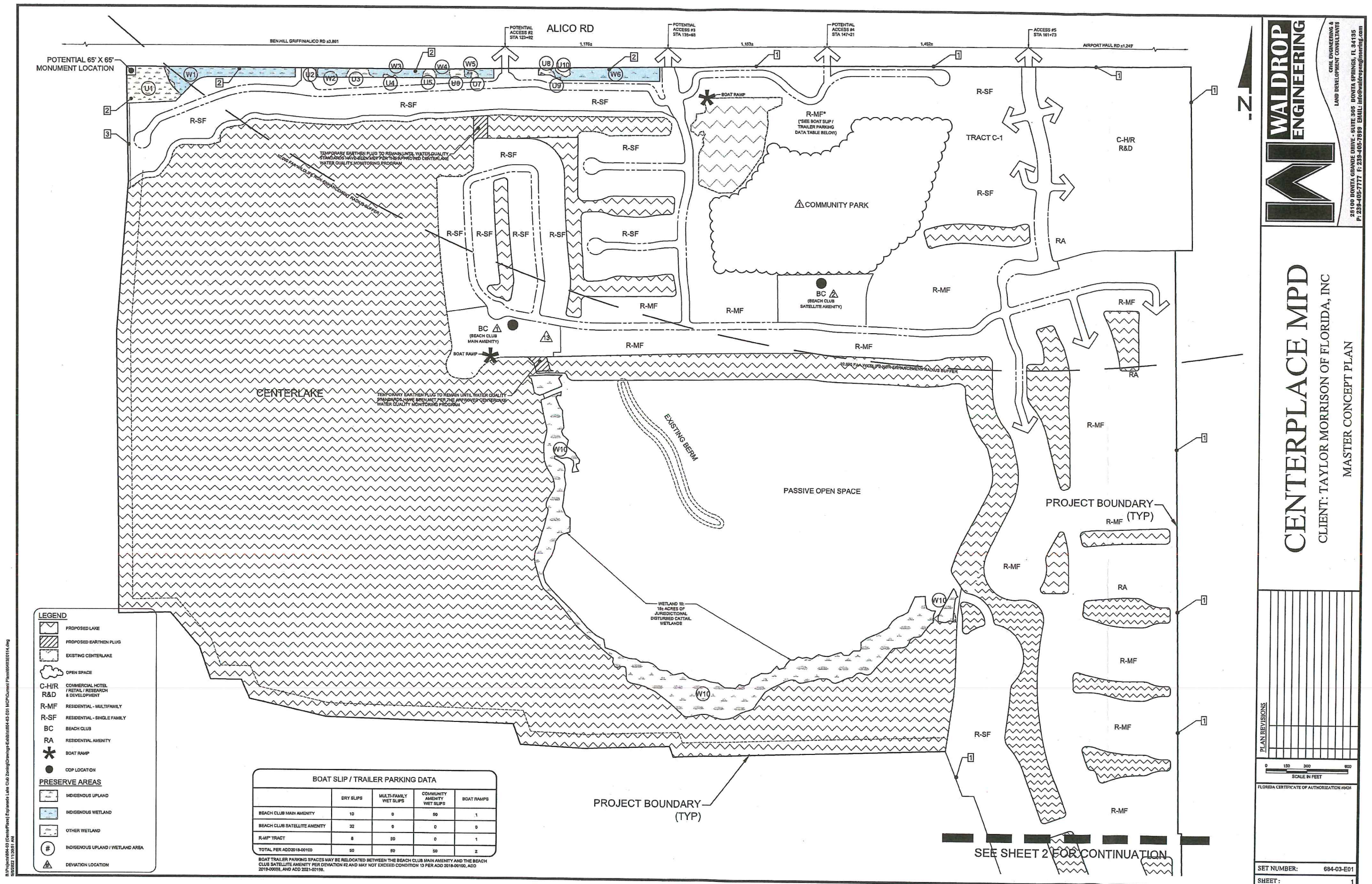
17. Connection Separation. Deviation #17 seeks relief from LDC §10-285 which requires a minimum connection separation of 125 feet for local roadways, to allow for a minimum connection separation of 84 feet between the access to the Beach Club Main Amenity and Canal Grande Drive.

HEX Note: Previously Approved in ADD2021-00068.

Exhibits to Conditions:

B1 Master Concept Plan dated May 6, 2022

Additional info dated 05-06-2022



Additional info dated 05-06-2022

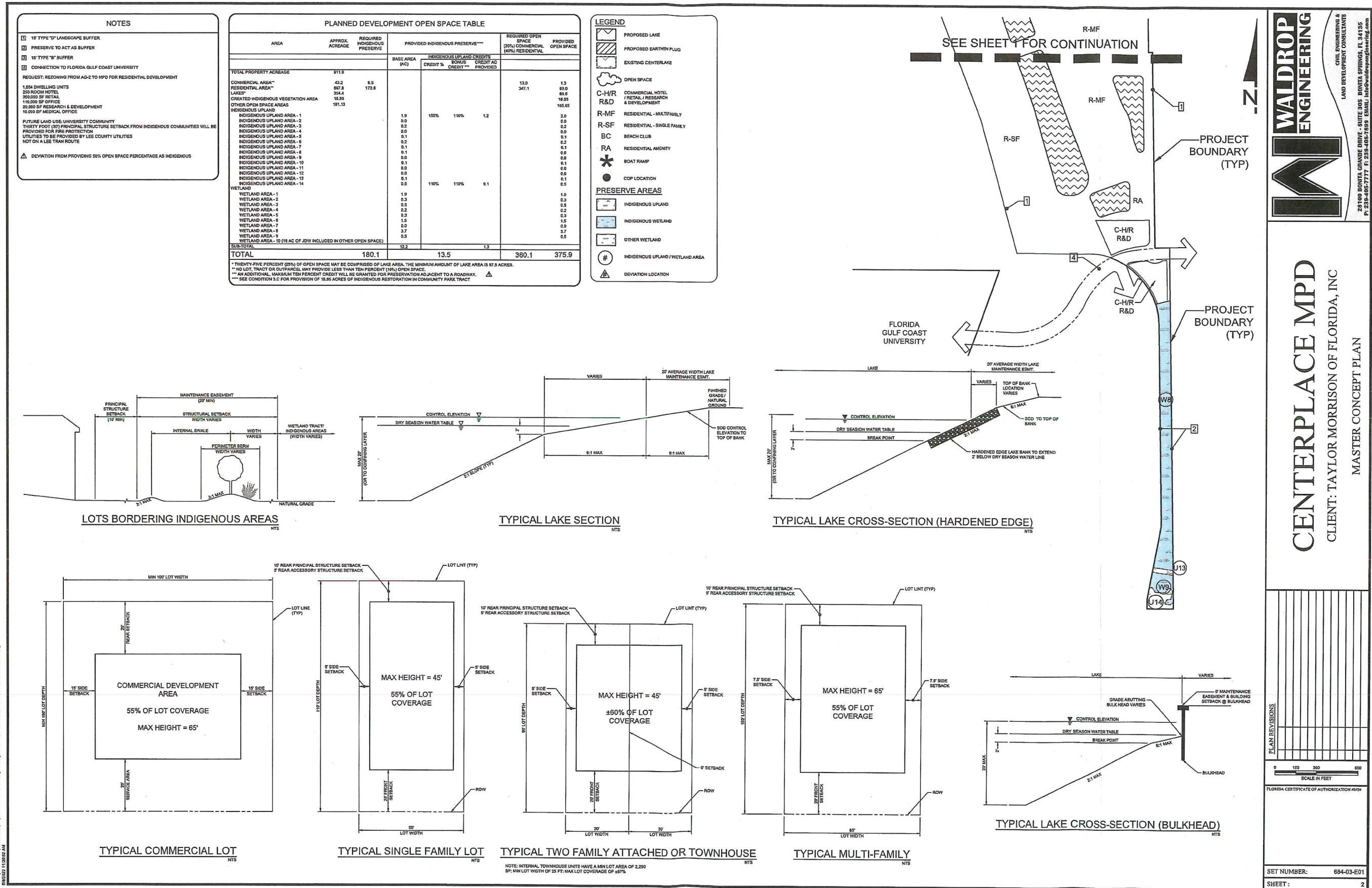


Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date stamped received May 26, 2022 (multiple pages – 8.5"x11" and 11"x14") [black and white, color]
2. *Email:* From Joseph Adams, Esq., to Anthony Rodriguez, with copies to Chahram Badamtchian, Brandon Dunn, Rebecca Sweigert, and Mikki Rozdolski, dated Monday, May 23, 2022 1:53 PM (1 page – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Jeremy Frantz, with RVi Planning and Landscaping Architecture, to Maria Perez, KC Green, Derek Rooney, B. Bethany, Chahram Badamtchian, Deborah Carpenter, Rebeca Sweigert, Tracy Toussaint, Jamie Prining, Elizabeth Workman, Tina Boone, Lauren Schaefer, Warren Baucom, Mikki Rozdolski, Jessica Sulzer, Amanda Swindle, Esq., Anthony Rodriguez, Dirk Danley, Jr., Joseph Adams, Esq., Michael Jacob, Esq., Keith Norton, CH Cook, Brett Bartek, Alexis Crespo (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared by RVi Planning and Landscaping Architecture, for Centerplace MPD Amendment, DCI2021-00042, Lee County Hearing Examiner, June 9, 2022 (multiple pages – 8.5"x11")[color]

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian

Applicant Representatives:

1. Brett Bartek
2. Jeremy Frantz
3. Derek Rooney

Public Participants:

None

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

The LDC prohibits communications with the Hearing Examiner or her staff on the substance of pending zoning actions. There are limited exceptions for written communications requested by the Hearing Examiner, or where the Hearing Examiner seeks advice from a disinterested expert.

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

- A. The Hearing Examiner will provide a copy of this recommendation to the Board of County Commissioners.
- B. The Board will hold a final hearing to consider the Recommendation and record made before the Hearing Examiner. The Department of Community Development will notify hearing participants of the final hearing date. Only Parties and participants may address the Board at the final hearing. Presentation by participants are limited to the substance of testimony presented to the Hearing Examiner, testimony concerning the correctness of Findings of Fact or Conclusions of Law contained in the Recommendation, or allegations of relevant new evidence not known or that could not have been reasonably discovered by the speaker at the time of the Hearing Examiner hearing.

COPIES OF TESTIMONY AND TRANSCRIPTS

- A. Every hearing is recorded. Recordings are public records that become part of the case file maintained by the Department of Community Development. The case file and recordings are available for public examination Monday through Friday between 8:00 a.m. and 4:30 p.m.
- B. A verbatim transcript may also be available for purchase from the court reporting service.