

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

TYPE OF CASE: PLANNED DEVELOPMENT/CCI and DRI Amendment
CASE NUMBER: DCI2022-00052 and DRI2022-00004
HEARING EXAMINER DATE: April 13, 2023
SUFFICIENCY DATE: January 30, 2023

Applicant: Delisi, Inc. in reference to Miromar Lakes MPD/DRI.

Request: Request to convert a portion of the existing commercial intensity to residential density. The amendment will result in the reduction of 125,000 square feet of retail floor area, 315,000 square feet of office, 40,000 square feet of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units.

Location: The subject property is located on the east and west sides of Ben Hill Griffin Parkway and south of Alico Road, San Carlos Planning Community, Lee County, FL (District #2). A legal description for the subject property is attached as Exhibit "H".

Summary

Staff recommends APPROVAL of the applicant's request to amend the zoning of the subject property and the DRI Development Order. The applicant is not requesting any new deviations. All conditions and deviations of Resolution Z-13-020, as amended, will remain in full force and effect.

Character of the Area

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

To the north, across Alico Road, there is a large development, known as Florida Gulf Coast Technology Center (Z-18-011). This is a 727-acre mixed use development approved for 240 hotel rooms; 650,000 square feet of retail floor area; 400,000 square feet of office floor area, including medical office; and 3,897,000 square feet of industrial floor area. To the east of Florida Gulf Coast Technology there is a large parcel zoned AG-2. To the east of the AG-2 zoned land there is a 240 acre site known as FGCU Innovation Hub (Alico ITEC Business Park), approved for 1510,000 commercial and industrial uses (Resolution Z-21-017).

To the east, there is an 886-acre parcel zoned mixed use development, known as CenterPlace MPD (Z-22-020), approved for 1,950 dwelling units; 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. To the east of CenterPlace Development there is a 2,960.03-acre parcel zoned Mixed Use Planned Development (MPD) (Z-15-021, Wildblue), approved for 1,096 dwelling units and 40,000 square feet of commercial development. There is also a large lake to the northeast of this project that was donated to the County as a part of the Wildblue rezoning in 2015.

To the south property abuts a 921-acre parcel zoned Mixed Use Planned Development known as Timberland and Tiburon MPD (Z-12-002), approved for 2,895 residential units, 200 hotel rooms, 90,000 square feet of retail commercial.

To the west, across Ben Hill Griffin Pkwy, is Gulf Coast Town Center MPD (Z-20-030) approved for 1,566,000 square feet of retail commercial, 270,000 square feet of office, 250 hotel rooms, and 600 units residential multiple-family.

To the north of Gulf Coast Town Center, there is a development known as University Plaza (Z-15-009), and across Alico Road, there is another development known as Jetway Tradeport MPD (Z-19-004) approved for 75,000 square feet of office, 120,000 square feet of commercial retail, 300 hotel rooms, 29,000 square feet of industrial uses.

Analysis

The subject site, which consists of 1,800± acres, is currently approved for 2,600 residential units, 250,000 square feet of retail commercial, 340,000 square feet of office, and 450 rooms hotel via Resolution Z-13-020.

The number of residential units approved for this site is expected to be met soon and expected commercial intensity has not been realized. The request is to convert a portion of the existing commercial intensity to residential density. The additional residential density requested by this application will be used within the already approved residential areas on the Master Concept Plan. Therefore, the existing Master Concept Plan approved by Resolution Z-13-020, as amended, will remain in full force and effect.

Resolution Z-13-020 and the approved DRI Development Order allow conversion of uses between different types of residential units, but there is no provision to convert from commercial to residential.

The request can be summarized as follows:

Land Use	Approved (Z-13-020)	Proposed
Single Family Residential	700 units	1,592 units
Multiple-Family Residential	1,900 units	1,474 units
Retail	250,000 sq. ft.	125,000 sq. ft.
Office	340,000 sq. ft.	25,000 sq. ft.
Research and Development	40,000 sq. ft.	0 sq. ft.
Hotel	450 rooms	150 rooms

Environmental

Environmental staff reviewed this request and recommended approval with no additional conditions.

Transportation

Infrastructure Planning staff has reviewed this project and has recommended approval (Attachment D).

It is anticipated that this amendment will not increase the weekday P.M. trip generation of the overall project. This amendment will reduce the daily two-way number of trips from 29,404 trips to 27,553 trips.

Lee Plan

The property is within the University Community (Policy 1.1.9) and Wetlands (Objective 1.5) Future Land Use categories. The proposed amendment request is consistent with the University Community Future Land Use category. The proposed densities and intensities as well as mix of uses are in keeping with the University Community Future Land Use category. The applicant is required to obtain all necessary State and Federal Permits for any activity within the wetlands.

This development promotes contiguous and compact growth patterns, contains urban sprawl and minimizes the costs of services. Adequate public services exist. Sewer and water are available to the site. The property has direct frontage on Ben Hill Griffin Parkway, which is a major north-south arterial road (Objective 2.2).

This development provides a variety of housing options. Retail and office portions of this development will provide employment opportunities. The requested rezoning is CONSISTENT with Goal 15, Policies 15.1.1 and 15.1.2 of the Lee Plan.

This is a Mixed Use Planned Development which complements the University Community. Most of the surrounding properties are either developed or entitled with similar mixes of uses. The requested amendment is CONSISTENT with Policy 15.1.7 of the Lee Plan.

This development was designed in compliance with the requirements of Policy 15.1.16. Density, intensity, number of residential dwelling units, type of uses, etc., are designed to comply with the requirement of this Policy. Streets have sidewalks on both sides. Bike paths will be provided throughout the development. The requested amendment is CONSISTENT with Policy 15.1.16 of the Lee Plan.

The project complements the existing character of the neighborhood. This project's residential component is adjacent to the residentially-zoned areas of neighboring developments and the commercial component is mostly along Ben Hill Griffin Parkway. The requested amendment is CONSISTENT with Policy 15.1.9.5 of the Lee Plan.

Urban Services:

Public transportation, LeeTran Bus Route 60 travels along Alico Road to Ben Hill Griffin Pkwy to Florida Gulf Coast University (see Bus Route Map attached hereto as Attachment "F"). Fire protection is provided by San Carlos Park Fire District, located at 19591 Ben Hill Griffin Pkwy, 3 miles from the subject property. This fire station also contains an EMS substation. Sheriff's station is located at 1770-754 Ben C Pratt/Six Mile Cypress within four miles of the subject property. South Lee County Regional Library, on Three Oaks Pkwy, is within 4 miles of the project. Three Oaks Elementary School located on Cypress View Drive, Three Oaks Middle School located to the west of the project on Three Oaks Pkwy, and Estero High School located on Williams Road are the closest public schools to this site. Water and sewer services from Lee County Utilities are connected to the site. (Lee Plan Standards 4.1.1 and 4.1.2). Estero Regional Park is approximately 8 miles from the development; and Three Oaks Community Park is within 4 miles of this site.

Deviations:

The applicant is not requesting any additional deviations beyond those previously approved.

Conditions:

1. The chart in Condition 1(b) of Resolution Z-13-020 is hereby revised as follows:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single-Family Residential	1,592 du	3,066	
Multiple-Family Residential	1,474 du		
Retail Commercial	125,000 sq ft (GFA)		
Office	25,000 sq ft (GFA)		
Hotel	150 rooms		
Research & Development	-0-		
Lakes/Miscellaneous	N/A		312
Recreation/Buffers			
Conservation Areas	N/A		344.7

2. Property Development Regulations, Schedule of Uses, Master Concept Plan, and all conditions and deviations approved via Resolution Z-13-020, as amended, will remain in full force and effect unless amended herein.
3. Resolution Z-13-020, Administrative Amendments, including final plan approvals and deviations for existing developments within Miromar Lakes MPD are still valid including:

ADD2020-00072

ADD2017-0020

ADD2017-00079(b)

ADD2017-00036

ADD2016-00025

ADD2015-00209

ADD2014-00213

Findings and Conclusions

Based upon an analysis of the application and the standards for approval of planned development rezonings, as required by Land Development Code Section 34-145(d)(4)a.1, staff offers the following findings and conclusions:

The request, as conditioned:

- Complies with Lee Plan as discussed in the Lee Plan analysis section of this report, specifically Lee Plan Policies 1.1.9, 15.1.1, 15.1.2, 15.1.7, 15.1.16, and 135.9.5; Objectives 1.5, and 2.2, Goal 15, and Standards 4.1.1 and 4.1.2;
- Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
- Is compatible with existing and planned uses in the surrounding area;
- Will provide access sufficient to support the proposed development intensity and the expected impacts on existing or planned transportation facilities will be mitigated through existing County regulations or conditions of approval;

- Will not adversely affect environmentally critical or sensitive areas and natural resources;
- Will be served by urban services, as defined in the Lee Plan;
- The proposed mix of uses is appropriate at the proposed location; and
- The conditions approved via Resolution Z-13-020, as amended, provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

Conclusion

Lee County staff has reviewed the proposed amendment request and recommends approval of the DCI and DRI amendments. The uses, density and intensity proposed by this request are consistent with the Lee Plan and compatible with surrounding existing land uses.

ATTACHMENTS:

- A. Expert Witness Information
- B. Maps: Surrounding Zoning, Future Land Use and Aerial Photograph
- C. Resolution Z-13-020, DRI Development Order and Amendments
- D. Memorandum from Lee County Section of Infrastructure Planning
- E. Application and Narrative
- F. LeeTran Bus Route Map
- G. TIS
- H. Legal Description

cc: Applicant
County Attorney
Zoning File

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

Case Number: DCI2022-00052 and DRI2022-00004

Project Name: Miromar Lakes MPD/DRI

Hearing Examiner Date: April 13, 2023

CHAHRAM BADAMTCHIAN, AICP, Planner, Senior, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

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

Camryn Siverson, Environmental Planner, Zoning Section, 1500 Monroe Street, Fort Myers, FL 33901

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

MARCUS EVANS P.E., Engineer, Senior, Development Services Section, 1500 Monroe Street, Fort Myers, FL. 33901

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

BRANDON DUNN, Planner, Principal, Planning Section, 1500 Monroe Street, Fort Myers, FL.
33901

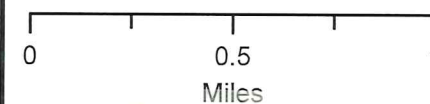
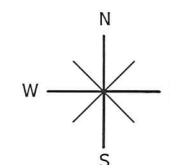
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee County Land Development Code, Lee Plan and comprehensive planning.
- Report and documents are submitted with the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

DCI2022-00052

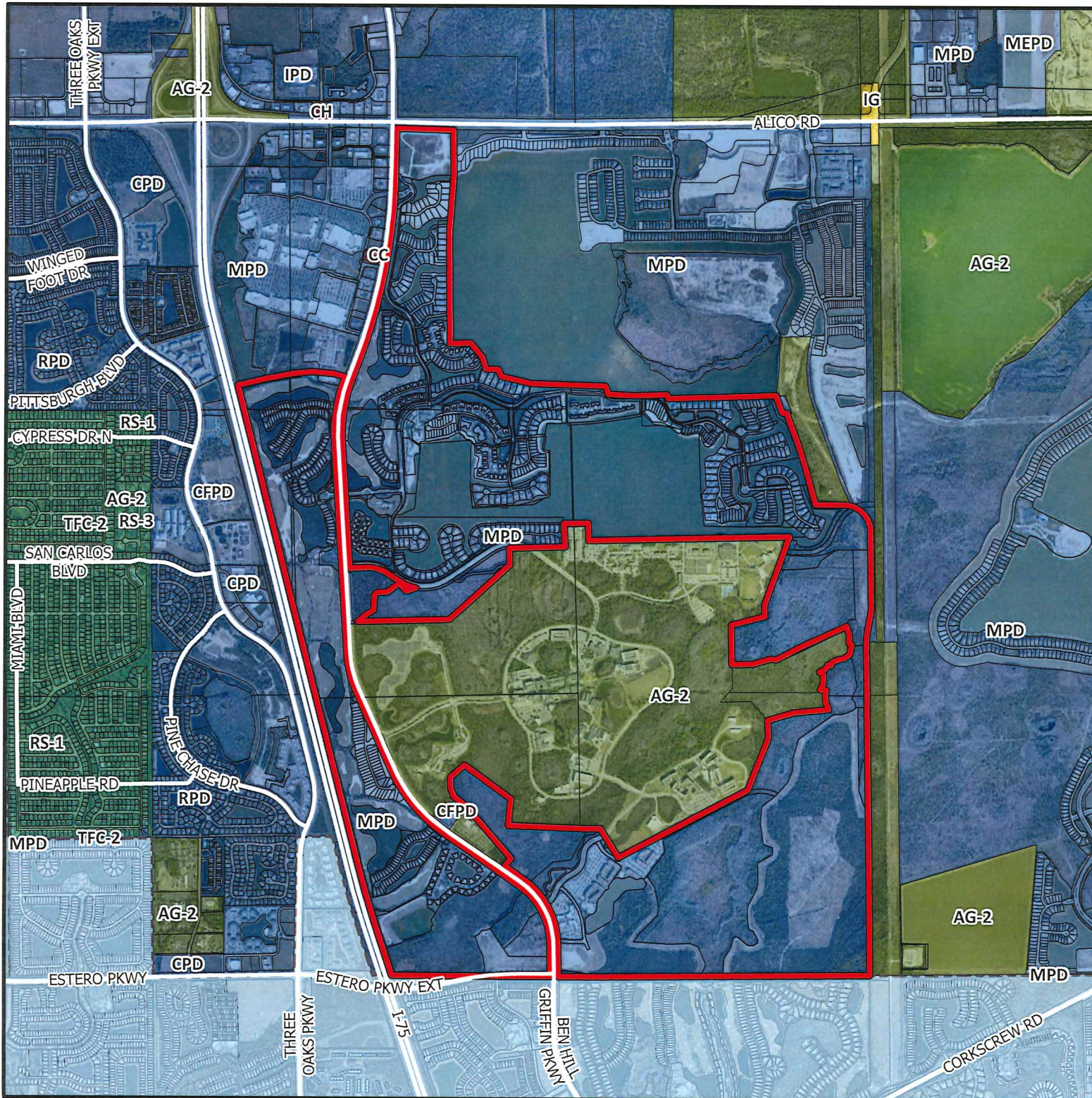
Zoning

 Subject Property

 City Limits



ATTACHMENT B

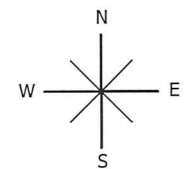


DCI2022-00052

Aerial

 Subject Property

 City Limits

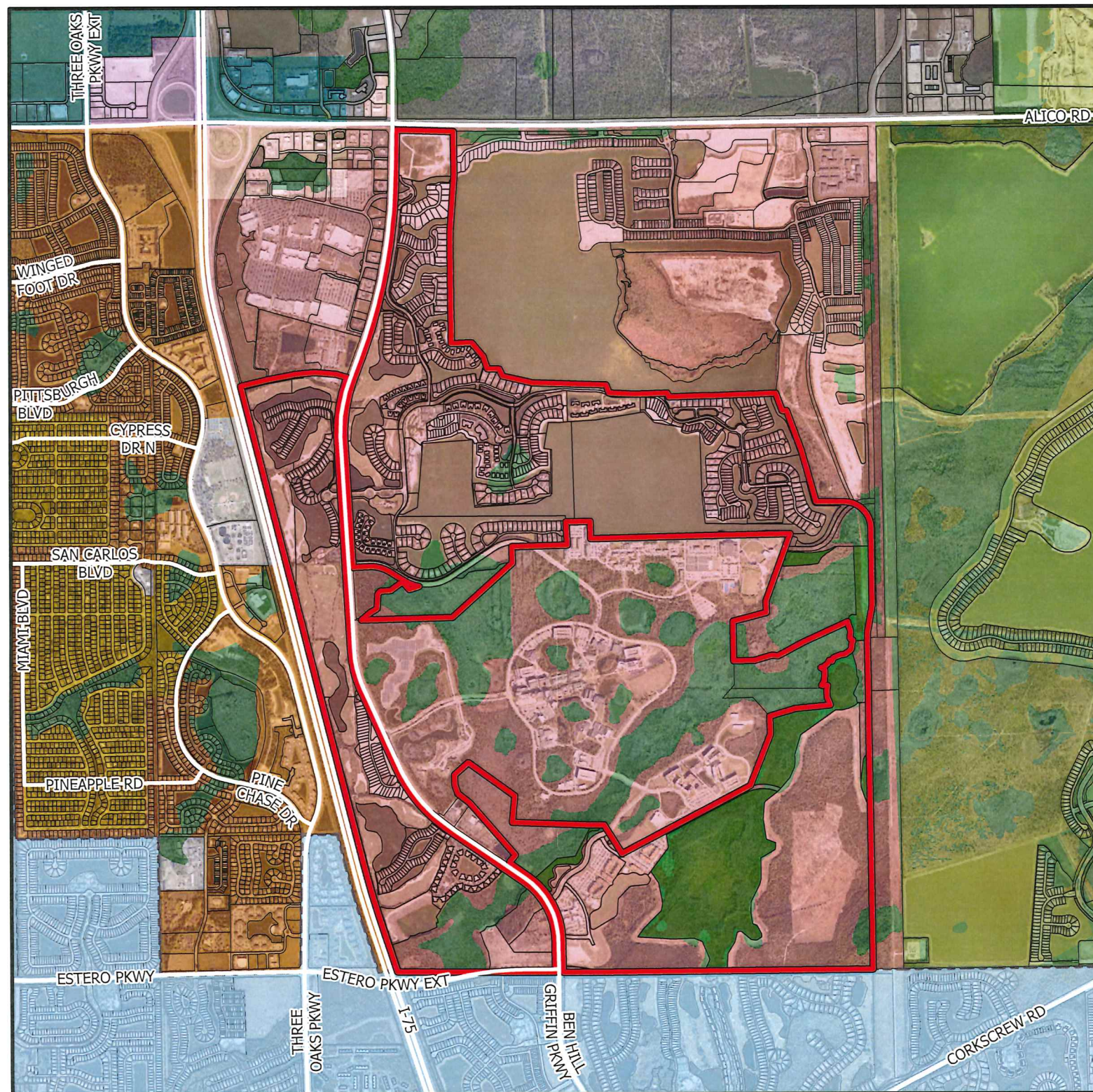


0 0.5 1
Miles

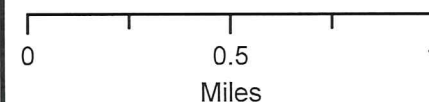
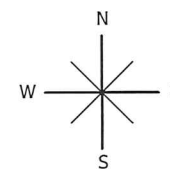


DCI2022-00052

Future Land Use



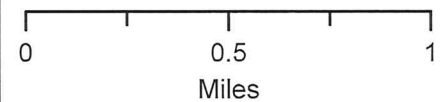
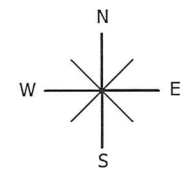
- Subject Property
- Urban Community
- Suburban
- Public Facilities
- University Community
- General Interchange
- University Village Interchange
- Industrial Commercial Interchange
- Tradeport
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland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



DCI2022-00052

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay
-  City Limits



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

WHEREAS, Miromar Lakes, LLC, filed an application on behalf of the property owner, Florida Gulf Coast University, to amend the Miromar Lakes DRI Development Order and Mixed Use Planned Development (MPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised to be held on September 4, 2013. On September 4, 2013, the Hearing Examiner introduced herself and the case for the record. A mutual continuance request was discussed and everyone agreed to continue the subject case to October 16, 2013, with the 17th, 18th, and 30th being held as reserved dates for further testimony, if necessary; and

WHEREAS, on October 16, 2013, October 17, 2013, October 18, 2013, and October 30, 2013 the public hearing was held. At the conclusion of the hearing on October 30, 2013, it was agreed that continuing the hearing to November 8th, 13th and 21st was in the best interests of all concerned; and

WHEREAS, on November 8, 2013, November 13, 2013, and November 21, 2013 the public hearing was held. At the conclusion of the hearing on November 21, 2013, it was agreed that continuing the hearing to December 6, 2013 to allow additional time for the Applicant, the Staff, and the public to present additional evidence and testimony; and

WHEREAS, on December 6, 2013 the public hearing was held. At the conclusion of the hearing on December 6, 2013, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before December 20, 2013, January 10, 2014, and January 24, 2014; and

WHEREAS, on January 22, 2014, the Hearing Examiner granted an extension of the written submittal date to February 14, 2014; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2012-00021 and DCI2013-00008, and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 18, 2014 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to amend the Miromar Lakes DRI Development Order and MPD. The request includes:

- Relocating approved commercial uses from the northern part of the MPD to the southern part of the MPD and replacing the northern commercial with residential uses;
- Introducing a flexible category allowing approved commercial and residential uses in a small north area of the MPD and a large area east of Florida Gulf Coast University (FGCU);
- Adding multiple-family dwelling uses in the southeastern quadrant of the project;
- Changing some uses allowed in the R-2 designation; and
- Delineating height potentials uniformly.

The property is located in the University Community, Wetlands and Conservation Wetlands and Uplands Future Land Use Categories and is legally described in attached Exhibit A. The request is APPROVED, SUBJECT TO the conditions and deviations specified in Sections B and C below.

SECTION B. CONDITIONS:

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

1. a. Development of this project must be consistent with the:
 - i. One-page Master Concept Plan (MCP) entitled "Miromar Lakes DRI Master Concept Plan," prepared by Delisi Fitzgerald, Inc., date stamped received JUL 11 2014 and attached hereto as Exhibit C, except as modified by the conditions below.
 - (1) Development must comply with all requirements of the LDC at time of local development order approval, except as may be granted by deviation as part of this planned development.
 - (2) If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.
 - (3) The southern boundary of the project shown on the MCP must correspond to the north Estero Parkway Extension right-of-way line as it existed in 2014 on the date of the approval of this MPD amendment. This boundary must be noted on the MCP as the Miromar Lakes southern boundary. All other graphics that show the southern project boundary must also reflect the right-of-way as the boundary.
 - (4) The scale of the MCP must be clearly indicated and be an accurate scale for the size of paper that will constitute the official copy of the MCP.
 - ii. The current Miromar Lakes DRI Development Order, as may be amended.

- iii. Administrative amendments, including final plan approvals and deviations for existing developments within Miromar Lakes MPD, are still valid including:

ADD2013-00045	ADD2012-00110	ADD2010-00021
ADD2009-00026	ADD2008-00144	ADD2008-00130
ADD2006-00009	ADD2006-00004	ADD2006-00002
ADD2005-00190	ADD2005-00134	ADD2005-00104
ADD2004-00253	ADD2004-00223	ADD2004-00177A
ADD2004-00176	ADD2004-00074	ADD2004-00070
ADD2004-00054	ADD2004-00045	ADD2004-00042
ADD2004-00033	ADD2003-00047	ADD2003-00028
ADD2002-00168	ADD2002-00077	ADD2002-00045
ADD2001-00142	ADD2001-00125	ADD2001-00113A
ADD2001-00085	ADD2001-00018	ADD2000-00191
ADD2000-00161	ADD2000-00117	ADD200-00111
ADD2000-00110	ADD2013-00146	

Zoning Resolutions #Z-12-004, #Z-10-019, #Z-06-064, #Z-02-072, #Z-99-029 and administrative amendment ADD2012-00055 are null and void as a result of approval of this zoning action, and are superseded by this zoning resolution.

- b. Development of the property is limited to the following parameters:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single-family Residential	700 du	2,600	
Multiple-family Residential	1,900 du		
Retail Commercial	250,000 sq ft (GFA)		
Office	340,000 sq ft (GFA)		
Research & Development	40,000 sq ft (GFA)		
Hotel	450 rooms		
Lakes/Miscellaneous Recreation/Buffers	N/A		312
Conservation Areas	N/A		344.7

Notes:

- The club uses may each include up to 10,000 square feet of retail uses, which are ancillary to the residential uses and do not count against the project's approved total commercial square footage.
- Commercial uses within an Assisted Living Facility are limited to Personal Services, Groups I-III, excluding massage parlors unless in conjunction with a chiropractor or other medical facility, and a total floor area not to exceed 10 percent of the total residential area contained therein, exclusive of vehicular parking and service areas.
- In reference to the above table, single-family residential uses include zero-lot line, duplexes, two-family attached, and townhome dwelling types.

- iv. See approved Master Concept Plan for acreage within residential, commercial, lakes/miscellaneous recreation/ buffers, mixed use, and conservation areas.
 - v. See also Condition 31 for retail commercial and office square footage limitations.
 - vi. Dwelling unit types and office uses may be converted in accordance with DRI Development Order Section II.D.7, but must remain consistent with Condition 24.
- c. The developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when further administrative deviations, as permitted by the LDC, are requested. All administrative deviations must be processed in accordance with the LDC. If FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices.
- d. The Application for Administrative Action for Final Plan Approval must include the following additional information:
- i. Type and amount of uses, i.e. the number of residential dwelling units, total square feet of commercial uses, or other measures of intensities;
 - ii. an ongoing tabulation of the total number of residential dwelling units, commercial square footage, and other measures of intensity that have received local development order approval;
 - iii. location and dimensions of access points; internal roadways; buildings/structures and parking spaces/areas;
 - iv. setbacks and building heights;
 - v. certified sketch of and description of perimeter boundary of development tract;
 - vi. adjacent zoning and land uses;
 - vii. buffers and landscape strips required or proposed;
 - viii. open space, including an ongoing tabulation of required open space; and
 - ix. detail drawings showing the location and application of deviations.
2. The Schedule of Uses and Property Development Regulations are set forth in Exhibit D.
3. Hurricane Mitigation
- a. The developer must initiate the establishment of a property owner's or resident's association(s). The organization must provide an educational program on an annual basis, in conjunction with the staff of Emergency Management, which will provide literature, brochures and technical assistance 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 for the development, which will be subject to review and approval by the Lee County Office of Emergency Management prior to issuance of a local development order.
 - c. The developer's proportionate share payment of \$10.9 million for the development's impacts on significantly and adversely impacted roadway network, including Alico Road, will adequately mitigate the development's hurricane evacuation impacts.
4. If access to this development or into portions of this development is through a security gate or similar device, which is not manned twenty-four hours a day, the gate 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 §34-1748.
5. If required by federal, state or local regulations:
- a. The purchaser/end user of parcels that will be used to store, manufacture, or use hazardous materials, must contact the Lee County Office of Emergency Management Hazardous Material Representative, to discuss the proposed development in relation to the potential type, use, and storage of hazardous materials that will be located on the premises.
 - b. The purchaser/end user must prepare or have available material safety data sheets (MSDS) and submit either copies of MSDS or a list of chemicals to the appropriate local fire district and to the Lee County Division of Public Safety.
 - c. The applicant must establish an emergency notification system to be used in the event of a hazardous material release.

6. **Agricultural Uses**

Agriculture is not approved as a permanent use in the Schedule of Uses for this property. All agricultural uses must cease upon approval of the requested rezoning, except as follows:

- a. Existing bona fide agricultural uses as shown on attached Exhibit E may continue and plant nurseries may be instituted until approval of a local development order for the area of the project containing those uses.
- b. Additional clearing of trees or other vegetation in agricultural areas is prohibited. Existing areas of bona fide agricultural use may be maintained, i.e., mowed, but not cleared or expanded. This prohibition is not intended to preclude County approved requests for the removal of invasive exotic vegetation.
- c. The property owner must terminate the agricultural tax exemption for any portion of the property that receives a local development order, except for a local development order obtained by or on behalf of Florida Gulf Coast University for access, drainage, utility extension, or other improvements associated with the southern and eastern access through the Miromar Lakes property to the University.

The agricultural use must cease by December 31st of the calendar year in which the local development order is issued. The exemption termination must be filed with the Property Appraiser's Office by December 31st of the calendar year in which the local development order is issued. A copy of the exemption termination must be provided to the Office of the County Attorney.

7. The development must comply with LDC §34-1010 for any tall structures including permanent buildings, antenna supporting structures, wireless communications facilities and temporary construction cranes.
8. The development of helistop(s) within the Miromar Lakes MPD is subject to review and approval by the Florida Department of Transportation (FDOT) and the Lee County Port Authority. Helistops are prohibited within 500 feet of the Miromar Lakes southern boundary.
9. Prior to local development order approval for property that includes Big Cypress Fox Squirrel habitat, the developer must amend the draft "Big Cypress Fox Squirrel Management Program" counter-stamped July 6, 1998, as amended on January 2002, (Exhibit F) to meet the requirements of the Department of Economic Opportunity (DEO) and the Southwest Florida Regional Planning Council. The developer must provide evidence of the management plan approval and the finalized management plan must be adopted as part of the local development order. Prior to issuance of a Vegetation Removal Permit, the developer must resurvey the property south of Stewart Cypress Slough specifically for Big Cypress fox squirrel nests. The developer must barricade and maintain a 75-foot radius undisturbed buffer around all active nests until after all young fox squirrels leave the nest or the squirrels and nest are relocated. The developer must first coordinate with and must receive approval for any relocation activities from the Florida Fish and Wildlife Conservation Commission.
10. Prior to issuance of a local a development order, the developer must:
 - a. Resurvey the gopher tortoise habitat west of the preserve depicted within the area south of Stewart Cypress Slough and east of Ben Hill Griffin Parkway specifically for gopher tortoises and burrows; and
 - b. Submit a final gopher tortoise management plan for off-site relocation to the Division of Environmental Sciences Staff for review and approval.
11. The developer must provide educational materials describing the eastern indigo snake and regulations related to its protection/listed status to field survey and construction crews prior to commencement of construction activities. A qualified biologist must be present during the construction clearing phases of the project for the first week, with at least two spot checks per week thereafter, to survey ahead of clearing activities and to verify that appropriate steps are being followed to protect these snakes. If an indigo snake is located, the clearing operations must cease until the developer secures the snake, relocates it to an appropriate preserve, and notifies the Division of Environmental Sciences Staff that an indigo snake was found and relocated.
12. At the time of local development order submittal, the "Miromar Lakes Snail Kite Management Plan" dated January 11, 1999 (Exhibit G) must be revised and provided for Division of Environmental Sciences review and approval. The plan must include a

narrative of how the cattails will be managed to allow more open waters within the borrow lakes to provide snail kite foraging areas. Commitments must be made to conduct the recommended management activities.

13. All residents must be provided with an informational pamphlet regarding the protection of alligators and how to live with alligators. Prior to local development order approval, the developer must submit a copy of this pamphlet to the Division of Environmental Sciences Staff for review and approval.

Two signs must be placed within the golf course south of Stewart Cypress Slough, one near the clubhouse and one half way through the course, that informs golfers of the presence of alligators and that it is illegal to feed or harass alligators. Prior to local development order approval, the development order plans must provide detail of the signs including wording and size, and the location of the signs must be delineated on the landscape plans.

14. Prior to issuance of a local development order for property containing least terns or its habitat, suitable habitat for least terns must be re-surveyed during the least tern nesting season (April - August). If least tern nesting is documented on the property, the developer must submit a management plan per LDC §10-474.
15. Prior to local development order approval, the plans must include open space calculations and delineate how the required open space will be provided in compliance with the "Miromar Lakes Open Space and Indigenous Preservation" requirements attached as Exhibit H.
16. The developer must make reasonable efforts to preserve existing native vegetation within common open space areas including the golf course and lakes in the final design. This requirement will not be interpreted in a manner to impair good golf course design, or to reduce the overall number of residential dwelling units approved for the project. The developer must hold an onsite 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.
17. The paving, grading and landscape plans must delineate for preservation the area dominated by cypress canopy and identified as Florida Land Use and Cover Classification System (FLUCCS) code 621E1 on the Environmental Resource Permit (ERP) FLUCCS map and generally identified on attached as Exhibit I, prior to local development order approval.
18. Prior to approval of local development order, the plans must indicate the following:
 - a. If the northern crossing is selected in accordance with Condition 29, the roadway abutting the conservation area ("CO") south and southeast of the Florida Gulf Coast University (FGCU) campus must provide a wildlife underpass or bridge which will accommodate both Florida black bear and Florida panther. The wildlife underpass must, at a minimum, provide an area equivalent to two 4-foot by 10-foot culverts placed side by side with a maximum 45-foot length (crossing under the road width); and

- b. A single row native shrub hedge along both sides of the road (planted at a minimum 24-inch height; maintained at a minimum 6-foot height); and
 - c. Roadway signage including "Wildlife Crossing" signs and a maximum 20 mph speed limit signs along the portion of the road abutting the conservation area for all traffic. The design of the signs and location must be shown on the development order plans; and
 - d. If the southern crossing is selected in accordance with Condition 29, the requirement for a wildlife underpass will be determined by the applicable state and federal agencies at the time of permitting.
- 19. Prior to issuance of a Certificate of Compliance for any local development order that requires a dumpster, the dumpsters must be wildlife-proofed to discourage bear foraging. The developer must provide information to employees and residents regarding Florida black bears including details of proper disposal of garbage to prevent bear foraging in dumpsters and garbage cans. Prior to local development order approval, a copy of the Florida black bear brochure must be submitted to the Division of Environmental Sciences (DES) Staff for review and approval.
- 20. Any outdoor entertainment that occurs less than 500 feet from the Miromar Lakes southern boundary must be oriented to direct noise output to the north and west, thereby directing noise output away from residential properties to the south of Estero Parkway and the Density Reduction/Groundwater Resource (DR/GR) lands to the east. This condition applies to outdoor entertainment that is not in conjunction with consumption on premises, and which may be associated with residential or non-residential uses. Outdoor entertainment for the purpose of this condition is defined as live music or other entertainment activities that utilize amplified speaker systems or sound systems. Compliance with this condition does not alter the applicability of any other noise control ordinance or restriction throughout the MPD
- 21. Outdoor seating in conjunction with consumption on premises is prohibited within 500 feet of a religious facility, school (noncommercial), day care center (child), park or dwelling unit under separate ownership except as approved by Deviations 3 or 30, or as an amendment to the MPD. In no case shall outdoor seating in conjunction with consumption on premises be permitted within 500 feet of residential lots within Grandezza. Distances shall be measured in accordance with LDC §34-1264(b)(1).
 - a. Prior to local development order approval for any new or redesigned outdoor seating areas in conjunction with consumption on premises that are located less than 800 feet from the Miromar Lakes southern boundary, which includes outdoor seating areas in conjunction with consumption on premises associated with restaurants, the bar, clubhouses, recreational facilities, mixed uses, commercial uses, or residential uses, the following must be obtained:
 - i. An Administrative Amendment, which includes a site plan, showing the proposed location and square footage of the outdoor seating area, and the proposed hours of operation for the outdoor entertainment.
 - ii. The site plan must identify noise mitigation measures, including building orientation, perimeter plantings, water features/fountains, and/or other sound reducing materials to ensure the development will be in compliance with the Noise

Control Ordinance, codified in Lee County Code of Ordinances Chapter 24¼, as amended, and any other applicable noise control regulations.

- iii. The site plan must demonstrate that outdoor noise activities, including but not limited to music, live entertainment, or other activities that utilize amplified speaker systems or similar sound systems, are designed so that the size of the systems are commensurate with the size of the space and designed and installed to direct noise output to the north and west, thereby directing noise output away from residential properties to the south of Estero Parkway and the DR/GR lands to the east.
 - iv. For the purposes of this condition, outdoor seating shall be defined as seating in non-roofed areas or portions of buildings that are not fully enclosed or operate with open windows or doors.
 - v. If the same business or premises has more than three (3) citations (findings of violation) from the Lee County Sheriff's Office, or applicable regulatory agency, relating to violations of the Noise Control Ordinance or other applicable noise control regulation, the matter may be referred to Lee County Code Enforcement and may result in a code violation proceeding as a violation of this zoning resolution.
 - vi. This local development order approval does not prohibit the owner from obtaining a Temporary Use Permit or a special event permit as provided for in LDC §34-210.
- b. The provisions of subparagraph "a" of this condition do not apply to outdoor seating areas in conjunction with consumption on premises that are located a distance of 800 feet or greater from the Miromar Lakes southern boundary.
 - c. The provisions of subparagraph "a" of this condition only apply to consumption on premise with outdoor seating. The noise abatement, distance requirements, or other restrictions set forth in subparagraph "a" do not apply to consumption on premises that is located within a fully enclosed building that does not operate with open windows or doors.
 - d. Nothing in this condition will alter the required compliance with the Noise Control Ordinance or any other applicable noise control regulations.
22. Bicycle and pedestrian connections to FGCU will be provided in accordance with Exhibit "D" of the Miromar Lakes DRI DO.
23. Future access to County Road 951 will be subject to the recommendations set forth in the PD&E for that roadway.
24. The project will provide a mix of housing types with densities sufficient to meet the needs of and be designed to accommodate the varying lifestyles of students, faculty, administration, other university personnel and employees of the associated support development in accordance with Lee Plan Policy 18.1.2.
- a. Maximum clustered density is limited to 12 dwelling units per net acre within 150 feet of the Miromar Lakes southern boundary in the southeastern R-2 parcel, which is

generally located south of FGCU, east of Ben Hill Griffin Parkway, and east of the conservation area.

- b. In all other locations within the MPD, the maximum clustered density is 15 dwelling units per net acre in order to accommodate university housing.
25. Each single-family lakefront lot is allowed to have one dock. Single-family lakefront lot docks may be converted to multiple-family slips for wet boat storage on a one for one (1:1) basis. An additional 250 (maximum) ancillary slips for wet boat storage are allowed on the lake. A maximum 400 slips for dry boat storage are allowed in conjunction with the Boat Club. All structures utilized for dry boat storage must comply with the design standards for commercial buildings provided in LDC §10- 20. In the alternative, and subject to review by the Director in conjunction with final plan approval, the developer may construct the following buffers along any portion of the structure that does not comply with the commercial design standards:

- a. Buffer on the west property line:

Minimum width: 50 feet

Berm and Palms: Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms).

Hedges: Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at a height of no less than 60 inches.

- b. Buffer on the south property line:

Minimum width: 25 feet

Berms and Palms: Palms must be planted in double staggered rows and spaced 10 feet on center. The combination of these required palms and any berm along the west property line must be between 26 feet and 30 feet at installation. Trees of no less than four inches in diameter at 12 inches above the ground and no less than 16 feet in height at the time of planting may substitute for some of the palms (1 tree = 2 palms).

Hedges: Hedges must be planted in double staggered rows. Shrubs must be a minimum 10-gallon container size and be spaced 36 inches on center. They must be at least 48 inches in height at installation and maintained in perpetuity at a height of no less than 60 inches.

- c. The developer must provide a Type "D" buffer on the east property line.
- d. No buffer is required along the water's edge (the north property line).

At least 75 percent of the trees and 50 percent of the shrubs used to fulfill these requirements must be native Florida species

26. Timeshare units may be developed within the C-1 areas SUBJECT TO the following conditions:
 - a. The units must be in conjunction with a bona fide hotel use; and
 - b. The units must not exceed 25 percent of the total number of rooms being constructed as part of the hotel use.
27. Approval of this rezoning does not guarantee local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
28. As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC §10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of, these facilities will be reviewed at the time of local development order application
29. There may only be one roadway crossing of the large southern central conservation area. The MCP demonstrates two (2) proposed crossings. One crossing will be eliminated contingent on successful jurisdictional agency permitting of the other crossing.
30. Issuance of a development permit by Lee County does not in any way create any rights on the part of the applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.
31. A maximum of 150,000 square feet of commercial retail uses (including Restaurants, Groups I-IV, and Restaurants, Fast Food) and a maximum of 50,000 square feet of office uses may be developed in the "C-1" and "C-S" parcels located south of FGCU and east of Ben Hill Griffin Parkway.
32. The following performance standards apply to development within the "C-S" parcel east of Ben Hill Griffin Parkway and immediately north of the Estero Parkway Extension, as depicted on the MCP.
 - a. Retail uses are limited to a "neighborhood commercial" scale, which is defined by the Lee Plan as 2 to 10 acres in size with the gross floor area of retail uses ranging from 30,000 square feet to 100,000 square feet. The retail uses shall provide for the sale of convenience goods and personal services, which include but are not limited to, food, drugs, sundries and hardware items.
 - b. If service/loading areas for the delivery of goods associated with supermarkets (defined as Food Stores, Group I) and/or Lawn and Garden Supply stores are adjacent to the future Estero Parkway Extension, a Type "C" buffer will be provided as defined in LDC §10-416(d). The Type "C" buffer will be limited to the portion of the property line where the service/loading area is adjacent to the right-of-way. For the purpose of this condition, adjacent shall be defined as a development scenario where the public entrances to the building are oriented towards the north, west, and/or east, and the loading and services areas are oriented towards the south and within 50 feet of the

Miromar Lakes southern boundary. If service/loading areas are not adjacent to the Estero Parkway Extension right-of-way in the "C-S" parcel, perimeter buffers will be provided in accordance with the LDC.

- c. If self-service fuel pumps are developed within the C-S parcel, the pumps will be screened from the Estero Parkway right-of-way via an intervening building, which may include the associated convenience food and beverage store or other associated building. If an intervening building is not constructed prior to issuance of Certificate of Completion for the self-service fuel pumps, a Type "C" buffer will be provided in accordance with LDC §10-416(d) along the portion of the property line or tract line where the fuel pumps are the abutting use.
 - d. Retail buildings are limited to 35 feet in height. Buildings containing office uses, non-retail uses, and/or buildings where office or non-retail uses are located above the first floor may be constructed to a maximum height of 45 feet. A building that exceeds 35 feet in height must provide architectural details on the south side of the building that are consistent with the architectural details on the front of the building.
33. Multiple-family buildings greater than 35 feet in height located in the "R-2" parcel south of FGCU, east of Ben Hill Griffin Parkway and east of the conservation area, must be set back 150 feet from the Miromar Lakes southern boundary.
34. Active recreational uses located outside of a building, such as outdoor sport courts, swimming pools, playgrounds, and sports fields, located in the R-2 parcel located south of FGCU, east of Ben Hill Griffin Parkway and east of the conservation area must be set back a minimum of 150 feet from the Miromar Lakes southern boundary. This condition does not apply to residential accessory uses and structures, and it does not apply to accessory recreational uses for single-family or two-family attached dwellings, such as an individual swimming pool. The 150-foot setback will not apply if an intervening building is constructed between the Miromar Lakes southern boundary and the active outdoor recreational use so as to mitigate noise and light impacts on residential properties to the south of Estero Parkway Extension. The determination that the setback is not applicable will occur as part of the FPA process.
35. A Type "D" buffer with 4-foot berm will be provided along the Miromar Lakes southern boundary, east of Ben Hill Griffin Parkway, where "R-2" parcels abut the Estero Parkway Extension. No buffer is required where conservation areas abut the Miromar Lakes southern boundary.
36. Access to the future Estero Parkway Extension east of Ben Hill Griffin Parkway is limited to the three (3) locations shown on the MCP. The three (3) locations on the MCP generally align with existing golf course holes and the north/south portion of Markward Crossing that is directly east of Seagrove Street within the Grandezza community.

SECTION C. DEVIATIONS:

- 1. Deviation (1) seeks relief from the LDC §34-1954(d)(1) requirement that restricts model homes to a time limitation of 3 years, to allow model homes within the Miromar Lakes development to be permitted until the build out of the project. This deviation was APPROVED per Z-12-004 for the entire project.

2. Deviation (2) seeks relief from the LDC §34-1954(d)(2) requirement that restricts model units within a townhouse or multiple-family building not to extend beyond the initial sale period for that phase, to allow the model units until project build out. This deviation was APPROVED per Z-12-004 for the entire project.
3. Deviation (3) seeks relief from the LDC §§ 34-1263(e) and 34-1264(b) requirement that prohibit a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises from locating within 500 feet of any school (noncommercial) or dwelling unit; to allow a bar, cocktail lounge, or package store, to be less than 500 feet from Florida Gulf Coast University and internal dwelling units within the C-1 parcel located on the west side of Ben Hill Griffin Parkway, as depicted on the MCP. This deviation is APPROVED SUBJECT TO the following conditions:
 - a. Any establishment primarily engaged in the sale of alcoholic beverages for consumption on or off the premises must be located a minimum of 500 feet from any residential unit located outside of the C-1 parcel located on the west side of Ben Hill Griffin Parkway.
 - b. The MPD is limited to one (1) establishment primarily engaged in the sale of alcoholic beverages, specifically a bar, cocktail lounge, or package store. The establishment must be located as depicted on the Master Concept Plan, either within the C-1 tract located on the west side of Ben Hill Griffin Parkway as described in Deviation 3, OR within a C-1 tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway, and west of the conservation area, as described in Deviation 30.
4. Deviation (4) was WITHDRAWN.
5. Deviation (5) seeks relief from the LDC §10-291(3) (Required Street Access), requirement to provide, where practical, two (2) or more means of ingress and egress to residential developments of at least 5 acres in size, to allow only one means of ingress and egress for those development parcels that are surrounded by golf course, water body, or conservation areas or any combination of thereof. This deviation is APPROVED SUBJECT TO the condition that the developer must install a full-sized cul-de-sac at the dead end, and the Emergency Service District approves, in writing, the ingress and egress of each development parcel in conjunction with the application for final plan approval.
6. Deviation (6) seeks relief from the LDC §10-296(b), Table 3, requirement to provide a right-of-way width of 40 feet for two-way closed drainage, rear lot drainage or inverted crown, to allow a 35-foot right-of-way width to coincide with the back of the curb for local private roads. This deviation is APPROVED SUBJECT TO the condition that required drainage and utility easements are located outside of the right-of-way and the developer makes adequate provisions for road drainage and utilities.
7. Deviation (7) seeks relief from the LDC §10-296 ("Street Design and Construction Standards"), requirement to provide that wearing surfaces for local and access roads for Class A development must be 1.5-inch asphaltic concrete of Florida Department of Transportation Type S-1, to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes. This deviation is APPROVED SUBJECT TO the condition that the structural number of the proposed alternate cross-section will equal or exceed the structural number of a "standard" Class A local road flexible pavement cross-section.

8. Deviation (8) was WITHDRAWN.
9. Deviation (9) seeks relief from the LDC §10-296(r)(4)(a), requirement that allows privately maintained access ways that meet criteria as outlined in item 4(a) to be exempt from minimum right-of-way widths as specified in LDC §10-296(b), to permit access ways providing access up to 100 residential units to be exempt from the minimum roadway widths as specified in LDC §10-296(b). This deviation is APPROVED SUBJECT TO the following conditions:
 - a. The design and posted speed will be 20 mph or less;
 - b. This deviation will apply to private access ways only; and
 - c. Where determined to be practical by the design engineer, the developer will provide traffic calming devices identified in the ITE Residential Street Design and Traffic Control book.
10. Deviation (10) seeks relief from the LDC §10-329(d)(1)3, requirement to provide a minimum 50-foot setback from a water retention or detention excavation to private property lines under separate ownership, to allow a zero-foot setback limited to the property line contiguous to Miromar Lakes and Alico, Inc. in the north mining lake. This deviation is APPROVED.
11. Deviation (11) seeks relief from the LDC §10-329(d)(1) a.2, requirement to provide a minimum 50-foot setback from a water retention or detention excavation to existing or proposed rights-of-way or easements for an arterial or collector streets, to permit a 25-foot setback, subject to the developer providing elements for the protection of wayward vehicles in accordance with LDC §10-329(d)(1)a.2, as well as a Type "F" curb at the locations. This deviation is APPROVED.
12. Deviation (12) was WITHDRAWN.
13. Deviation (13) seeks relief from the LDC §10-355, requirement to provide a 10-foot public utility easement on both sides of a roadway, to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing . This deviation is APPROVED.
14. Deviation (14) seeks relief from the LDC §10-415(a), requirement to provide open space be calculated as a percentage of development area, to require open space based on the area of development excluding that portion of the development consisting of the existing mining lakes. This deviation is APPROVED SUBJECT TO the condition that the entire acreage of the existing mining lakes located on the east side of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site
15. Deviation (15) seeks relief from the LDC §10-416(d)(l) and 10-421(a)(5), requirement to provide that no portion of a buffer area consisting of trees and shrubs be located in an easement, to allow planted buffers in easements, provided that, if any required buffer or landscape strip plantings installed within easements must be removed, then the property owner's association or Uniform Community Development District (UCDD) must replace the plantings with like size and species at no expense to Lee County. The requirement must be clearly stated in each property owner's documents. This deviation is APPROVED

IN PART, SUBJECT TO it being limited to those portions of the project that received final plan approval and local development orders prior to November 13, 2001. The deviation was DENIED for the 534-acre addition to the property.

16. Deviation (16) seeks relief from the LDC §10-415(b), requirement to provide 50 percent of the required open space to incorporate existing indigenous vegetation, to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the indigenous vegetation requirement. This deviation was APPROVED by Resolution Z-99-029 for the original +1,300-acre project with the condition that existing indigenous preservation requirements be met within the Conservation Area shown on the MCP last revised August 16, 1999 and that the developer must provide and preserve a minimum of 186 acres of existing indigenous and restored/enhanced plant communities within the +1,300 acre site. This deviation was also approved by Resolution Z-02-072 for the 534-acre addition to the project, subject to the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 158.7 acres of existing indigenous restored/enhanced plant communities within the +534-acre site addition.

17. Deviation (17) seeks relief from the LDC §§ 10-416(d)(1) and 10-421(a)(5), requirement that prohibit the planting of trees and shrubs within any right-of-way, to allow these plantings within the right-of-way. This deviation was APPROVED, IN PART, SUBJECT TO it being limited to only for those portions of the Miromar Lakes project that received final plan approval and local development orders prior to November 13, 2001, but is limited to private local roads, provided the plantings are in compliance with the LDC §34-3131 (visibility), and are properly maintained by the developer or property owner's association. This deviation was DENIED for the 534-acre addition to the project.
18. Deviation (18) seeks relief from the LDC §10-418(a)(2)b, requirement to provide a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan attached as Exhibit J provided that herbaceous plant requirements per LDC §10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of 1 tree or 2 shrubs for 10 herbaceous plants. This deviation is APPROVED.
19. Deviation (19) was WITHDRAWN.
20. Deviation (20) seeks relief from the LDC §34-2194(c)(1)(a), requirement to provide that the Board of County Commissioners may grant less stringent setbacks from bodies of water when the development surrounding the entire body of water is under unified control, to allow the development of buildings and accessory structures within zero feet of the mining lake adjacent to "R" tracts (south of Alico Road) when the development surrounding the entire body of water will not be under the unified control of Miromar. This deviation is APPROVED SUBJECT TO the following conditions:

- a. Limited to 5,527 linear feet of lake frontage within the areas delineated on the MCP.

- b. A compensatory littoral zone must be provided as pocket marshes instead of a 5-foot wide linear littoral shelf, per §10-418(3)(a). The compensatory pocket marsh must be a minimum 0.50 acres of marsh planted with a minimum of our native wetland plants and providing a 50 percent coverage at time of planting (herbaceous plants must be a minimum 2-inch linear; shrubs and grasses must be a minimum 1-gallon container size; trees must be a minimum 3-gallon size). The compensatory pocket marsh area must be provided along the shoreline of "R" tracts.
 - c. The total amount of linear feet of lake frontage that utilizes the zero-foot setback, plus any rip-rap installed for shoreline erosion control cannot exceed 20 percent or 11,054 linear feet of shoreline.
 - d. The details of applying this deviation must be submitted for review and approval through an Administrative Amendment that includes a compilation of where Deviation 20 has been utilized and where it is proposed to be utilized; a compilation of where rip-rap has been permitted for shoreline stabilization; the location of the compensatory littoral zone pocket marsh; and a planting plan with cross-sections for the compensatory littoral zone pocket marsh.
 - e. The pocket marsh must be constructed prior to the issuance of a Certificate of Compliance for any development order utilizing Deviation 20 beyond the 1,600 linear feet of the already permitted zero building setback associated with the Ravenna development (DOS2005-00296).
21. Deviation (21) was WITHDRAWN.
22. Deviation (22) seeks relief from the LDC §10-285, requirement to provide a minimum of 125-foot separation between driveway access points to a local road, to allow two connections for each short cul-de-sac (eyebrows) at a spacing less than 125 feet. This deviation is APPROVED SUBJECT TO the following conditions:
- a. each "eyebrow" must be provided with signage indicating one-way traffic in a counterclockwise direction; and
 - b. the minimum separation will be 60 feet; and
 - c. it applies only to private local roads; and
 - d. it is approved only for those typical situations including, but not limited to, those designated in the graphic submitted for this deviation.
23. Deviation (23) was WITHDRAWN.
24. Deviation (24) seeks relief from the LDC §10-416(d)(3), requirement to provide commercial developments adjoining existing residential development to provide a buffer including a fence or wall between the uses, to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is APPROVED to allow alternative means of separation, while protecting internal project compatibility in accordance with Lee Plan Policy 18.1.7. in the following areas:
- a. Between residential and non-residential uses internal to the C-1, C-S and MU tracts, so as to create a "town center" design.

- b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes "R" tracts.
 - c. Between the "C-1" areas and the abutting "R" tracts.
 - d. Between the "C-1", "C-S" and "MU" areas and the abutting "R-2" tracts south and east of FGCU to allow pedestrian access and encourage walkability.
- 24A. Deviation seeks relief from the LDC §10-416(d)(3), requirement to provide multiple-family and commercial developments adjoining a right-of-way must provide a Type D buffer, to require no buffer for a small commercial parcel and a small residential parcel abutting FGCU's northerly access road. This deviation was APPROVED.
- 24B. Deviation seeks relief from the LDC §10-416(d)(3), requirement to provide multiple-family uses adjoining existing single-family uses must provide a buffer including a fence or wall between the uses, to allow alternative means of separating internal residential uses including no buffers, fencing or walls. This deviation is APPROVED SUBJECT TO the clarification that the implementation of this deviation must be consistent with Lee Plan Policy 18.1.7.
25. Deviation (25) was WITHDRAWN.
26. Deviation (26) was WITHDRAWN.
27. Deviation (27) was WITHDRAWN.
28. Deviation (28) seeks relief from the LDC §34-935(f)(3)(e), requirement to limit building heights in the University Community Future Land Use category to 45 feet above minimum flood elevation, to allow for a maximum building height of 65 feet within the MPD, except as described on Exhibit K. This deviation is APPROVED SUBJECT TO the following conditions:
- a. Buildings and structures exceeding 45 feet in height that are located in tracts east of Ben Hill Griffin Parkway and south of FGCU must be setback a minimum of 800 feet from the Miromar Lakes southern property line.
 - b. Buildings and structures exceeding 45 feet in height must be setback a minimum of 800 feet from the DR/GR Future Land Use category. This setback may be reduced administratively through the Final Plan Approval (FPA) process if one (1) of the following design standards is provided:
 - i. The DR/GR designated area adjacent to the area for which final plan approval is requested is an existing lake, the width of which measured at right angles from the DR/GR boundary is a minimum of 800 feet wide along the entire boundary with the DR/GR.
 - ii. The development area proposed for final plan approval must provide a minimum 100-foot-wide linear park, measured perpendicularly, along the DR/GR boundary with the proposed development area. To satisfy this requirement, the linear park must:

- (1) include a six-foot-wide boardwalk, sidewalk or similarly ADA accessible pedestrian way to provide recreational opportunities;
- (2) include benches, native species and ecosystem interpretation facilities; and
- iii. They must be planted in random fashion with the following native vegetation for every 5,000 square feet of upland area:
 - (1) a minimum of 10 trees (minimum 10-foot canopy trees with four-inch caliper; palms may be substituted for 50 percent of the trees on a three palms per one tree (3:1) ratio;
 - (2) a minimum of thirty 48 inch shrubs; and
 - (3) a minimum of seventy 24 inch: three-gallon container size shrubs. The above must contain a minimum of 3 tree species and 3 shrub species.
- iv. A waterway interconnection may be included within the linear park, but a minimum 50-foot-wide continuous or ADA-accessible, interconnected upland area must be planted as prescribed in (3) above. The shoreline must be planted with one 7-gallon container native wetland tree no less than 6 feet in height at a minimum quantity of one tree for every 10 linear feet of shoreline.

29. Deviation (29) was WITHDRAWN.

30. Deviation (30) seeks relief from the LDC §§ 34-1263(e) and 34-1264(b), requirement that prohibits a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises from locating within 500 feet of any dwelling unit, to allow a bar, cocktail lounge, or package store to locate within 500 feet of dwelling units on a C-1 Tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway and west of the conservation area depicted on the Master Concept Plan. This deviation is APPROVED SUBJECT TO the following conditions:

- a. Any establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises, must be located a minimum of 500 feet from the Florida Gulf Coast University property line (except as permitted by Deviation 3) and a minimum of 500 feet from Grandezza residential units. Distances will be measured as set forth in LDC §34-1264(b). This deviation does not apply to consumption on premises in conjunction with uses outlined in LDC §34-1264(b)(2).
- b. The MPD is limited to one (1) establishment primarily engaged in the sale of alcoholic beverages, specifically a bar, cocktail lounge, or package store. The establishment must be located as depicted on the Master Concept Plan, either within the C-1 tract located on the west side of Ben Hill Griffin Parkway as described in Deviation 3, OR within a C-1 tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway, and west of the conservation area, as described in Deviation 30.

SECTION D. EXHIBITS:

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

- Exhibit A: Legal description of the property
- Exhibit B: Zoning Map (with the subject parcel indicated)
- Exhibit C: The Master Concept Plan
- Exhibit D: Schedule of Uses and Property Development Regulations
- Exhibit E: Bona fide Agricultural Uses
- Exhibit F: Big Cypress Fox Squirrel Management Program
- Exhibit G: Miromar Lakes Snail Kite Management Plan
- Exhibit H: Miromar Lakes Open Space and Indigenous Preservation
- Exhibit I: Environmental Resource Permit (ERP) FLUCCS map
- Exhibit J: Lake Management Plan and Lake Shoreline Planting Plan
- Exhibit K: 45 FT Maximum Building Height
- Exhibit L: Eighth Amendment to Miromar Lakes DRI

SECTION E. FINDINGS AND CONCLUSIONS:

1. The amendments to the existing Development of Regional Impact and DRI Development Order do not constitute a substantial deviation and the changes do not negatively impact regional goals, resources, or facilities.
2. The Board of County Commissioners found the existing MPD to be consistent with the Lee Plan. The relevant Lee Plan issues raised by the proposed MPD changes concern the University Community Future Land Use category and the Lee Plan compatibility objectives and policies. The applicant has adequately demonstrated that the Request, as conditioned, is consistent with these relevant Lee Plan provisions. Consequently, the applicant has proven entitlement to the rezoning by demonstrating compliance with the applicable goals, objectives, and policies, as well as the densities, intensities and general uses, of the Lee Plan.
3. As conditioned in this Resolution, the Request is compatible with existing and planned uses in the surrounding area. Specifically:
 - a. The relocated commercial areas:
 - i. Are appropriately and adequately buffered;
 - ii. Have sufficient separation of uses and activities;
 - iii. Have sufficient mitigation of negative visual, security, and traffic impacts; and
 - iv. Are designed to result in less than nuisance, injurious, or offensive amounts of noise and light pollution;
 - b. The conditions provide sufficient mitigation of the potential noise, light, height, and intensity impacts from the addition of multiple-family dwelling units to the list of uses in the southeastern project;
 - c. There are no significant compatibility issues raised by the addition of the MU areas; and

- d. The changes to the existing R-2 areas are likely to improve compatibility over existing potential uses and activities.
- 4. As conditioned in this Resolution, the uses are appropriate at the proposed locations.
- 5. Urban services remain available and adequate to serve the proposed land uses.
- 6. As conditioned in this Resolution:
 - a. The Request complies with the applicable provisions of the LDC;
 - b. The changes proposed by the Request will not place an undue burden upon existing transportation or planned infrastructure facilities and the project will be served by streets with the capacity to carry traffic generated by the development; and
 - c. The changes proposed by the Request will not adversely affect environmentally critical areas and natural resources.
- 7. The recommended conditions provide sufficient safeguards to the public interest and reasonably relate to the impacts on the public's interest created by or expected from the proposed development.

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

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

DULY PASSED AND ADOPTED this 18th day of June, 2014.

ATTEST:
LINDA DOGGETT, CLERK

BY: Joyce Burdend
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Larry Kiker
Larry Kiker, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

RECEIVED
MINUTES OFFICE
2014 JUL 18 AM 10:47

Michael D. Jacob
Managing Assistant County Attorney
County Attorney's Office



950 Encore Way • P.O. Box 111629 • Naples, Florida 34108 • Phone: 239.254.2000 • Fax: 239.254.2098

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

EXHIBIT A

J:\2000\2000106\WP\2000106\MIR-WEST-1.doc

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

1,884.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF $54^{\circ}31'33''$, SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF $S.28^{\circ}05'29''E.$, FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN $S.00^{\circ}49'43''E.$ ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 4812.99 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN



N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 1,336.10 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,304.77 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN



HM PROJECT #2000106X
6/26/2014
REF. DWG. #A-1582-2
Page 3 of 3

950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,606.47 FEET, TO THE POINT OF BEGINNING; CONTAINING 1,403.216 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.00°48'26"E.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY


THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

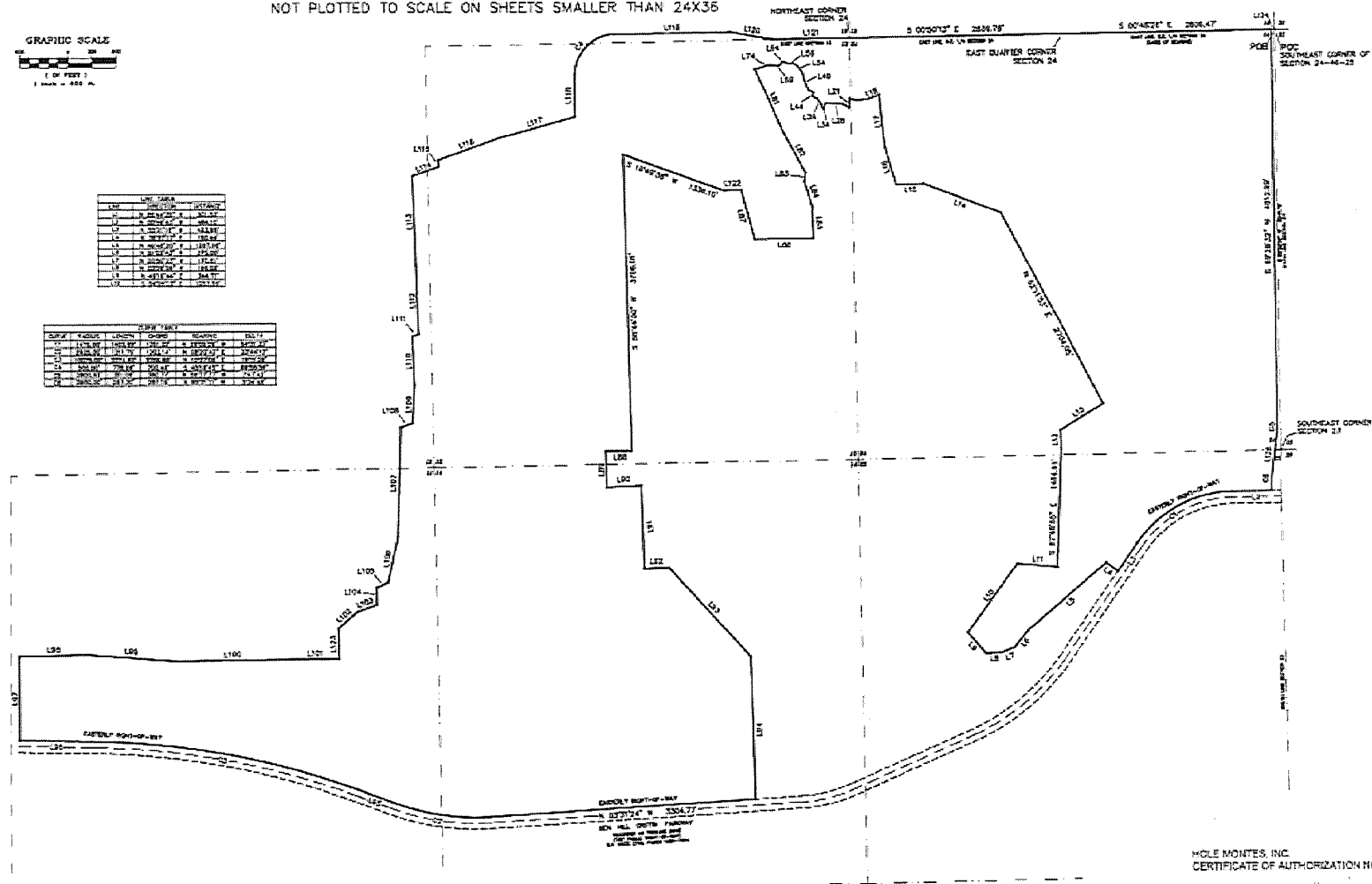
DCI 2013-00008

NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 11555R, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000 NOT PLOTTED TO SCALE ON SHEETS SMALLER THAN 24X36



LINE	LENGTH	BEARING	REMARKS
L1	1.0000	N 00°00'00" E	SECTION 24
L2	1.0000	N 00°00'00" E	SECTION 24
L3	1.0000	N 00°00'00" E	SECTION 24
L4	1.0000	N 00°00'00" E	SECTION 24
L5	1.0000	N 00°00'00" E	SECTION 24
L6	1.0000	N 00°00'00" E	SECTION 24
L7	1.0000	N 00°00'00" E	SECTION 24
L8	1.0000	N 00°00'00" E	SECTION 24
L9	1.0000	N 00°00'00" E	SECTION 24
L10	1.0000	N 00°00'00" E	SECTION 24

LINE	LENGTH	BEARING	REMARKS
L11	1.0000	N 00°00'00" E	SECTION 24
L12	1.0000	N 00°00'00" E	SECTION 24
L13	1.0000	N 00°00'00" E	SECTION 24
L14	1.0000	N 00°00'00" E	SECTION 24
L15	1.0000	N 00°00'00" E	SECTION 24
L16	1.0000	N 00°00'00" E	SECTION 24
L17	1.0000	N 00°00'00" E	SECTION 24
L18	1.0000	N 00°00'00" E	SECTION 24
L19	1.0000	N 00°00'00" E	SECTION 24
L20	1.0000	N 00°00'00" E	SECTION 24



LINE	LENGTH	BEARING	REMARKS
L1	1.0000	N 00°00'00" E	SECTION 24
L2	1.0000	N 00°00'00" E	SECTION 24
L3	1.0000	N 00°00'00" E	SECTION 24
L4	1.0000	N 00°00'00" E	SECTION 24
L5	1.0000	N 00°00'00" E	SECTION 24
L6	1.0000	N 00°00'00" E	SECTION 24
L7	1.0000	N 00°00'00" E	SECTION 24
L8	1.0000	N 00°00'00" E	SECTION 24
L9	1.0000	N 00°00'00" E	SECTION 24
L10	1.0000	N 00°00'00" E	SECTION 24
L11	1.0000	N 00°00'00" E	SECTION 24
L12	1.0000	N 00°00'00" E	SECTION 24
L13	1.0000	N 00°00'00" E	SECTION 24
L14	1.0000	N 00°00'00" E	SECTION 24
L15	1.0000	N 00°00'00" E	SECTION 24
L16	1.0000	N 00°00'00" E	SECTION 24
L17	1.0000	N 00°00'00" E	SECTION 24
L18	1.0000	N 00°00'00" E	SECTION 24
L19	1.0000	N 00°00'00" E	SECTION 24
L20	1.0000	N 00°00'00" E	SECTION 24

LEGEND
P.M. POINT OF COMMENCEMENT
P.O. POINT OF BEGINNING

FIELD BOOK	REVISIONS	DATE
1		
2		
3		
4		
5		

MIROMAR LAKES

NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	PARTY DWT:	DATE:
	TH/AT	5/14
	DATE	5/14
	DATE	5/14
	DATE	5/14



890 Engage Way
Naples, FL 34110
Phone: (813) 254-2000
Florida Certificate of
Authorization No. 1772

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER 1772

BY THOMAS M. MURPHY
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

DRAWING NO.
A-1582-2
PROJECT NO.
00.106X
REVISION NO.
158-EAST-2

Zoning Map

6/18/2013

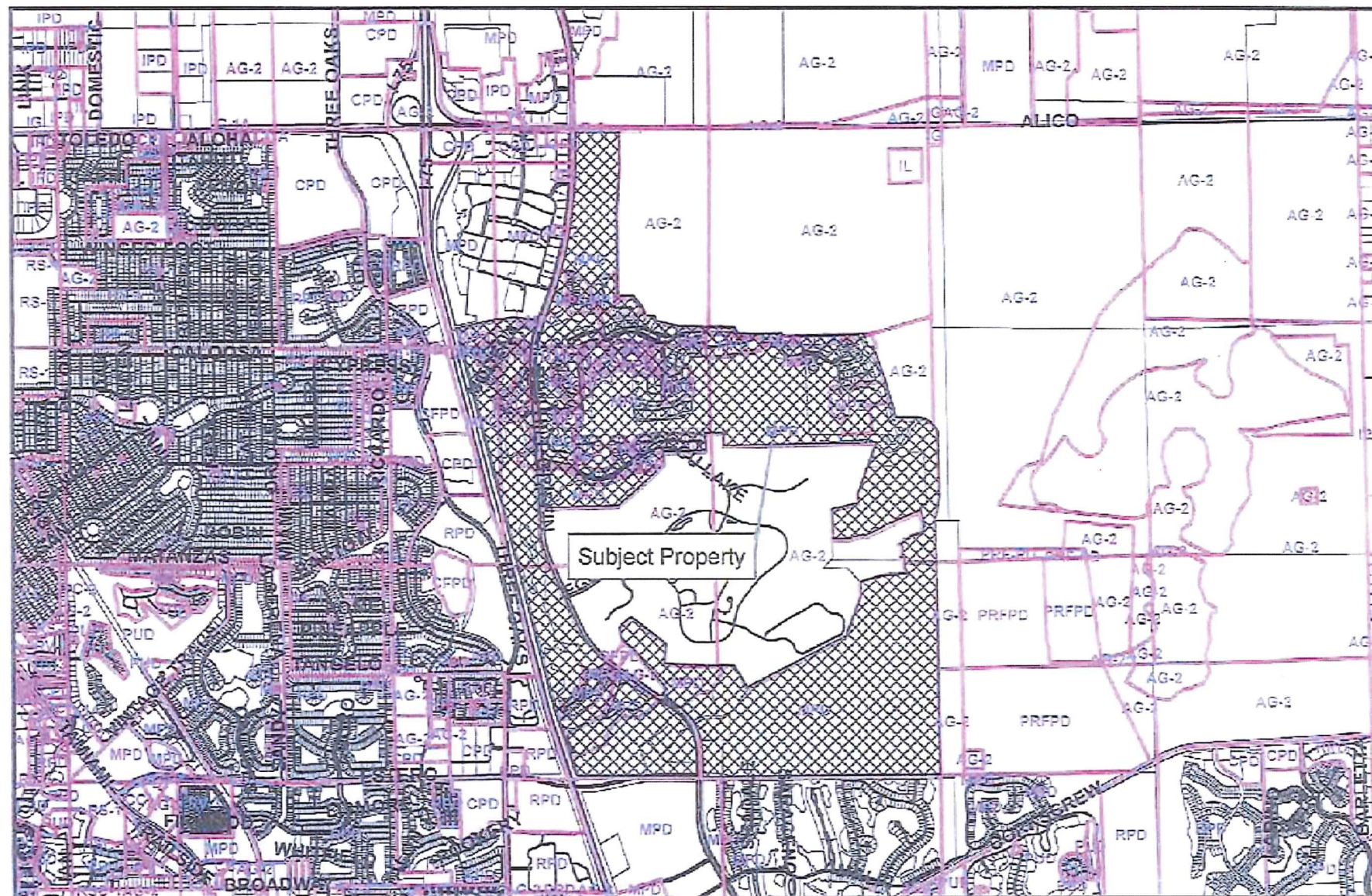
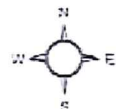


EXHIBIT 13



0.25 125 0 0.25 0.5
Miles

C1	COMMERCIAL 1
CS	COMMERCIAL SOUTH
MU	MIXED USE
R	RESIDENTIAL
GC	GOLF COURSE
R2	RESIDENTIAL 2
L	CONCEPTUAL LAKE LOCATION
CO	CONSERVATION AREA
	DEVATION
	CONCEPTUAL CLUB LOCATIONS
	CONSUMPTION ON PREMISES
	CONCEPTUAL GOLF TRAIL OR BOARDWALK
	BHG PKWY ACCESS

DESCRIPTION	UNITS
RESIDENTIAL ("R", "2", "3A", "3" and "3D") (INCLUDES LAKES)	
SINGLE FAMILY UNITS	700 UNITS
MULTI-FAMILY UNITS	1,500 UNITS
TOTAL UNITS	2,200 UNITS
COMMERCIAL/OFFICE/HOTEL ("C", "CS" and "3A")	
RETAIL COMMERCIAL (GFA)	250,000 SQ FT
HOTEL ROOMS	400 ROOMS
OFFICE (GFA)	340,000 SQ FT
RESEARCH AND DEVELOPMENT (GFA)	40,000 SQ FT

DESCRIPTION	ACRES
RESIDENTIAL ("R", "R 2", AND "CC")	963
COMMERCIAL/OFFICE/HOTEL ("C" AND "CS")	84
MIXED USE ("MU")	109
LAKE/MISCELLANEOUS RECREATION/BUFFERS	102.5 ±
PROTECTED AREAS ("DP" INCLUDES WETLAND BUFFERS)	244.7 ±
TOTAL ACRES	1,820

1. NORTHERN CROSSING OF THE CONSERVATION AREA WILL BE REMOVED, CONTINGENT ON SUCCESSFUL PERMITTING OF THE SOUTHERN CROSSING.
2. ACCESS POINTS TO THE FUTURE PARKWAY EXTENSION EAST OF BEN HILL GRIFFIN PARKWAY ARE LISTED TO THE THREE (3) LOCATIONS SHOWN ON THE MAP AND WILL GENERALLY ALIGN WITH EXISTING GOLF COURSE HOLES AND MARKWARD CROSSINGS WITHIN THE GRACEA COMMUNITY TO THE SOUTH.

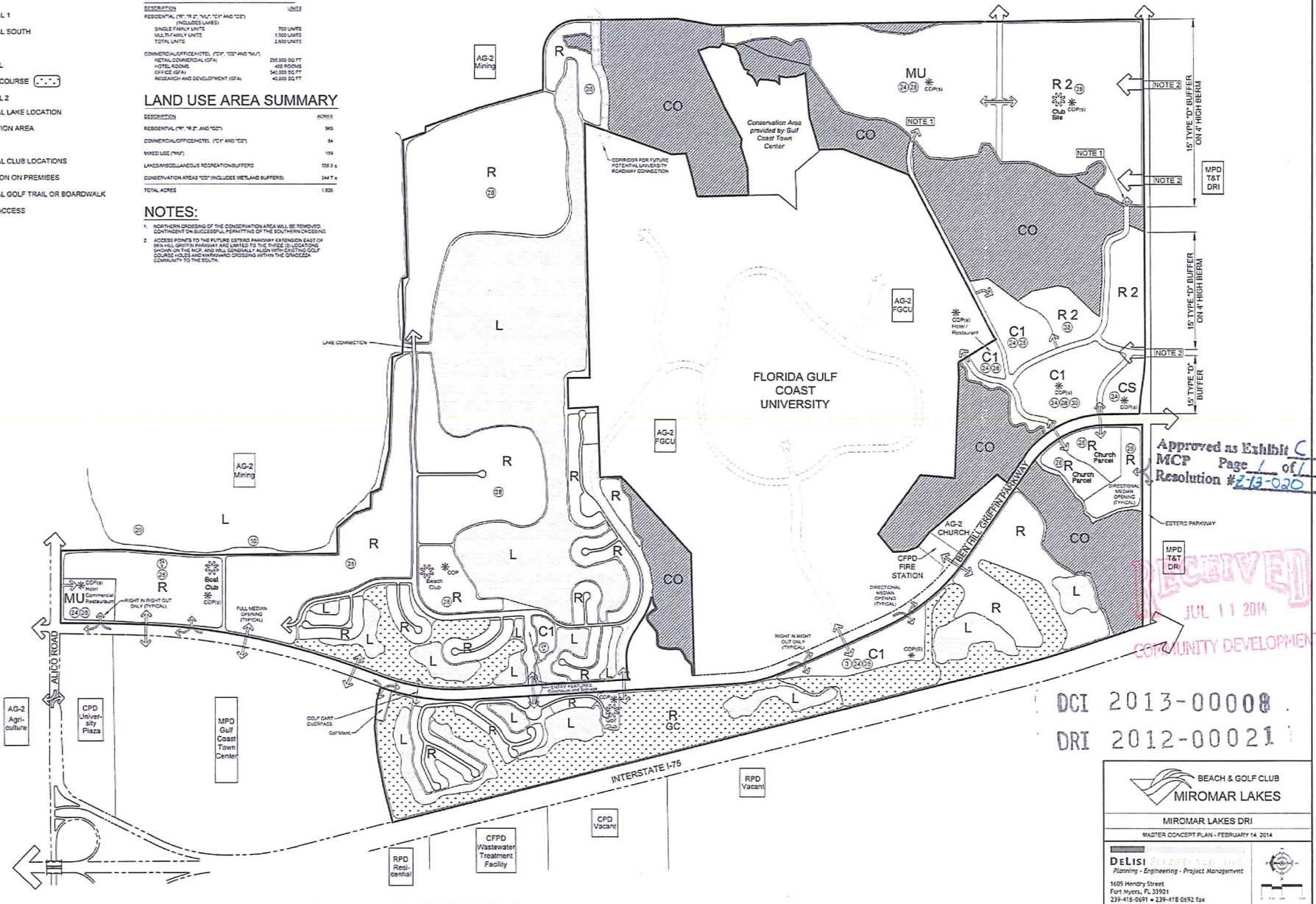


Exhibit D

Schedule of Uses and Property Development Regulations

PERMITTED USES AND STRUCTURES:

RESIDENTIAL "R"

Accessory uses and structures, including but not limited to the following:

- Private boat docks
- Private garages, carports and parking areas
- Private swimming pools and enclosures
- Private tennis courts
- Schools, noncommercial

Administrative offices

Agricultural uses and agricultural accessory uses (limited to existing only and subject to Condition #6)

Assisted living facility (density in accordance with LDC Section 34-1494)

Places of worship

Clubs: country, private, and fraternal

Accessory uses, including but not limited to:

- Bait and tackle shop
- Boat dock
- Boat ramp
- Consumption on premises, including outdoor seating (subject to Condition #21)
- Day care center, child
- Fishing pier
- Food and beverage service
- Locker rooms
- Personal services (Groups I and II, limited to ATM, barber or beauty shop, health club, and massage establishment)
- Pro shop
- Rental or leasing establishment, Group I, (limited to beach chairs umbrellas, boats, and other beach related items etc. excluding jet skis, wave runners, sea doo's and other similar personal water craft)
- Restaurants, Groups I, II, and III with consumption premises and outdoor seating (subject to Conditions #20 and 21)
- School, commercial, limited to boating and water skiing
- Specialty Retail Shop, Groups I and II
- Swimming pools
- Sports courts, including but not limited to tennis courts, racquetball courts, and basketball courts

Continuing care facility

Cultural facilities

Dwelling Units;

- Single-family
- Duplex
- Multiple-family Building
- Townhouse
- Two-family attached
- Zero lot line

Day care centers, adult and child
 Entrance gates and gatehouse (subject to Condition #4)
 Essential services
 Essential service facilities, Group I
 Excavation - water retention
 Fences, walls
 Golf Course
 Accessory uses, including but not limited to:
 Consumption on premises, including outdoor seating on the golf course and in
 the Snack Bar at the ninth hole, or other appropriate location(s)
 Cart barn
 Food and beverage service, limited
 Maintenance Facility
 Helistop (subject to Condition #8 and prohibited within 500 feet of the Miromar Lakes southern
 boundary)
 Home occupations (in accordance with LDC Section 34-1772)
 Model Homes, Model Units and Model Display Center (limited to residential uses within Miromar
 Lakes)
 Accessory parking lot, accessory only to Model Homes, Model Units and Model Display
 Center
 Plant nurseries (subject to Condition #6)
 Parks, public and private
 Real estate sales and rental office for Miromar Lakes project only
 Recreational facilities, personal and private, including but not limited to:
 Fishing Piers Bike Paths
 Boardwalks Nature Trails
 Swimming Pools Boat Docks
 Tennis Courts Boat Ramps
 Horseshoe Pits Parks
 Shuffleboard Courts Playground
 Vita Course Bocce Courts
 Picnic Areas Jogging Paths
 Recreational hall, private
 Signs in compliance with LDC Chapter 30
 Temporary uses, in accordance with LDC Section 34-3041 et seq., including but not limited to
 temporary construction trailers and sales offices
 Water taxi stand

Any activity comparable in nature with the foregoing uses and which the Director of the Lee
 County Department of Community Development determines to be compatible in "R" district.

RESIDENTIAL "R-2"

Accessory uses and structures, including but not limited to the following:
 Private boat docks
 Private garages, carports and parking areas
 Private swimming pools and enclosures
 Private tennis courts
 Schools, noncommercial
 Administrative offices

Agricultural uses and agricultural accessory uses (limited to existing only and subject to Condition #6)
 Assisted living facility (density in accordance with LDC Section 34-1494)
 Places of worship
 Club, private (subject to Conditions 20 and 34, if applicable) Accessory uses, including but not limited to:
 Consumption on premises including outdoor seating (subject to Condition #21)
 Day care, child
 Fishing piers
 Locker rooms
 Food and beverage service
 Personal services (Groups I and II), limited to ATM, barber or beauty shop, health club, and massage establishment
 Restaurants, Groups I, II, and III including outdoor seating (subject to Conditions #20 and 21)
 Specialty retail shops (Groups I and II)
 Swimming pools (subject to Condition #34)
 Sports courts, including but not limited to tennis courts, racquetball courts, and basketball courts (subject to Condition #34)
 Continuing Care Facility
 Day care centers child, adult
 Dwelling Units:
 Single-family
 Duplex
 Multiple-family Building (subject to Conditions 20, 33 and 34, if applicable)
 Townhouse
 Two-family attached
 Zero lot line
 Entrance gates and gatehouses (subject to Condition #4)
 Essential services
 Essential service facilities, Group I
 Excavation, water retention
 Fences, walls
 Home occupation (in accordance with LDC Section 34-1772)
 Models: model display center, model homes and model units (limited to residential uses within Miromar Lakes)
 Parking lot, accessory and temporary (in accordance with LDC Section 34-2022), and parking garage, accessory
 Plant Nurseries (subject to Condition #6)
 Real estate sales and rental office (for residential uses within Miromar Lakes only)
 Recreation facilities, personal and private to include the following or other comparable uses:
 Fishing piers Bike paths
 Boardwalks Nature trails
 Swimming pools Tennis courts
 Horseshoe pits Parks
 Vita course Bocce courts
 Picnic areas Jogging paths
 Recreational hall and accessory uses (subject to Condition #34)
 Signs in compliance with LDC Chapter 30
 Temporary uses, in accordance with LDC Section 34-3041 et seq., including but not limited to temporary construction trailers and sales offices

Any activity comparable in nature with the forgoing uses and which the Director of Lee County Department of Community Development determines to be compatible in the Miromar Lakes "R-2" district.

COMMERCIAL "C-1"

Accessory uses and structures customarily associated with the uses permitted in this District

Administrative offices

Agriculture uses and agricultural accessory uses (limited to existing only and subject to Condition 6)

Animal clinic

Amateur radio antennas and satellite earth stations (in accordance with LDC Section 34-1175)

Antenna-Supporting Structures (in accordance with LDC Section 34-1441 et seq.)

Assisted living facility

ATM (Automatic Teller Machine)

Auto repair and services, Group I - prohibited within 200 feet of the Miromar Lakes southern boundary.

Banks and financial establishments, Groups I and II

Bar or cocktail lounge, with outdoor seating (limited to one for the entire MPD, and subject to Deviations #3 or #30 and Condition #21)

Bed and breakfast

Broadcast studio, commercial radio and television

Business services, Group I (excluding: bail bonding and blood donor, stations) and Group II

Car wash

Caretaker's residence

Cleaning and maintenance services

Clothing stores

Clubs, commercial, fraternal and private (subject to Conditions 20 and 34, if applicable).

Accessory uses, including but not limited to the following:

Consumption on premises including outdoor seating (subject to Condition #21)

Day care center, child

Food and beverage service

Restaurants, Groups I, II, and III including outdoor seating subject to Conditions #20 and 21)

Locker rooms

Personal services, Groups I and II (limited to ATM's, barbershops or beauty clubs, and massage establishment)

Specialty retail shops, Groups I and II

Swimming pools (subject to Condition #34)

Sports courts, including but not limited to tennis courts, racquetball courts, and basketball courts (subject to Condition #34)

Computer and data processing

Consumption on premises (Subject to Condition #21 and Deviations 3 or 30, where applicable)

Continuing care facility

Convenience food and beverage stores (limited to a total of three (3) within the MPD) - prohibited within 200 feet of the Miromar Lakes southern boundary.

Cultural facilities

Day care center, adult, child

Department store

Drive-through facility for any permitted use

- Drug store, pharmacy
- Dwelling units:
 - Zero lot line
 - Duplex
 - Two-family attached
 - Townhouse
 - Multiple-family Building
- Entrance gates and gatehouses (subject to Condition #4)
- Essential services
- Essential service facilities, Group I
- Excavation: water retention
- Fences, walls
- Food stores, Groups I and II
- Gasoline dispensing system, special - prohibited within 200 feet of the Miromar Lakes southern boundary.
- Gift and souvenir shop
- Hardware store
- Health care facility, Groups I, II, III and IV
- Helistop (subject to Condition #8) - prohibited within 500 feet of the Miromar Lakes southern boundary.
- Hobby, toy, game shops
- Home occupation (in accordance with LDC Section 34-1772)
- Hospice
- Hotel, motel (subject to Condition 20, if applicable) and accessory uses, including but not limited to the following:
 - Consumption on premises
 - Restaurants, Groups I, II, III and IV (includes outdoor seating, subject to Condition #21)
 - Specialty retail shops (Groups I and II)
 - Day care center, child
 - Personal services (Groups I and II), limited to ATM's barbershops or beauty shops, photo agents, health clubs, and massage establishment
- Household and office furnishings, Groups I and II
- Insurance companies
- Laundry or dry cleaning, Group I (excluding Plant)
- Lawn and garden supply store
- Library
- Medical office
- Model homes, model units and model display center (limited to residential uses within the Miromar Lakes project only)
- Non-store retailers, all groups
- Outdoor display of merchandise
- Package store (limited to one for the entire MPD, and subject to Deviations #3 or #30)
- Paint, glass and wallpaper
- Parcel and express service
- Parks, Group I (subject to Condition #34)
- Parking lots: accessory, commercial, garage, public, temporary (subject to LDC Section 34--2022)
- Personal Services: Groups I and II (excluding massage establishments and massage parlors)
- Pet services
- Pet shop
- Pharmacy

Photo finishing laboratory (in accordance with LDC Section 34-2443)
 Places of worship
 Plant nurseries - subject to Condition 6
 Post office
 Printing and publishing
 Real estate sales office and rental office (for uses within Miromar Lakes only)
 Recreational facilities - personal
 Recreational facilities - private, on-site, off-site (subject to Condition #34)
 Recreation commercial: Groups I, II, III and IV (subject to Condition #34)
 Recreational hall and accessory uses (subject to Condition #34)
 Religious facilities
 Rental and leasing establishments, Groups I, II and III
 Repair shops, Groups I and II
 Research and development laboratories, Groups I, II, and IV (in accordance with LDC Section 34-2443)
 Residential accessory uses and structures, including but not limited to the following:
 Private boat docks
 Private garages, carports and parking areas
 Private swimming pools and enclosures
 Private tennis courts
 Restaurants, Groups I, II, III and IV (Subject to Condition #20, if applicable)
 Consumption on premises, including outdoor seating (subject to Condition #21)
 Restaurants, fast food, including outdoor seating (subject to Condition #20)
 Schools, commercial
 Schools, non-commercial
 Self-service fuel pumps - prohibited within 200 feet of the Miromar Lakes southern boundary
 Signs in accordance with Chapter 30
 Social services: Groups I, II and III (in accordance with LDC Section 34-2443)
 Specialty retail shops, Groups I, II, III and IV
 Storage, indoor only
 Studios
 Temporary uses, in accordance with LDC Section 34-3041 et seq., including but not limited to temporary construction trailers and sales offices
 Theater, indoor
 Timeshare unit
 Used merchandise store: Groups I and II
 Variety store
 Wireless communications facilities (in accordance with LDC Section 34-1441 et seq.)
 Wholesale establishment, Group III

Any commercial use or professional service which is comparable in nature with the forgoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes "C-1" district.

COMMERCIAL "C-S"

Accessory uses and structures customarily associated with the uses permitted in this District
 Administrative offices
 Agriculture uses and agricultural accessory Uses (limited to existing only and subject to Condition 6)
 Animal clinic

Amateur radio antennas and satellite earth stations (in accordance with LDC Section 34-1175)
 Assisted living facility (density in accordance with LDC Section 34-1494)
 ATM (Automatic Teller Machine)
 Auto repair and services, Group I - prohibited within 200 feet of the Miromar Lakes southern boundary
 Banks and financial establishments, Groups I and II
 Bed and breakfast
 Broadcast studio, commercial radio and television
 Business services, Group I (excluding: bail bonding and blood donor, stations) and Group II
 Car wash
 Caretaker's residence
 Cleaning and maintenance services
 Clothing stores
 Clubs, commercial, fraternal and private (subject to Conditions 20 and 34, if applicable)
 Accessory uses, including but not limited to the following:
 Consumption on premises
 Day care center, child
 Food and beverage service
 Restaurants, Groups I, II, and III (including outdoor seating subject to Condition #21)
 Personal services, Groups I and II (limited to ATM's, barbershops or beauty clubs, and massage establishment)
 Specialty retail shops, Groups I and II
 Swimming pools (subject to Condition #34)
 Sports courts, including but not limited to tennis courts, racquetball courts, and basketball courts (subject to Condition #34)
 Computer and data processing
 Consumption on premises (Subject to Condition #21)
 Continuing care facility
 Convenience food and beverage stores (limited to a total of three (3) within the MPD) - prohibited within 200 feet of the Miromar Lakes southern boundary
 Day care center, adult, child
 Department store
 Drive-through facility for any permitted use
 Drug store, pharmacy
 Dwelling units:
 Zero lot line
 Duplex
 Two-family attached
 Townhouse
 Multiple-family Building
 Entrance gates and gatehouses (subject to Condition #4)
 Essential services
 Essential service facilities, Group I
 Excavation: water retention
 Fences, walls
 Food stores, Groups I and II (subject to Condition #32)
 Gasoline dispensing system, special - prohibited within 200 feet of the Miromar Lakes southern boundary
 Gift and souvenir shop
 Hardware store

Health care facility, Groups I, II and III
 Hobby, toy, game shops
 Home occupation (in accordance with LDC Section 34-1772)
 Hospice
 Hotel, motel (subject to Condition #20, if applicable)
 Accessory uses, including but not limited to the following:
 Consumption on premises
 Restaurants, Groups I, II, III and IV (includes outdoor seating, subject to
 Conditions #20 and #21)
 Specialty retail shops (Groups I and II)
 Day care center, child, adult
 Personal services (Groups I and II), limited to ATM's barbershops or beauty
 shops, photo agents, health clubs, and massage establishment
 Household and office furnishings, Groups I and II
 Insurance companies
 Laundry or dry cleaning, Group I (excluding Plant)
 Lawn and garden supply store (subject to Condition #32)
 Library
 Medical office
 Model homes, model units and model display center (limited to uses within the Miromar Lakes
 project only)
 Non-store retailers, all groups
 Outdoor display of merchandise
 Paint, glass and wallpaper
 Parcel and express service
 Parks, Group I (subject to Condition #34)
 Parking lots: accessory, commercial, garage, public, temporary (subject to LDC Section 34--
 2022)
 Personal Services: Groups I and II (excluding massage establishments and massage parlors)
 Pet services
 Pet shop
 Pharmacy
 Photo finishing laboratory (in accordance with LDC Section 34-2443)
 Places of worship
 Plant nurseries (subject to Condition 6)
 Post office
 Printing and publishing
 Real estate sales office and rental office
 Recreational facilities – personal
 Recreational facilities - private, on-site, off-site (subject to Condition #34)
 Recreation commercial: Groups I, II, III and IV (subject to Condition #34)
 Recreational hall and accessory uses (subject to Condition #34)
 Religious facilities
 Rental and leasing establishments, Groups I, II and III
 Repair shops, Groups I and II
 Research and development laboratories, Groups I, II, and IV (in accordance with LDC Section
 34-2443)
 Residential accessory uses and structures, including but not limited to the following:
 Private boat docks
 Private garages, carports and parking areas
 Private swimming pools and enclosures

Private tennis courts
Restaurants, Groups I, II, III and IV (Subject to Condition #20, if applicable):
Consumption on premises, including outdoor seating (subject to Conditions #20 and 21)
Restaurants, fast food, including outdoor seating (subject to Condition #20)
Schools, commercial and non-commercial
Self-service fuel pumps - prohibited within 200 feet of the Miromar Lakes southern boundary and subject to Condition #32
Signs in accordance with LDC Chapter 30
Social services, Groups I and II (Group II limited to job training, manpower training, and vocational training) in accordance with LDC Section 34-2443
Specialty retail shops, Groups I, II, III and IV
Storage, indoor only
Studios
Temporary uses, in accordance with LDC Section 34-3041 et seq., including but not limited to temporary construction trailers and sales offices
Theater, indoor
Timeshare unit
Used merchandise store: Groups I and II
Variety store

Any commercial use or professional service which is comparable in nature with the forgoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in the Miromar Lakes "C-S" district.

MIXED USE AREA "MU"

Accessory uses and structures
Administrative offices
Agricultural uses and agricultural accessory uses (limited to existing only and subject to Condition #6)
Animal clinic
Assisted living facility (density in accordance with LDC Section 34-1494)
ATM (Automatic Teller Machine)
Auto repair and services, Group I
Banks and financial establishments, Groups I and II
Bed and breakfast
Broadcast studio, commercial radio and television
Business services, Group I (excluding: bail bonding and blood donor, stations) and Group II
Cleaning and maintenance services
Clothing stores
Consumption on premises (subject to Condition #21)
Continuing care facility
Computer and data processing
Convenience food and beverage stores (limited to a total of three (3) within the MPD)
Cultural facilities
Day care centers, adult and child
Department store
Dwelling Units:
Single-family
Duplex
Multiple-family Building

- Townhouse
- Two-family attached
- Zero lot line
- Drive-through facility for any permitted use
- Drug store, pharmacy
- Emergency medical service (ambulance station)
- Essential services
- Essential service facilities, Group I
- Excavation - water retention
- Fences, walls
- Food stores, Groups I and II
- Gasoline dispensing system, special
- Gift and souvenir shop
- Hardware Store
- Health care facility, Groups I, II, III, and IV
- Helistop (subject to Condition #8)
- Hobby, toy, game shops
- Home occupation
- Hospice
- Hotel, motel and accessory uses
- Household and office furnishings, Groups I and II
- Insurance companies
- Laundry or dry cleaning, Group I (excluding Plant)
- Lawn and garden supply store
- Library
- Medical office
- Model homes, model units and model display center (limited to uses within Miromar Lakes)
- Non-store retailers, all Groups
- Outdoor display of merchandise
- Paint, glass and wallpaper
- Parcel and express service
- Parks, Groups I and II (excluding arenas and fairgrounds)
- Parking lots: accessory, commercial, garage, public and shared, and temporary (Subject to LDC Section 34-2022)
- Personal services: Groups I & II (excluding massage establishments and massage parlors)
- Pet services
- Pet shop
- Pharmacy
- Photo finishing laboratory (in accordance with LDC Section 34-2443)
- Places of worship
- Post office
- Printing and publishing
- Recreation - personal
- Recreation - private, on-site, off-site
- Recreation commercial: Groups I, II, III and IV
- Rental and leasing establishments, Groups I, II and III
- Repair shops, Groups I and II
- Research and development laboratories, Groups I, II, III, and IV (in accordance with LDC Section 34-2443)
- Residential accessory uses, including but not limited to the following:
 - Private boat docks

Private garages, carports and parking areas
Private swimming pools and enclosures
Private tennis courts
Schools, noncommercial
Restaurants, Groups I, II, III and IV:
 Consumption on premises including outdoor seating (subject to Condition #21)
Restaurants, fast food, including outdoor seating
Self-service fuel pumps
Signs in compliance with LDC Chapter 30
Schools, commercial and non-commercial
Social services, Groups I, II and III (in accordance with LDC Section 34-2443)
Specialty retail shops, Groups I, II, III and IV
Storage, indoor only
Studios
Temporary uses, in accordance with LDC Section 34-3041 et seq., including but not limited to
 temporary construction trailers and sales offices
Theater, indoor
Timeshare unit
Used merchandise store: Groups I and II
Variety store
Wireless communications facilities (in accordance with LDC Section 34-1441 et seq.)

Any activity comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "MU" district.

CONSERVATION AREA "CO"

Interpretive centers, rain shelters, gazebos
Nature and foot trails including boardwalks and jogging paths
Paths, boardwalks, and bridges to provide access from the uplands to the wetlands and to allow
 fishing piers, observation towers and golf cart crossings
Recreational shelters, restroom facilities, passive parks, and picnic areas
Signs in compliance with LDC Chapter 30
Water Management Facilities
Wildlife Management
Mitigation Activities
Accessory uses and structures customarily associated with the uses permitted in this district

Any activity comparable in nature with the foregoing uses and which the Director of the Lee County Department of Community Development determines to be compatible in "CO" district.

NOTE: References to certain uses being subject to specific conditions or LDC provisions are informational guides and do not change the applicability of the conditions or LDC provisions to other uses, not so specified, or make the referenced condition or LDC provision applicable to the specified use if not required by the condition or LDC provision. Restrictions or prohibitions of certain uses or within specified distances are controlling.

Property Development Regulations

RESIDENTIAL PROPERTY DEVELOPMENT REGULATIONS:

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)					Max # of Habitable Floors/Max Building Height ^(3 & 8)	Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width ¹ (ft)	Side Incl. Corner	Rear abut Lots	Rear abut CO/Golf	Front ²	Water Body ^{5&6}			
SINGLE-FAMILY RESIDENTIAL USES											
Single-Family Detached	5,500	70	50	5	20	10	12 ⁴ or 20	0 ^{5&6} or 20	45	10	55%
Patio/Cluster Homes	3,500	70	35	5	10	10	12 ⁴ or 20	0 ^{5&6} or 20	45	10	55%
Zero Lot Line, Single-Family Attached or Townhouse	2,800	70	25	0 or 5	10	10	12 ⁴ or 20	0 ^{5&6} or 20	45	10	55%
Overwater Residential Uses ⁵	3,500	70	35	0 ⁶ or 5	0 ⁶ or 10	n/a	12 ⁴ or 20	0 ^{5&6} or 20	45	0 or 10	55%
MULTIPLE-FAMILY RESIDENTIAL USES											
Multiple-Family	6,000	100	n/a	10	20	10	20	0 ^{5&6} or 20	45/65	10	55%
Overwater Residential Uses ⁵	6,000	100	n/a	0 ⁵ or 10	0 ⁵ or 20	n/a	20	0 ^{5&6} or 20	45/65	20	55%
Assisted Living Facility	10,000	100	100	12½	20	10	20	20	45/65	25	55%
OTHER USES											
Clubhouse and Dry Boat Storage	n/a	n/a	n/a	5	20	10	n/a	0 ^{5&6} or 20	45	10	n/a
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{5&6} or 20	45	n/a	n/a

Notes:

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Maximum building height of 65 feet where allowed by Deviation 28. See Deviation 28 and Exhibit B-7 for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Miromar Lakes so long as they do not extend past than the platted property lines.

⁷ Conversion of uses restricted as set out in Section II.D.7 of the DRI Development Order.

⁸ See Conditions 32 and 33 of the Zoning Resolution for locations of maximum heights less than 45 feet.

COMMERCIAL PROPERTY DEVELOPMENT REGULATIONS

LAND USES	Minimum Lot or Tract			Minimum Building Setbacks (ft)					Max Building Height ^(3 & 8)	Min. Bldg Separation (ft)	Max. Lot Cover
	Area (sq ft)	Depth (ft)	Width ¹ (ft)	Side Incl. Corner	Rear abut Lots	Rear abut CO/Golf	Front ²	Water Body ^{5&6}			
CONVENTIONAL DEVELOPMENT TRACTS											
Commercial Use	10,000	100	100	0 or 15	20	10	15	0 ^{5&6} or 20	45/65	0 or ½ bldg. height	55%
Hotel and Office Use	10,000	100	100	0 or 15	20	10	15	0 ^{5&6} or 20	45/65	0 or ½ bldg. height	55%
Overwater Uses ⁶	10,000	100	100	0 ⁵ or 15	0 ⁵ or 20	n/a	15	0 ^{5&6} or 20	45/65	0 or ½ bldg. height	55%
LOTS WITHIN DEVELOPMENT TRACTS											
All Uses	1,300	65	20	0 or 5	0 or 20	10	15	0 ^{5&6}	45/65	0 or ½ bldg. height	100%
OTHER USES											
Accessory Structures	n/a	n/a	n/a	5	10	10	n/a	0 ^{5&6}	n/a	n/a	n/a

Notes:

¹ Pie-shaped lots and flag lots are not required to meet minimum lot widths.

² Measured from back of curb where the back of curb is at the ROW or street easement.

³ Maximum building height of 65 feet where allowed by Deviation 28. See Deviation 28 and Exhibit B-7 for the location of the buildings with heights greater than 45 feet.

⁴ The 12' setback applies only to the non-garaged part of a house or for units with a side entry garage.

⁵ A maximum of 1,500 linear feet of lake frontage will have a 0' setback for buildings and accessory uses.

⁶ Structures, including residential and commercial buildings, may extend on pilings over the man-made lakes within Miromar Lakes so long as they do not extend past than the platted property lines.

⁷ Conversion of uses restricted as set out in Section II.D.7 of the DRI Development Order.

⁸ See Conditions 32 and 33 of the Zoning Resolution for locations of maximum heights less than 45 ft.

COMMUNITY DEVELOPMENT

DEC 29 2009

RECEIVED

11-46-25-00-00001.0040
(140.52 acres) / (53.0 acre Agricultural Use)

LEGEND



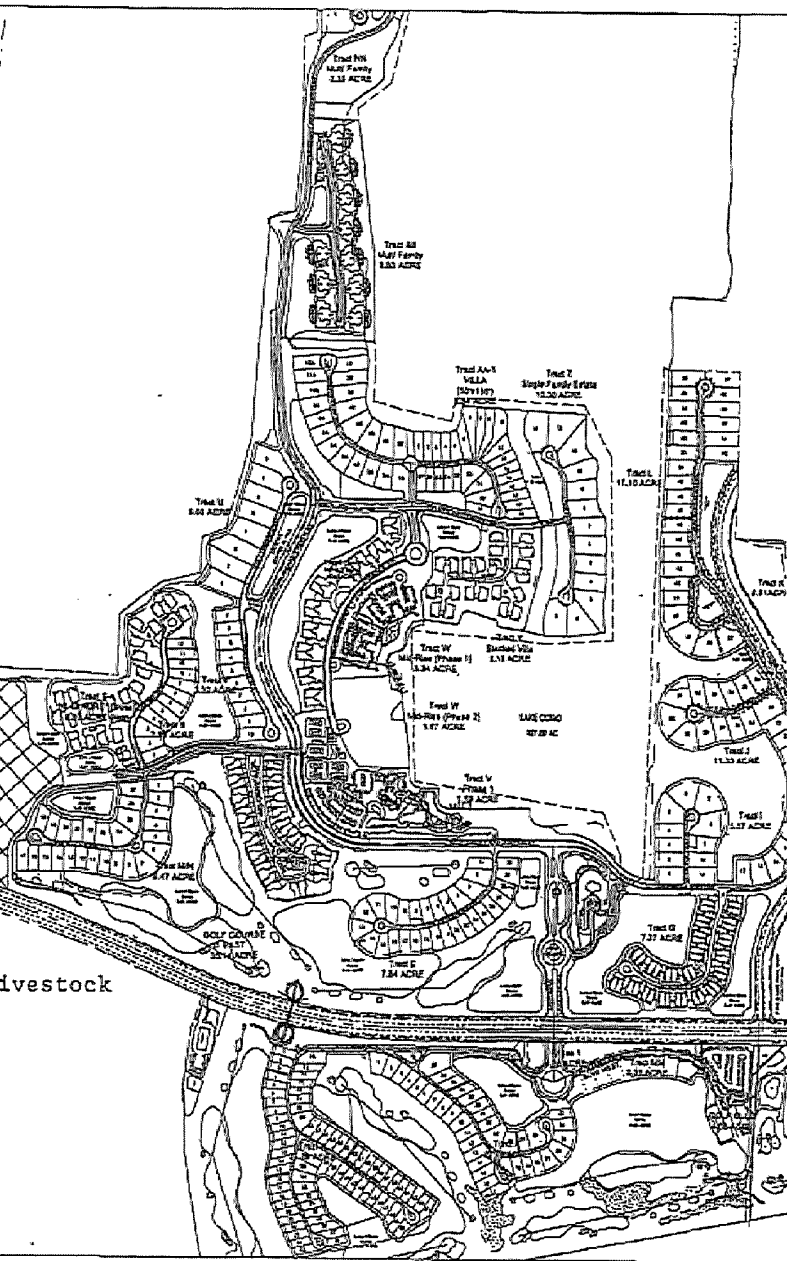
CURRENT AGRICULTURAL USE
53.0 ACRES / Grazing - Livestock

MIROMAR LAKES
NORTH PARCEL
AGRICULTURAL EXHIBIT

Scale 1"=1000'-0"

2009-00011

LAKE MADISON
44.31 AC



BEACH & GOLF CLUB
MIROMAR LAKES

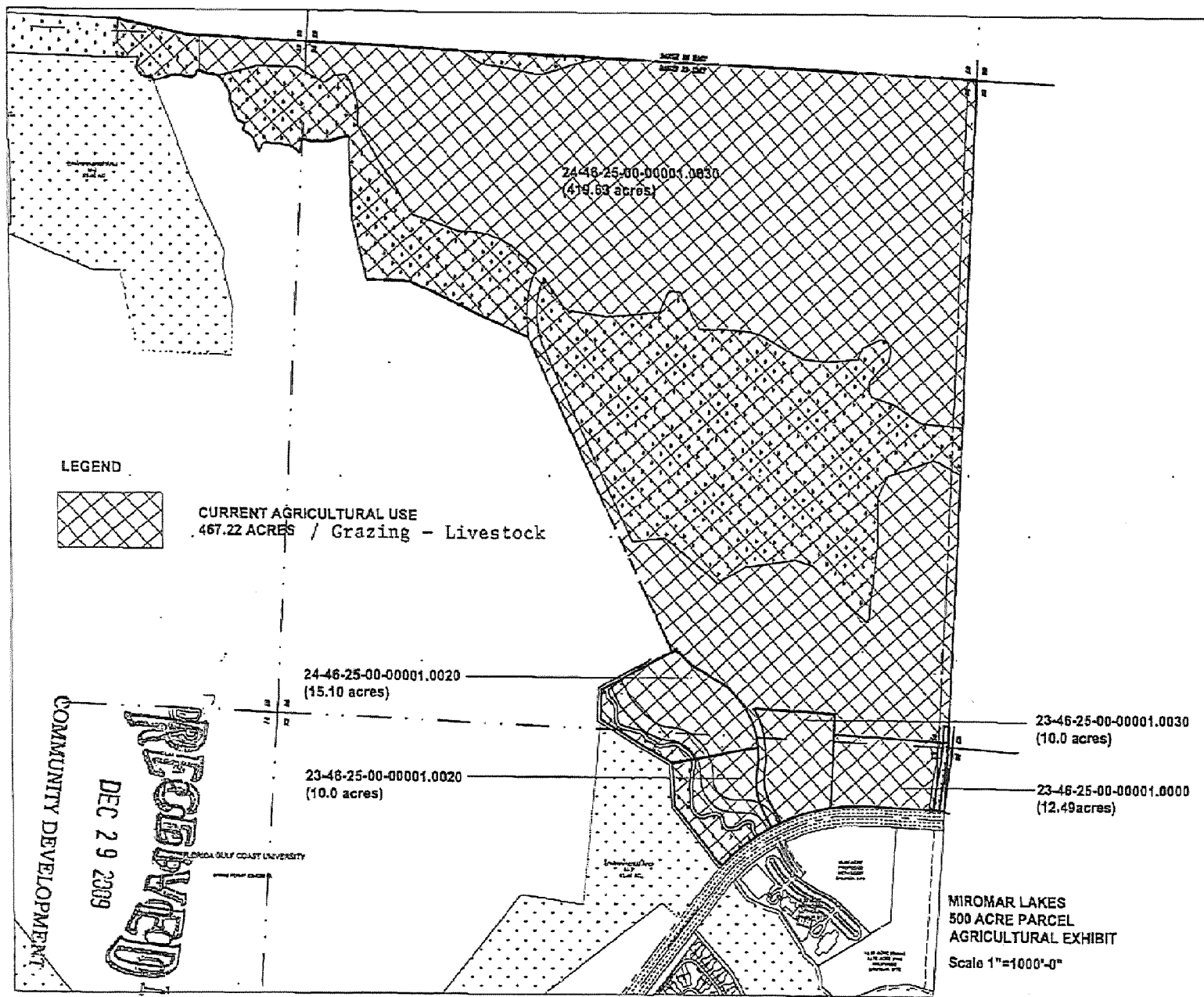
AGRICULTURAL EXHIBITS - NORTH PARCEL
MIROMAR LAKES
MIROMAR LAKES, FLORIDA



DATE: 12/29/09
BY: [Signature]

SCALE: 1"=1000'-0"

PROJECT ID: 11-46-25-00-00001.0040





MIROMAR LAKES

BEACH & GOLF CLUB

MIROMAR LAKES

AGRICULTURAL EXHIBIT - 500 ACRE PARCEL

MIROMAR LAKES

MIROMAR LAKES, FLORIDA



EXHIBIT

PLANNING

AMENDED BIG CYPRESS FOX SQUIRREL

WILDLIFE MANAGEMENT PLAN

For The

MIROMAR LAKES DRILL.L.C.

March 2000

Originally Prepared by:

**W. Dexter Bender & Associates, Inc.
2052 Virginia Avenue
Fort Myers, FL 33901**

March 2000

Amended by:

**Wilson Miller, Inc.
4571 Colonial Boulevard
Fort Myers, FL 33912**

January XX, 2002

INTRODUCTION

A Big Cypress fox squirrel management plan for the Miromar Lakes DRI was prepared by W. Dexter Bender & Associates, Inc. in March 2000. Since that time, Miromar Lakes L.L.C. acquired an additional 500 acres of land (hereafter referred to as the Addition Parcel) adjacent to the existing development in Sections 13, 23, and 24, Township 46 South, Range 25 East; and Section 18, Township 46 South, Range 26 East; Lee County, Florida. At the time of this writing, the Addition Parcel was being added to the Miromar Lakes DRI via the Notice of Proposed Change process.

Big Cypress fox squirrels (*Sciurus niger avicennia*) have been documented on the Miromar Lakes property and the Addition Parcel during recent-listed species surveys. This species is classified under State law and regulations as a threatened species. Development plans for this site—the original Miromar Lakes DRI project included preservation of four areas designated as Miromar Lakes Conservation Areas. These Conservation Areas contain both wetlands and uplands, which may provide suitable fox squirrel habitat. Development plans for the Addition Parcel include preservation of four additional preservation areas containing suitable wetland and upland fox squirrel habitats that will be enhanced and/or restored as part of the proposed project.

This amended management program plan was prepared to address the protection of Big Cypress fox squirrels (fox squirrel) on both the original Miromar Lakes DRI property and the Addition Parcel during and after construction and the maintenance, management, and potential enhancement of habitats contained in the Conservation Areas.

IDENTIFICATION

The fox squirrel is much larger than any other squirrel species in Florida. All fox squirrels have a white muzzle and forehead, and most have white patches on the backsides of the ears. The underside can be white, creamy yellow, rusty orange or black. The tail is long and bushy.

SQUIRREL HABITAT

Fox squirrels prefer open pine flatwoods and open pine-oak systems but can be found in pine-cypress stands and cypress strands. They forage extensively on the ground and do not do well where there is heavy ground cover. Periodic fires that kill hardwoods and promote grassy ground cover are necessary for populations to survive.

Original Miromar Lakes DRI Property

In Miromar Lakes' existing and potential fox squirrel habitat has been identified (see Figures 1 and 2) by Wilson-Miller staff as part of the original DRI process that began back in 1995. The existing habitat has been impacted from the invasion of melaleuca over the past four decades. Much of this existing habitat west of Ben Hill Griffin Parkway will become golf course. Golf courses with pine trees are suitable areas for fox squirrels. Landscaping along the roughs will include leaving pines, where appropriate, and planting pines to replace some that will be lost.

Areas in the mitigation sites will contain fox squirrel habitat. Mitigation areas in M1, and M2 will retain more existing native vegetation than M3 and M4. Each of these areas will have some pine flatwoods and mixed pine and cypress systems. At present, all but M2 are heavily impacted with melaleuca. There are ±138.86 acres of pine FLUCCS (411 and 416) identified in Figure 1 as existing potential habitat. Melaleuca has invaded these pine areas. As of the 1993 survey done by Wilson Miller ±129.4 acres were 34-66% melaleuca and ±9.46 acres were 10-33% melaleuca. Over the past seven years melaleuca has increased its density, but no surveys have been done. Much of the contiguous potential habitat area (±106.14 acres) west of Ben Hill Griffin Parkway will become a golf course. Some of the golf course will provide habitat for fox squirrels

(roughs and pine trees lining some of the tees, fairways and holes). The typical golf course management will be attractive for fox squirrel use.

Habitat that will be managed for fox squirrels and other wildlife will occur in the four conservation areas (M1, M2, M3 and M4). These areas will have ± 80.86 acres of pine FLUCCS (411, 416, and 641/621/411) and ± 59.55 acres of cypress (621). All of the exotics will be removed from these areas. Planting of trees will occur in M3 and M4 as the result of extensive rework in some or most of these conservation/mitigation areas.

The developer will turn over the maintenance of the fox squirrel habitat to the existing Miromar Community Development District (CDD) for perpetual management.

Addition Parcel

In the Addition Parcel, existing and potential habitat has been identified (see Figures 31 and 42) by Wilson/Miller staff. As in the original DRI property, the existing habitat has been impacted from the invasion of melaleuca over the past four decades. Much of the existing pine flatwoods with palmetto understory (FLUCCS 411) habitat will become golf course and residential areas. Golf courses with pine trees are suitable areas for fox squirrels. Landscaping along the roughs will include leaving pines, where appropriate.

Habitat that will be managed for fox squirrels and other wildlife will occur in the five conservation areas (Conservation Areas #1 through #5). The majority of the forested wetlands and some of the forested upland areas will be preserved, enhanced, and/or restored in the conservation areas. Enhancement and restoration activities will include the removal of exotics (eg., melaleuca) and planting of trees to improve fox squirrel habitat. Following enhancement/restoration, the forested portions of the conservation areas will include cypress swamps (?-58.54 acres), hydric pine flatwoods (?-18.44 acres), and mixed cypress-pine-cabbage palm forest (?-30.66 acres), upland pine flatwoods (?-11.65 acres), and live oak hammock (3.87 acres). These forested wetland areas will provide nesting and foraging habitat for fox squirrels.

The conservation areas will be maintained as fox squirrel habitat and will be placed under a conservation easement granted to the South Florida Water Management District. The developer will turn over the maintenance of the fox squirrel habitat to the existing Miromar Community Development District (CDD) for perpetual management.

MANAGEMENT DURING CONSTRUCTION

Efforts will be made during the various phases of construction to help ensure the safety of fox squirrels. Actions taken will include, but may not be limited to, the following:

- *Educational pamphlets* will be provided to contractors with contractual obligations to distribute this information to construction workers. These pamphlets will provide information regarding the special status of fox squirrels, the appearance of fox squirrels and their nests/day-beds, and measures to be taken during construction to help protect these squirrels. Workers performing clearing work will be informed to exercise caution in the immediate area where a fox squirrel is observed.
- *Inspection of areas to be cleared.* Prior to clearing within approximately 100 feet of forested areas, which constitute potential fox squirrel habitat, a qualified biologist will inspect the area to be cleared for the presence of fox squirrel nests. If a nest is observed, this person will visually inspect the nest interior to check for young. If no fox

squirrels are present, the nest will be removed to discourage squirrels from returning to the area of impact. If young fox squirrels are observed in the nest, a buffer having a radius of approximately 75 feet will be cordoned off around the tree using enviro-fence. No heavy construction will be performed in this buffer area until after the young fox squirrels leave the nest or the squirrels and nest are re-located. Any re-location activities would first be coordinated with and approved by the Florida Fish and Wildlife Conservation Game and Fresh Water Fish Commission (FWCGFC).

- **Coordination during clearing.** Workers involved in clearing of trees will be advised to call the project biologist if a fox squirrel is seen in an area being cleared. The project biologist and/or a specified crewmember will then chase the fox squirrels out of the area being cleared. The area will be inspected for fox squirrel nests and clearing activities will be continued if no nests are found.

PUBLIC EDUCATION

A program will be established to educate Miromar Lakes residents, visitors, and maintenance staff about fox squirrels. This program will include, but may not be limited to, the following:

- **Educational pamphlets** will be provided to all homeowners to inform residents of the potential presence of fox squirrels on site. Pamphlet information will include:
 1. A picture and description of the fox squirrel and its status as a listed species;
 2. Notes regarding the life history and ecology of the fox squirrel;
 3. Information regarding the interaction of the public with the fox squirrels, such as the potentially negative effects of feeding and of interactions with the squirrels;
 4. A note to homeowners who have dogs, requiring that they leash their dogs;
 5. Advice to homeowners that free-running house cats are predators of squirrels and that no house cats should be allowed to roam free; and
 6. A map showing the Conservation Areas together with a discussion of the protected status and nature of these areas.
 7. Grey squirrels are serious competitors for fox squirrels
- **Educational pamphlets and/or instructions** will be provided to the Miromar CDD personnel and golf course maintenance personnel by their supervisors regarding the safety and protection of fox squirrels encountered by workers onsite.
- **A notice will be posted** at the golf club informing golfers of Conservation Areas, the appearance and special status of fox squirrels and precautions to avoid harm to them.

HABITAT MANAGEMENT & MAINTENANCE ACTIVITIES AND SCHEDULE

Habitat Management & Maintenance Activities

Those portions of the Miromar Lakes property designated as Conservation Area in the permit will be managed and maintained in an effort to allow certain vegetation types in those areas to function as suitable fox squirrel habitat. While the primary goal of management of the Conservation Areas is to mitigate for wetland impacts, certain portions of those areas will also have a potential to provide habitat for fox squirrels. These areas potentially suitable for fox squirrels include pine flatwoods, pine-cypress wetlands and hammocks.

All management and maintenance activities will initially be the responsibility of the permittee. Eventually, this responsibility will be transferred to the Miromar Lakes CDD. All management and maintenance efforts will be performed by or under the direction of a qualified biologist or other

qualified environmental professional. Potential management and maintenance activities may include, but are not limited to, the following:

- Eradication of exotic and nuisance plant species within the Conservation Areas. The goal of these efforts will be to control the spread of these plants such that they constitute no more than 5 percent of the total vegetative cover present in a given Conservation Area between control periods. Exotic plant species targeted will include those listed by the Exotic and Pest Plant Council at the time of permit issuance. Nuisance plant species targeted will include any invasive native plant species deemed undesirable, from the standpoint of competition with desirable vegetation, by the permittee.
- Periodic chopping, mowing, and/or bush-hogging of the ground cover stratum within pine flatwoods and pine-cypress wetlands in the Conservation Areas. This will occur on an "as needed" basis to help maintain a relatively open understory (an open "park-like" habitat) and to suppress the growth of weedy or noxious vegetation. Maintenance personnel will be advised to leave pine cones, cabbage palm fruit, bromeliads, acorns, and ground fungi within the Conservation Areas as undisturbed as is feasible.
- Pruning and/or thinning of canopy and subcanopy vegetation within pine flatwoods and pine/cypress wetlands in the Conservation Areas. This will occur on an "as needed" basis to maintain an appropriate density of desirable woody species (e.g., trees and shrubs), particularly in the subcanopy stratum, thereby maintaining a relatively open midstory.
- Prescribed burns within the Conservation Areas. Such burns may be conducted to remove accumulated undercomposed organic matter ("duff") thereby promoting new plant growth, to reduce fuel loading which could minimize the potential adverse effects of uncontrolled fires, and to thin out ground cover and subcanopy vegetation. The burns would be performed on an "as needed" basis, and would be coordinated with the appropriate agencies.
- Reduction of gray squirrel populations in portions of the Conservation Areas. This would be conducted only in instances where it is determined that such populations represent a competitive threat to the continued survival of fox squirrels and other management options fail to improve the fox squirrel population. Gray squirrel populations would be controlled via live trapping (with subsequent release outside the Conservation Areas) and/or controlled hunting. Either method may require permission from Lee County and possibly coordination/permitting through FWC-GFC.
- Removal of feral cats from the Conservation Areas. This would be performed as necessary via live trapping of the cats. Captured individuals would be turned over to Lee County Animal Control. This method would require warnings to adjacent landowners, permission from Lee County and possibly coordination with Lee County Animal Control.
- Planting of desirable native trees within the Conservation Areas. Following initial eradication of exotic plants within the Conservation Areas, it may be determined that planting of native tree species is warranted where the exotic eradication efforts leave areas relatively devoid of native trees. Should such plantings be conducted, the following table lists potential species that may be planted. The specific species planted will depend on site conditions and market availability of plant material. The density of plantings and stock used will depend on site conditions. Re-planting would be conducted if the mortality of planted trees is deemed excessively high.

Common Name	Scientific Name
Strangler fig	<i>Ficus aurea</i>
Slash pine	<i>Pinus elliotii</i>
Laurel oak	<i>Quercus laurifolia</i>
Cabbage palm	<i>Sabal palmetto</i>
Bald cypress	<i>Taxodium distichum</i>

Habitat Management / Maintenance Schedule

There will be a management/maintenance schedule (or program) for the Conservation Areas. The following sections describe the short and long-term schedules.

Maintenance Schedule

The management/maintenance schedule will begin as of the date the permittee begins the first phase of construction of Phase I of Miromar Lakes. It will terminate on the date the fifth annual monitoring report required by SFWMD is submitted.

Management and maintenance will be initiated once the permittee has obtained all requisite permits necessary for construction of Phase I from SFWMD, the Corps, and Lee County and when construction actually begins (the start date). Initial eradication of exotic plants, an activity conducted pursuant to Corps permit requirements for the project, will be started at this time. It is anticipated that initial exotic and nuisance plant eradication efforts would be completed within a year of this start date. Most prescribed burns would probably not be conducted until the exotic eradication efforts are completed, although localized prescribed burns could be conducted prior to such completion in areas where there are relatively few exotics. Planting of native trees would occur following eradication of exotics and any initial controlled burns. Any initial bush-hogging of the ground cover stratum and initial pruning and/or thinning of canopy and subcanopy woody species would also not occur until initial exotic eradication efforts and initial controlled burns are completed. It is anticipated that all these initial activities would be completed within approximately 2.5 years from the start date.

Following completion of initial management activities, continued management and maintenance activities would be performed as necessary. ~~Determination of the necessary activities will be made by a qualified biologist.~~ A qualified biologist will make the determination of the necessary activities or similar environmental professional based on annual and possibly, during the first few years, semi-annual inspections of the Conservation Areas. Activities recommended by the biologist would be performed during the year following a given inspection. The exact date of initiation of certain activities, such as prescribed burns, brush-hogging, and re-planting, may be dependent on an appropriate time of year in which to perform the activities. It is anticipated that exotic and nuisance plant control will be conducted on a minimum semi-annual basis for the first two years after the initial eradication effort is completed. Thereafter, it may be possible to reduce the frequency of these activities.

Conditions present within a given Conservation Area will be documented in the annual monitoring reports submitted to SFWMD pursuant to the permitted monitoring schedule. Management activities performed since the previous annual report will be discussed and recommended management activities together with an anticipated schedule for conducting these activities will be discussed in these reports.

Following the termination of the management/maintenance program, the permittee will evaluate the need for further management and maintenance activities, the schedule for such activities, and the schedule for further inspections and reports. If the permittee determines that additional

management and maintenance activities are necessary, the permittee's findings along with a proposal regarding any future efforts (maintenance/management activities, schedules, etc.) will be submitted to Lee County for review and approval. Any new program for the continued management and maintenance of the Conservation Areas will thus be determined by the proposal approved by the County.

The permittee reserves the ability to modify the long-term management/maintenance program for the Conservation Areas at any time following its initiation. No modifications would be made unless first approved by Lee County. Such modifications might be deemed necessary to improve upon current concepts of management activities and/or schedules. It is also possible that the fox squirrel habitat management program for a particular Conservation Area could be discontinued entirely should it be determined that fox squirrels no longer inhabit the area.

PLANTINGS OUTSIDE OF CONSERVATION AREAS

Plantings in golf course open space/rough areas and in upland buffers adjacent to or in the immediate vicinity of the Conservation Areas will incorporate, where feasible, trees and shrubs that could provide favorable foraging, nesting, and/or resting habitat for fox squirrels. These plantings may include, but are not limited to, the species identified in the table ~~that~~ which follows.

Common Name	Scientific Name
Strangler fig	<i>Ficus aurea</i>
Slash pine	<i>Pinus elliotii</i>
Laurel oak	<i>Quercus laurifolia</i>
Cabbage palm	<i>Sabal palmetto</i>
Bald cypress	<i>Taxodium distichum</i>
Dahoon holly	<i>Rex cassine</i>
Live oak	<i>Quercus virginiana</i>
Saw palmetto	<i>Serenoa repens</i>

DRI 2001-00004

DCI 2001-00033

LEE COUNTY
RECEIVED

03 AUG 14 AM 8:05

MIROMAR LAKES
SNAIL KITE MANAGEMENT PLAN

COMM. DEV./
PUB. WRKS. CNTR.
SECOND FLOOR

Project Description

The proposed project is comprised of residential and commercial uses. Residential is composed of neighborhoods for single family, multi-family and rental uses. Commercial sites are planned to serve both residents of Miromar Lakes and the expanding, surrounding neighborhood including the Florida Gulf Coast University (FGCU). The boundaries of Miromar Lakes are generally defined by Alico Road to the north, property boundary lines to the east, I-75 to the west and FGCU and property boundary lines to the south.

History

A snail kite was observed on the northern portion of the Miromar Lakes project area. This species is listed as Endangered by both the Florida Game and Fresh Water Fish Commission (FGFWFC) and the U.S. Fish and Wildlife Service. In May and early June, 1994, a solitary male kite was seen in Section 11 foraging in nearby agricultural ditches (FLUCCS 513). The second sighting was assumed to be the same bird. No females or immatures were seen. No mating or nesting behavior was observed and no snail kite nests were observed on the project site. This species was not seen during the last two weeks of the survey, nor has it been seen during any of a multitude of site visits by Wilson Miller biologists since then. Empty apple snail (*Pomacea paludosa*) shells were observed in aquatic habitats, usually near cattails. The apple snail is reported to be the exclusive diet of the snail kite.

The site contains a food resource, but generally lacks a large scale, persistently flooded, emergent scrubby marshland for nesting, the observed bird is thought to have been passing through the property at the time of the survey. Given the large scale wetland enhancement associated with the project, the food resource is not anticipated to be impacted. As a result, it is not anticipated that the species will be significantly impacted by the project. At the suggestion of Darryl Land with FGFWFC, Jack Abney called Jim Rodgers on August 7, 1998, to confirm this. Mr. Rodgers wrote the chapter on snail kites ⁽¹⁾ in the book Rare and Endangered Biota of Florida Vol. V, Birds and was described by Land as a snail kite specialist.

According to Rodgers, the time of year the bird was sighted is when snail kites wander erratically and often roost in unusual places. Abney described the location and habitat on site that is used by the kite, which is a shallow borrow pit vegetated primarily by cattail. Mr. Rodgers said cattail was not good foraging habitat for kites and that he personally had never seen a kite successfully capture a snail in dense cattail. He opined that this bird would probably move on in a short while.

In Rodgers' report ⁽¹⁾ on snail kites, he describes good foraging habitat as follows. "Kites capture snails by aerial hunting over foraging habitat that consists of relatively shallow (30-90 cm), clear and calm water.

(Sykes 1987a). Furthermore, ideal foraging habitat must have relatively open water with a low density of emergent vegetation (e.g. *Eleocharis* spp., maidencane... etc.) allowing kites to see and capture snails as they move along the stems feeding or rising to the surface...". The project area does not appear to fit that description.

A study of snail kite movements and site fidelity was conducted by Bennetts and Kitchens (1997)⁽²⁾. The scope of their study was to "include the entire population of Snail Kites in Florida..." No area of Lee County in the vicinity of the Miromar Lakes DRI was reported to be significant to snail kites. Their study determined that "there is considerable interchange of birds among wetlands in Florida." Bennetts (1997) also states that "...snail kites exhibit high rates of movement and frequently use different wetlands from one year to the next."

Corroboration of the poor quality of habitat provided by cattail is described in the report by Bennetts and Kitchens (1997)⁽²⁾. On page 124 of that report the authors cite Darby⁽³⁾ and others: "*Darby et al. (1996c) found low abundance of apple snails associated with substrates containing high flocculent debris. Such a substrate often occurs in cattail. Plant species that respond to nutrients e.g., sawgrass, cattail... also may increase in biomass choking out the more open water used by kites for foraging. The availability of apple snails to kites requires sufficiently open water to enable visual detection.*"

Based on this information, we have determined that no impact to snail kites is likely as a result of development of this site. However, to provide potential foraging opportunity for any kites that may wander through this area, portions of the on-site lakes will be enhanced to provide emergent herbaceous vegetation as potential habitat for apple snails. The Management Plan includes three components: 1) the creation of shallow littoral zones, 2) the removal of exotic vegetation along certain existing lake edges, and 3) subsequent planting of native species in these areas.

Littoral Zone Creation

Littoral zones will be created in accordance with the attached lake Littoral Planting Plan (see WMBP File No. D-0253-12. The planting plan includes three types of planting areas: 'A', 'B' and 'C.' Areas designated 'A' are standard littoral zones to be planted with herbaceous species. Areas designated 'B' have been selected for reforestation. Areas designated 'C' will include a bulkhead. A littoral zone will be created waterward of the bulkhead that will be planted with herbaceous species. The planting plan includes a list of species suitable for each elevation zone. Herbaceous species include arrowhead, pickerelweed, spikerush, and others that are suitable for apple snails. Note that the plantings will be clustered.

Exotic/Nuisance Species Removal/Adjacent Tree Plantings

Exotic and nuisance species will be removed from the shorelines of existing lakes that will remain in the proposed site plan. In areas designated 'B' on the above referenced Littoral Planting Plan, several tree

species will be planted. These include sweet bay magnolia, cypress, red maple, loblolly bay and dahoon holly.

Monitoring and Maintenance

Once plantings have been completed, annual monitoring and maintenance will be conducted. The monitoring will include a narrative description of the littoral zone, an estimate of the survival of planted species and an estimate of the cover of exotic and nuisance species. Annual reports will be provided to Lee County Division of Planning, Environmental Sciences for a five year period.

References

(1) Rare and Endangered Biota of Florida. Vol. V, Birds. Florida Snail Kite, pp. 42-51. Ed. By James A. Rodgers, Jr., Herbert W. Kale II and Henry T. Smith, Florida Committee on Rare and Endangered Plants and Animals. University Press of Florida, 1996.

(2) The Demography and Movements of Snail Kites in Florida. By Robert E. Bennetts and Wiley M. Kitchens. USGS/Biological Services Division, Florida Cooperative Fish and Wildlife Research Unit. Technical Report No. 56. 1997.

See esp. pp.: 84, 89, 118 (maps), 124 (discussion of cattail).

(3) Darby, P. C., et al. 1996b. Ecological Studies of Apple Snails (*Pomacea paludosa*). 1995 Report prepared for SFWMD and St. Johns River WMD. Florida Cooperative Fish and Wildlife Research Unit, Gainesville, FL.

DRI2012-00021/DCI2013-00008

MIROMAR LAKES

OPEN SPACE AND INDIGENOUS PRESERVATION

Required Open Space:

Open space requirements for Miromar Lakes will be met within Miromar Lakes. Required open space will be calculated on the development area excluding the existing mining lakes.

Required Open Space Percentage:

Residential Users:

Residential uses must provide 40% common open space for tracts requiring open space.

The following are exempt from open space requirements:

- (1) Single family residence on a lot with a minimum lot size of 6,500 square feet and a maximum 45% lot coverage; and
- (2) Duplex on a single lot with a minimum lot size of 7,500 square feet and a maximum 45% lot coverage; and
- (3) Two-family attached units each on an individual minimum lot size of 3,750 square feet per unit and a maximum 45% lot coverage.

Commercial Users:

Commercial users will provide 30% open space. A minimum of 10% open space will be provided in each commercial tract with the remaining open space provided within Miromar Lakes development.

Mixed Uses:

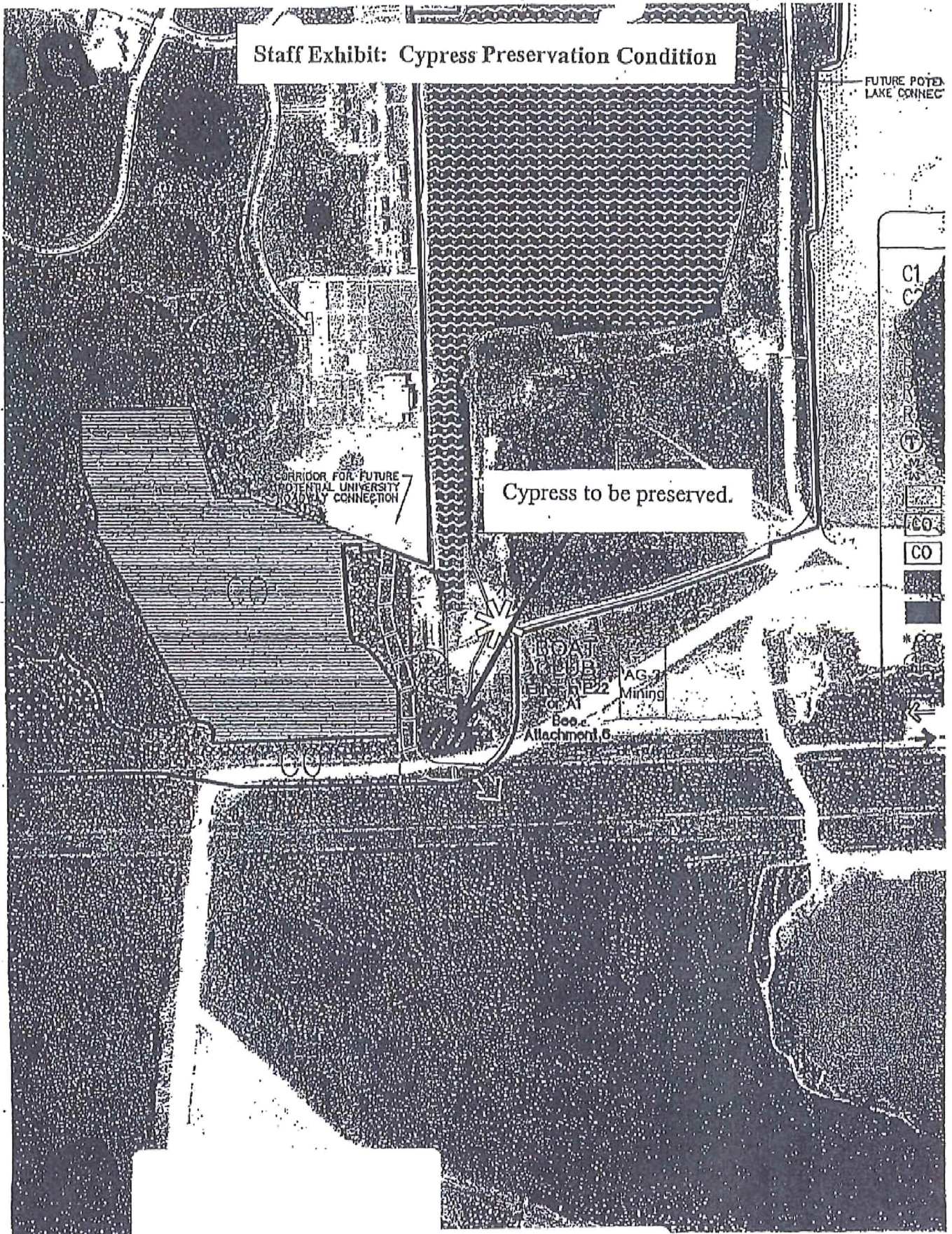
When a tract includes a mix land uses, the required open space percentage will be prorated according to the extent of the uses within the tract.

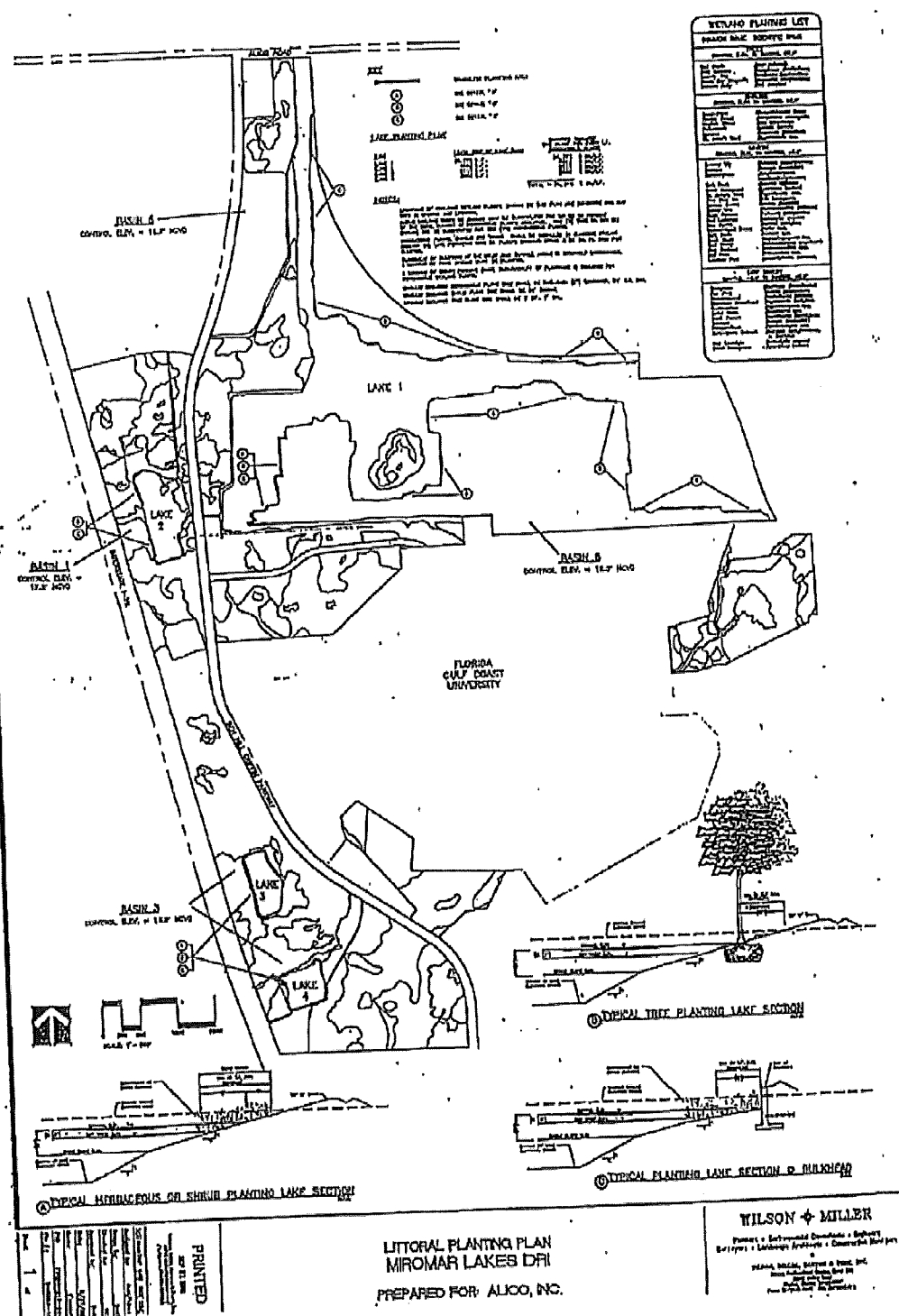
Required Indigenous Preservation:

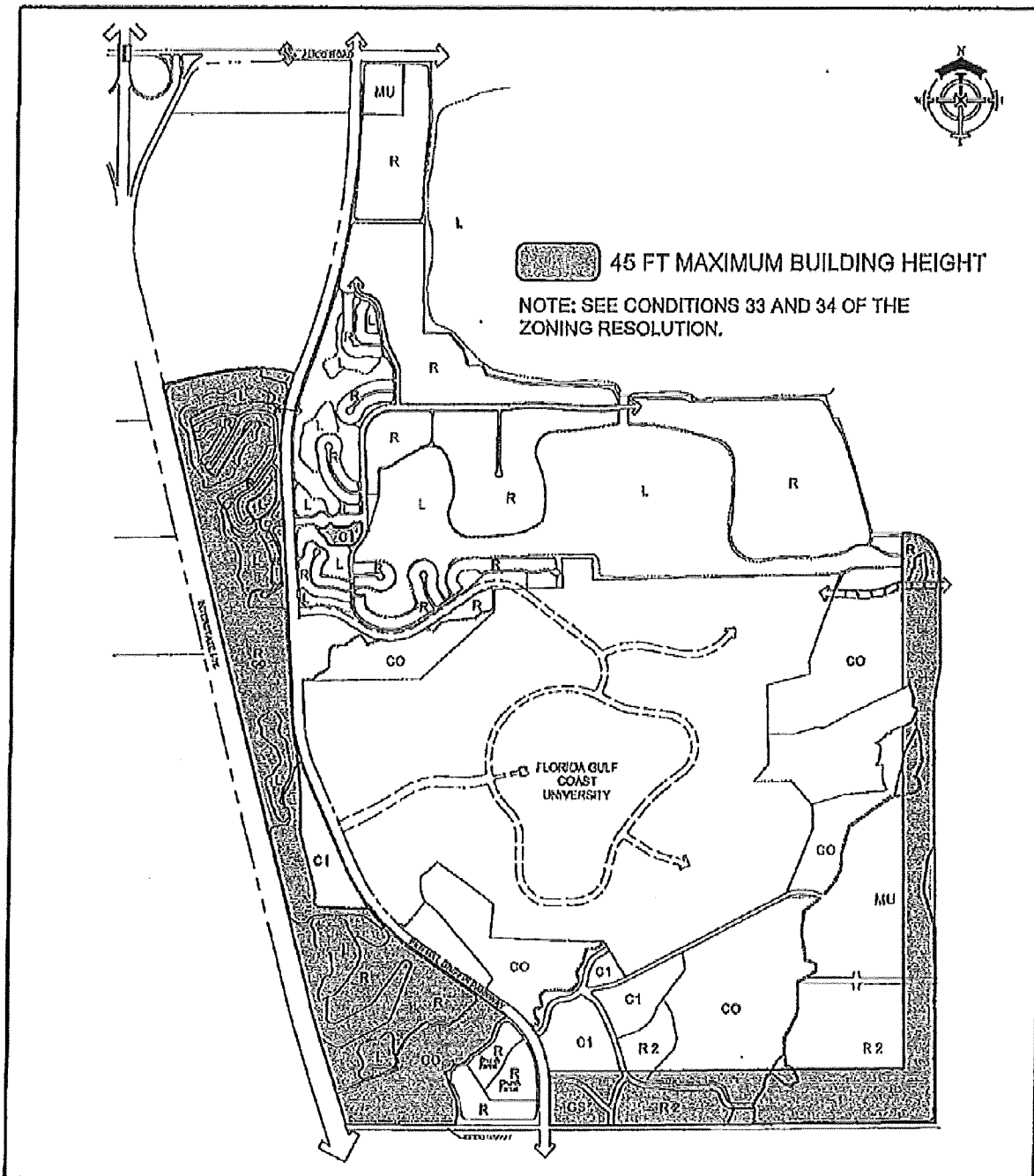
The required indigenous preservation includes:

- (1) A minimum of 328 acres of indigenous preservation and restoration in substantial compliance with the areas delineated on the Master Concept Plan; and
- (2) Cypress wetland preservation as detailed in Condition 17; and
- (3) Preservation within common open space as detailed in Condition 16.

Staff Exhibit: Cypress Preservation Condition







DELISI FITZGERALD, INC.
 Planning - Engineering - Project Management
 1605 Hardy Street
 Fort Myers, FL 33901
 239-418-0691 • 239-418-0692 fax
 Florida Certificate of Authorization
 Engineering LC # 26978

OWNER / DEVELOPER:
 BEACH & GOLF CLUB
 MIROMAR LAKES

PROJECT:
MIROMAR LAKES DRI

EXHIBIT
45 FT MAXIMUM
BUILDING HEIGHT
(SEE DEVIATION 28)

Project Number: 21218
 County, State: LEE COUNTY, FL

Sheet Number: 1

EXHIBIT K

EIGHTH DEVELOPMENT ORDER¹
AMENDMENT FOR MIROMAR LAKES
(CODIFIED)
A DEVELOPMENT OF REGIONAL IMPACT
STATE DRI #11-9798-142

LET IT BE KNOWN THAT, PURSUANT TO SECTION 380.06 OF THE FLORIDA STATUTES, THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA ADOPTED THE APPLICATION FOR DEVELOPMENT APPROVAL ORIGINALLY SUBMITTED AS THE ALICO AMDA, BUT THEREAFTER REDUCED TO AN ADA AND RENAMED AS THE MIROMAR LAKES DRI (HEREINAFTER REFERRED TO AS MIROMAR LAKES) BY ALICO, INC., AS THE OWNER/APPLICANT, FOR MIROMAR LAKES, L.L.C., AS THE DEVELOPER.

WHEREAS, on November 29, 1999 the Lee County Board of County Commissioners (Board), adopted the Development of Regional Impact (DRI) Application for Development Approval for the project known as Miromar Lakes, subject to conditions, restrictions and limitations; and

WHEREAS, the Miromar Lakes DRI Development Order was subsequently amended on December 10, 2002 to revise the adjustment rate applicable to the unpaid balance of the proportionate share assessment; and

WHEREAS, the Miromar Lakes DRI Development Order was amended a second time on December 15, 2003, to add approximately 534 +/- acres of property to the project (total project to be 1805 +/- acres). This change included a proposal to increase the number of golf holes by 18, add a clubhouse, and golf maintenance facility on the property; and

WHEREAS, in 2001, the Board approved a request to amend the Lee Plan to change the future land use designation of 19.85 +/- acres from "Density Reduction Groundwater Resource" to "University Community" and also to re-designate 170.92± acres from "University Community and Wetlands" to "Conservation Lands-Uplands" and "Conservation Lands – Wetlands"; and

WHEREAS, the project build out date was extended pursuant to HB7203 to December 31, 2011 by the third amendment of the Miromar Lakes DRI Development Order (Resolution 07-09-18), adopted August 21, 2007; and

¹ This is a codification and a restatement of all DRI Development Orders rendered with respect to Miromar Lakes within Lee County, including actions taken on November 29, 1999, December 10, 2002, December 15, 2003, August 21, 2007, January 26, 2010, and September 20, 2010, April 16, 2012, and June 18, 2014.

WHEREAS, on January 26, 2010, the DRI Development Order was amended a fourth time to extend the build out date from December 31, 2011 to December 31, 2013, pursuant to SB360; and

WHEREAS, on September 20, 2010, the DRI Development Order was amended a fifth time to change the buildout from December 31, 2013 to December 31, 2020, the termination date from December 31, 2018 to December 31, 2026, change from annual to biennial reporting for transportation monitoring reports, and to eliminate Conditions II.A.2. and 3. relating to the re-analysis of affordable housing needs; and

WHEREAS, the DRI Development Order was amended a sixth time on October 11, 2011 to amend the compliance dates as follows: Buildout from December 31, 2020 to December 31, 2024 and the termination date from December 31, 2026 to December 31, 2030; and

WHEREAS, the DRI DO was amended a seventh time on April 16, 2012 to remove 12± acres from the project pursuant to a transfer of property to the Florida Gulf Coast University; and

WHEREAS, Miromar Lakes LLC has filed the current application to amend the DRI an eighth time to reflect the effect of SB 2156 and several Emergency Orders on the compliance dates and concurrency status.

NOW, THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, that the Development Order for Miromar Lakes DRI is hereby further amended as follows:

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of I-75, north of Corkscrew Road, south of Alico Road, on either side of Ben Hill Griffin Parkway. The site is 1,793.646 +/- acres. Miromar is a mixed use development that will consist of: 2,600 residential units, 250,000 square feet of retail, 450 hotel rooms, 340,000 square feet of office, 250 wet slips, 400 dry slips, 40,000 square feet of research and development, and all accessory uses to these uses. In addition, there will be 312 acres of lakes/buffers and recreation, and a minimum of 338 of conservation lands. The recreational uses will include golf, tennis, clubhouses, and active and passive recreation. The legal description of the project is set forth in Exhibit A.

The assessment was based on a phasing schedule that includes two five-year phases described in Exhibit B. Site preparation commenced upon completion of all necessary permitting. The project buildout date is ~~December 31, 2024~~April 3, 2028. The termination date is ~~December 31, 2030~~April 3, 2033.

Water supply and wastewater treatment will be provided by Lee County Utilities.

- B. The factual findings, conclusions of law, conditions and other terms of this Development Order apply to the property legally described in Exhibit A and known as the Miromar Lakes DRI.
- C. The original 1,271.12± acres was zoned AG-2, and coincident with the 1999 approval of the Development Order the property was rezoned to a Mixed Use Planned Development (MPD). In the recent past, portions of the property have been utilized for mining and related activity. The mining, and related activity, will cease on any portion of the property under active development. The 534 +/- acre addition was initially zoned AG-2, but was rezoned to MPD coincident with the Second DRI Development Order Amendment. The 12+/- acres were located in the original 1,271.12+/- acres. With the sale of the 12+/- acres the original parcel will total 1,259.12+/- acres.
- D. The AMDA went through sufficiency and a report and recommendation were issued. The application was put on hold, then reduced to an Application for Development Approval (ADA). The ADA for Miromar Lakes is consistent with the requirements of Section 380.06, Florida Statutes. The project went through two sufficiency rounds and the Developer exercised its right to refuse participation in further rounds.
- E. The development is not located in an area designated as an Area of Critical State Concern under the provision of Section 380.05, Florida Statutes.
- F. The development does not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan. The development is consistent with the State Comprehensive Plan if it is developed in accordance with the development parameters and conditions of approval set forth in this development order.
- G. The development has been reviewed by the Southwest Florida Regional Planning Council (SWFRPC) and is the subject of reports and recommendations adopted by that body on December 17, 1998 and June 21, 2001. The SWFRPC report and recommendations were subsequently forwarded to Lee County pursuant to Section 380.06, Florida Statutes. The development, as proposed in the ADA and modified by this Development Order, is consistent with the reports and recommendations of the SWFRPC pursuant to Section 380.06(11), Florida Statutes.
- H. The development, as conditioned, is located in, and is consistent with, the University Community, "Conservation Lands - Uplands", and "Conservation Lands-Wetlands" future land use categories.

- I. The conditions set forth below meet the criteria found in Section 380.06(15)(d), Florida Statutes.
- J. The Phase II and build out dates were extended by three years to 2012 and 2017 respectively pursuant to House Bill 7203, which amended Florida Statutes, Section 380.06(19)(c).
- K. Senate Bill 360 (SB360), as signed into law by the Governor of the State of Florida on June 1, 2009 (codified as a note to F.S. §§373.414 and 380.06) provided a statutory two-year extension to build out dates expiring between September 1, 2008 through January 1, 2012. The Board of County Commissioners recognized the statutory extension in Lee County Resolution 09-06-22, adopted on June 23, 2009,

In accord with SB 360, Miromar Lakes DRI qualified for a two-year extension of its build out date from December 31, 2011 to December 31, 2013. Under Lee County Resolution 09-06-22, concurrency is also extended to December 31, 2013, consistent with the build out extension. Under SB 360, the two-year extension does not constitute a substantial deviation of the original development order approvals warranting further DRI review.

- L. House Bill 7207 (HB7207), as signed into law by the Governor of the State of Florida on June 2, 2011 (as codified in Chapter 2011-139, Laws of Florida) authorized a four year extension for all valid DRI Development Orders. At the option of the developer, all commencement, phase, buildout and expiration dates for valid Developments of Regional Impacts may be extended by four years regardless of previous extensions issued in the past.

In accord with HB 7207, Miromar Lakes DRI qualified for the four-year extension of its build out date from December 31, 2020 to December 31, 2024. Under Lee County Resolution concurrency is also extended to December 31, 2024, consistent with the build out extension. Under HB 7207, the extension of the DRI's compliance dates does not constitute a substantial deviation and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review.

In accordance with SB2156, and Emergency Orders 12-140, 120192, 120217, 120199, Miromar Lakes DRI qualified for the extension of its build out date from December 31, 2024 to April 3, 2028. Under Lee County Resolution concurrency is also extended to April 3, 2028, consistent with the build out extension. The extension of the DRI's compliance date does not constitute a substantial deviation and cannot be considered in the future in determining whether there has been a substantial deviation of the original development order approvals warranting further DRI review.

II. ACTION ON THE REQUEST AND CONDITIONS OF APPROVAL.

NOW THEREFORE, be it resolved by the Board of County Commissioners of Lee County, Florida, in a public meeting duly advertised, constituted and assembled June 18, 2014, the ~~Seventh~~Eighth Amendment to the Miromar Lakes Development of Regional Impact is hereby approved subject to the conditions, restrictions and limitations that follow. For the purpose of this Development Order, the term "Developer" refers to Miromar Lakes, L.L.C., and includes all of its successors or assigns, and all references to County Ordinances or other regulations including future amendments.

A. AFFORDABLE HOUSING.

1.——The Applicant conducted a survey in accordance with an approved methodology to determine whether a sufficient number of affordable housing units are available to meet the demands of the projected, non-construction, permanent employees of Phase I of the Project. The survey results demonstrated there was no unmet demand through build out of Phase I.

~~2.——Prior to initiation of the second phase of the Project, the Developer must conduct a re-analysis of the affordable housing needs of the projected, non-construction, permanent employees of that phase using a methodology acceptable to the County, SWFRPC and the Florida Economic Opportunity (FDEO). The methodology must limit the percentage of mobile homes that comprise the total available supply to 20 percent.~~

~~3.——If the second phase re-analysis of the affordable housing needs shows a shortage of affordable housing units that exceeds the threshold for regionally significant impact for the DRI, the Developer must mitigate the need by following the options outlined in Rule 9J-2.048(8), the Adequate Housing Uniform Standard Rule, or other measures agreed to by the County, SWFRPC and FDEO.~~

B. ENERGY.

The Developer will utilize the energy conservation measures outlined in the ADA.

C. STORM WATER MANAGEMENT.

1. The Developer has obtained an Environmental Resource Permit (ERP) from South Florida Water Management District (SFWMD) - Permit No. 951122-7 Miromar Lakes. Prior to construction, the Developer must provide Lee County Development Services with a copy of the ERP, and any early work permit. The Developer must provide Lee County Development Services Division with a copy of all amendments to the ERP that include property that was not a part of the original application.

2. The Developer, Property Owner's Association, Uniform Community Development District (UCDD), or other entity with operational responsibility for the surface water management system must comply with Class III water quality standards for all water discharged into the lakes generally referred to as the north and south mining lakes.

3. The Developer must incorporate best management practices (BMPs) into the surface water management plans submitted to SFWMD. The Developer must also utilize BMPs during construction for control of erosion and sediment. These practices will be identified on the aforementioned plans submitted to SFWMD, and other agencies with jurisdiction.

4. The first habitable floor of all structures must be at or above the 100-year flood elevations. The 25-year/three-day storm event must be used in computing off-site discharge rates, taking into account the backwater elevations along on-site flowways.

5. The Developer must obtain a SFWMD permit for dewatering activities as required by Sections 2.5 and 5.2.2 Dewatering, Basis of Review (water use).

6. Upon completion of construction and stabilization of side slopes, the Developer must remove all silt barriers, hay bales, anchor soil, and accumulated silt.

7. The Developer must establish a legal operating entity in accordance with the SFWMD Basis of Review and Lee County Land Development Code (LDC), to maintain all internal storm water management lakes, ditches, and wetlands. The same condition applies to that portion of the north and south mining lakes under the ownership and control of the Developer. Easements, common areas or other legal mechanisms may be utilized to ensure sufficient access to the storm water management areas.

8. Where applicable, the storm water management plan submitted to SFWMD must consider measures to reduce runoff rates and volumes, including, but not limited to, fixed control structures, perforated pipes, and grass swale conveyances. The Developer must use swales rather than closed systems whenever practical.

9. The Developer must create littoral zones along the shoreline banks of the storm water management system consistent with the requirements of SFWMD and Lee County. The littoral zones must consist of native emergent or submergent aquatic vegetation. The Developer must ensure, by supplemental replanting if necessary, at least 80 percent cover by native aquatic vegetation within the required littoral zones.

10. The surface water management system design must incorporate natural flowway corridors and restore impacted natural flow way corridors.

- (a) Storm water run-off must be pre-treated consistent with the South Florida Water Management District permit prior to discharging the run-off into existing lake or wetland (any aquatic) systems.
- (b) The development must maintain the function and integrity of the Stewart Slough, the natural flowway being restored through the South Florida Water Management District's ERP, contained within the boundaries of this DRI. Flowways are precluded from being primary surface water treatment areas.

11. The Developer, or the legal operating entity, must perform annual inspections of the project's on-site storm water management system to ensure that the system is maintained in accordance with the final approved design.

12. The Developer must meet all Army Corps. of Engineers, Department of Environmental Protection, South Florida Water Management District, and Lee County requirements regarding the impact of the proposed storm water management system on state or federally listed plants or animal species occurring on-site. When required by federal, state, or local permits, the Developer will provide mitigation for those impacts.

13. The Developer must vacuum sweep all commercial streets and parking areas within the development on a regularly scheduled basis.

14. When required by SFWMD in accordance with Section 5.2.2, Basis of Review (E.R.P.), the Developer must provide at least one-half inch of dry pre-treatment (retention or detention), or an equivalent alternative, for commercial and industrial uses.

15. The Developer must participate in any Countywide storm water management system adopted by Lee County that directly benefits the development, under the same fiscal terms and conditions applicable to other benefitted properties.

16. As part of the routine maintenance of the project, the Developer must:

- (a) mow grassed storm water management areas;
- (b) remove accumulated debris within treatment areas;
- (c) replace all identifiable erosion to banks; and

- (d) remove noxious exotic vegetation that may potentially interfere with the proper function of the treatment areas.

17. The Developer must inspect, clean and repair all under-drain systems and grease baffles on a regular basis. The period between inspections may not exceed eighteen months.

18. The storm water management system must be designed to ensure that the quality and quantity of the water entering the wetlands is adequate to ensure the wetland survivability. The impact of the storm water management system on the wetland mitigation areas will be evaluated by the SFWMD during the ERP process.

19. All individual tenants or residents must comply with applicable laws and regulations regarding the management and use of hazardous materials.

20. Golf Course:

- (a) Prior to development order approval for the first 18-hole golf course, the developer must conduct a pre-development groundwater and surface water analysis and submit the analysis to the County. This analysis is intended to establish baseline data for groundwater and surface water monitoring for the project area. The analysis must be designed to identify those nutrients and chemicals that are anticipated to be associated with the project. Prior to commencing this baseline study, the developer must submit the methodology for review, comment, and approval by the County.
- (b) The developer must submit an annual monitoring report of surface water quality on the first 18-hole golf course for a period of five years from the issuance of the certificate of completion for the golf course, or the last violation, if any, of Chapter 62-302, F.A.C. water quality standards. The monitoring program will include: testing to assess whether there are any herbicide, pesticide or fertilizer pollution of the water at the project's outfall locations, which are the south mining lake, the Stewart Cypress Slough, and the north headwaters of Estero River. The developer will submit the test results with the monitoring report. 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 62-302, F.A.C., water quality standards.
- ~~(c) The developer must conduct a pre-development ground water and surface water analysis and submit the analysis to the County prior to development order approval for the second 18-hole golf course. The analysis will establish the baseline data for groundwater and surface water~~

~~monitoring of the project area. The developer must design the analysis to identify the nutrients and chemicals anticipated to be associated with the second 18 hole golf course. The methodology employed in the base line study must first be reviewed and approved by the county.~~

- ~~(d) The operator of the second 18 hole golf course must submit an annual monitoring report of ground water and surface water quality. The proposed monitoring program will be reviewed by the Natural Resources Division and evaluated in accordance with the requirements of Chapter 62-302 FAC water quality standards. The monitoring program must include: testing to assess whether there are unacceptable increased levels of herbicide, pesticide or fertilizer at project outfalls; identification of the locations of the ground water monitoring and project outfalls; identification of the locations of ground water monitoring and testing on a map(s); an outline of the testing and recording requirements. The operator must submit test results and the monitoring report to the Lee County Natural Resources Division. The monitoring program will be established and operated at the expense of the developer or other legal entity charged with the legal responsibility of managing the golf course. Compliance with the program will be evaluated at the project outfalls utilizing the water quality standards set forth in Chapter 62-302 F.A.C. The monitoring program will continue in perpetuity.~~

21. 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 of the pollutant must cease until there is a revised management plan for the application of the pollutant. A determination that the application of fertilizers, herbicides or pesticides to the golf course are the cause and source of the pollution must be based on competent and substantial evidence. If mitigation is necessary to address the pollution, a mitigation plan approved by Lee County and other appropriate agencies will be implemented by the developer.

D. TRANSPORTATION

1. Significant Impacts

(a) Assessment Parameters

The traffic impact assessment for the project assumes the following development parameters:

	Phase I (2004)	Buildout (2028)
Residential Single Family (ITE LUC 210)	314 D.U.	700 D.U.

Multi-Family	1,100 D.U. Total	1,900 D.U.
Total Apartments (LUC 220)	200 D.U.	200 D.U.
Residential Condominiums (LUC 230)	900 D.U.	1,700 D.U.
Non-Residential		
--Service/Office (LUC 710)	100,000 sq. ft.	340,000 sq. ft.
--General Retail (LUC 820)	160,000 sq. ft.	250,000 sq. ft.
--Hotel (LUC 310)	350 rooms	450 rooms
--Industrial/R & D (LUC 760)	0 sq. ft.	40,000 sq. ft.
--Golf Course (LUC 430)	36 holes	36 holes
 --Community Use (LUC 495)	 20,000 sq. ft.	 20,000 sq. ft.
(Golf Clubhouse)		
--Beach Park (LUC 415)	10 acres	10 acres
(Including a Beach Clubhouse for use of residents and their guests.)		

The above parameters form the basis for the project impacts and mitigation requirements contained herein. The assumed land uses associated with the general parameters are identified by the Land Use Code (LUC) from the Institute of Transportation Engineers (ITE) Trip Generation Manual, 6th Edition. While approved zoning categories may allow a wider range of uses, from a DRI standpoint, the project impacts are based on the above parameters and assumed uses. Any significant change in the assumed uses or mix of uses will require a re-evaluation of the DRI transportation impacts. A significant change is one that would increase the external project traffic by five (5) percent or more or that would significantly change the projected distribution and assignment of project traffic, so as to result in additional significantly and adversely impacted roadway links. The overall traffic at the project entrances based on the above parameters is estimated to be 3,931 p.m. peak hour trips.

(b) Phase I Impacts

The assessment indicates that the significantly impacted roadways and intersections described below were anticipated to be operating below acceptable levels of service at the end of Phase I (2004):

<u>Roadways</u>	<u>Needed Improvement</u>
Alico Road	
--U.S. 41 to Seminole Gulf Railway	Widen to six (6) lanes*
--I-75 to Ben Hill Griffin Parkway	Widen to six (6) lanes

** or realignment/interchange as part of Metro Parkway extension (6 lanes), US 41 to Six Mile Parkway*

Intersections

Alico Road/Three Oaks Parkway	Add 2 nd NB left, 2 nd WB left, 2 nd SB left
Alico Road/Project Entrance	Intersection Improvements
Ben Hill Griffin Parkway/Alico Road	Add 2 nd NB left
Ben Hill Griffin Parkway/Project Entrances	Intersection Improvements
Ben Hill Griffin Parkway/Corkscrew Road	Signalization, add 2 nd EB left, 2 nd SB left
US 41/Alico Road	Add 2 nd WB right, 3 rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (See Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

(c) Buildout Impacts

The assessment indicated that the significantly impacted roadways and intersections described below were anticipated to be operating below acceptable levels of service at the end of buildout (2009²):

<u>Roadways</u>	<u>Needed Improvement</u>
Alico Road	
--U.S. 41 to Seminole Gulf Railway	Widen to six (6) lanes
--Lee Road to I-75	Widen to eight (8) lanes
--I-75 to Ben Hill Griffin Parkway	Widen to six (6) lanes
Ben Hill Griffin Parkway	
--T&T Entrance to Alico Road	Widen to six (6) lanes
Corkscrew Road	
--Three Oaks Parkway to Ben Hill Griffin Parkway	Widen to six (6) lanes
Daniels Parkway	
-- Metro Parkway to Six Mile Cypress Parkway	Widen to eight (8) lanes
--Six Mile Cypress Parkway to Fiddlesticks Boulevard	Widen to ten (10) lanes
--Fiddlesticks Boulevard to I-75	Widen to eight (8) lanes

² The build out date of the Miromar DRI was extended to 2020. However, the transportation analysis was conducted assuming a build out date of December 31, 2009. For this reason, the reference to 2009 was not amended in this paragraph.

U.S. 41

- Coconut Road to Williams Road
- Alico Road to Six Mile Cypress Parkway

Widen to six (6) lanes
Alternate facility needed*

**Metro Parkway extension (six (6) lanes), US 41 to Six Mile Parkway*

Intersections

Alico Road/Oriole Road	Add 2 nd WB left, signalization
Alico Road/Three Oaks Parkway	Add 3 rd EB left, 3 rd NB through 3 rd SB through
Alico Road/I-75 East Ramp	Add 2 nd WB left, 2 nd NB left
Alico Road/Project Entrance	Intersection Improvements
Ben Hill Griffin Parkway/Alico Road	Add 3 rd NB left, 3 rd SB through, 3 rd WB through, 2 nd EB left
Ben Hill Griffin Parkway/Project Entrances	Intersection Improvements
Ben Hill Griffin Parkway/Corkscrew Road	Add 2 nd EB left, 2 nd NB left, 2 nd SB left
Corkscrew Road/Three Oaks Parkway	Add 2 nd EB left
US 41/Alico Road	Add 3 rd SB left

The intersection improvements include geometric improvements, such as turn lanes and signalization when warranted. The Developer will be fully responsible for improvements needed at the project entrances that are deemed site-related (see Paragraph D.4). The intersections are addressed in the overall proportionate share calculation. As noted above, however, site-related needs at the project entrances are not addressed in the proportionate share calculation.

The amended traffic assessment conducted for the Fifth Amendment to the development order indicated that the significantly impacted roadways described below will be operating below acceptable levels of service at the end of buildout in 2028.

Roadways

Needed Improvement

Ben Hill Griffin Parkway	
-- Miromar Lakes Entrance to College Club Drive	Widen to six (6) lanes

2. Mitigation

(a) Phase I Proportionate Share

The total proportionate share obligation to mitigate the Phase I transportation impacts on the non site-related roads and intersections set

forth in Paragraph D.1.b. above is estimated to be \$1,270,796 in 1999 dollars. The Phase I road impact fees anticipated to be generated by the project based on the development parameters set forth in Paragraph D.1.a and under the current County road impact fee schedules are \$3,171,928, or \$1,901,132 more than the Phase I proportionate share obligation.

(b) Buildout Proportionate Share

The total proportionate share obligation to mitigate the build out transportation impacts on the non-site related roads and intersections set forth in Paragraph D.1.c. above is estimated to be \$10,914,866 in 1999 dollars. The total road impact fees anticipated to be generated by the project through buildout based on the development parameters set forth in Paragraph D.1.a. and under the current County road impact fee schedules are \$5,686,010. The proportionate share obligation is approximately \$5,228,856 more than impact fees in 1999 dollars.

(c) Traffic Mitigation

The Developer must mitigate its overall project traffic impacts through the payment of the entire project proportionate share obligation of \$10,914,866 for project buildout. The details of this payment must be established in a Local Government Development Agreement executed pursuant to Section 163.3220, Florida Statutes, and Chapter 2, Article III of the Lee County Land Development Code. The Developer must submit to Lee County a Development Agreement within 90 days of the effective date of this DRI Development Order.

Generally, the payment is to be accomplished in the following manner:

Within 120 days of the effective date of this DRI Development Order, the Developer must deliver as Maker a promissory note, payable to Lee County, in the original principal amount of \$10,914,866.00, representing the entire proportionate share obligation. The note will provide for payment of the entire amount to be paid the County before December 30, 2005. Additionally, the note must provide for interest to be paid at a rate of 7.4 percent on the unpaid balance of the proportionate share assessment.

The promissory note will provide for payments of principal as follows:

The first principal installment will be in the amount of the Phase I impact fee obligation, \$3,171,928.00, and will be due and payable on or before the earlier of one year from the date of final DRI Development Order approval or the date of the issuance of the first building permit for vertical

construction. However, some development such as the golf course, golf clubhouse, information/sales center/model center, and beach club may proceed prior to the first payment. That development will be required to pay road impact fees at the time permits are received. Impact fee payments will be deducted from the first principal payment;

The second principal installment in the amount of \$6,000,000.00, will be due and payable on December 30, 2002;

The final payment of principal in the amount of \$1,742,938.00, will be due and payable December 30, 2005.

Interest will be payable on December 30th of each year beginning December 30, 2000 and continuing until the promissory note is paid in full. Upon payment of the six million dollar principal payment prior to December 30, 2002, the 2002 interest payment will be based on the remaining principal balance of \$1,742,938.00. Each payment will be in the amount of all accrued and unpaid interest to the date thereof. Except for the year 2002, the amount of interest accrued will be based on the daily principal balance outstanding during the preceding year. The applicable interest rate will be equal to 7.4 percent. Interest payments are due and owing on December 30th of each calendar year. All prepayments of principal shall be credited to the next installment(s) due. All interest payments will be deposited in the District 3 impact fee account.

The Developer may choose to provide certain improvements such as the right-of-way for Koreshan Boulevard Extension along the south property line for Miromar Lakes or the six-laning of Ben Hill Griffin Parkway in exchange for credits against the overall payment obligation. These improvements are subject to concurrence by Lee County DOT on their scope and timing, and the contributions will be treated as prepayments of principal. Dedication of the Koreshan Boulevard Extension right-of-way will be valued consistent with the provisions of the Lee County Land Development Code, based on the date prior to DRI Development Order approval.

The portion of the payment in lieu of impact fees, estimated at \$5,686,010.00, will be treated as impact fees as outlined in the Lee County Land Development Code and deposited in the District 3 impact fee account. Cash payments above and beyond those in lieu of impact fees will be applied by Lee County toward the following improvements and in the following priority:

The list of significantly and adversely impacted roads and intersections from Paragraphs D.1.b and D.1.c.

Other non-site related roadway improvements benefitting Miromar Lakes.

(d) Concurrency

1. If the development agreement and promissory note specified in Paragraph D.2.c. above are provided as described and in the time frames noted, the Miromar Lakes DRI will be granted a concurrency certificate for buildout of the project, that is, the certificate will be valid until the project completes the buildout development parameters specified in Paragraph D.1.a. or December 31, 2028, whichever is sooner. Thereafter, further development of the project will be subject to the Concurrency Management System, unless the concurrency certificate is extended as provided in Condition D.2.d.2 below. Under the payment schedules identified above, the Developer will not be required to pay road impact fees at the building permit stage, except as previously noted for that limited development that may occur prior to the first payment. If the payments are not made as described, then no further building permits will be issued until the Developer makes the payment. Concurrency vesting is contingent on the payment schedule and amounts set forth in Paragraph D.2.c. The proportionate share required herein was paid in full and the project will not lose its vested status and will not be subject to the County's Concurrency Management System for all future development as long as the development is constructed within the adopted development parameters. The Developer will have a 15 day grace period following the due date for each payment within which to make the required payment without affecting the concurrency vesting.
2. In 2010, the developer filed a Notice of Proposed Change that resulted in a fifth amendment to the DRI development, which permitted an extension of the project buildout to December 31, 2020, extended the concurrency certificate in Condition II.D.2.d.1. above to December 31, 2020, and provided a detailed traffic assessment to the Lee County Department of Transportation for review and approval.

If the developer files a Notice of Proposed Change that results in an extension of project build out beyond December 31, 2024 and the developer desires to extend the concurrency certificate in Condition D.2.d.1. above beyond 2024, the developer must provide a detailed traffic assessment to Lee County DOT for review and approval. The assessment must include, but not limited to, identifying the adjusted phasing, level of development anticipated for the revised

phasing, estimated traffic impacts, needed improvements, and the project's proportionate share of those improvements.

The assessment will be a cumulative analysis of the project's traffic impacts. The County will provide credit against the recalculated proportionate share for all mitigation paid through the date of the new traffic assessment. The proportionate share payments previously made by the Developer will be adjusted to then current year dollars. This will be accomplished by increasing the principal amount paid by an amount equal to the increase as determined in the State Highway Bid Index for the State of Florida, published in the Engineering News Record. This increase will be expressed as a percentage and will be measured from the index published for the second quarter of 1999 to the index published in the then latest available edition. In no event may the adjustment result in a refund of money paid to the County. The assessment must identify mitigation for those roadway segments that are significantly and adversely impacted by cumulative project traffic at the extended build-out year in accordance with the Transportation Uniform Standard Rule in the Florida Administrative Code. Prior to conducting a reassessment analysis, the developer must attend a transportation methodology meeting with the County, and other review agencies as necessary, to establish the appropriate methodology.

The traffic assessment will be prepared by the developer following generally acceptable transportation planning procedures consistent with the standards in effect at the time. Additional mitigation, if any, resulting from the traffic assessment must be paid in a manner generally consistent with that of the original mitigation. For example, the development order and any corresponding development agreement must be amended to reflect the revised phasing and additional mitigation.

3. Amendments to Phasing Schedule

If the project phasing is expanded in the future, the phases must be limited to not more than five-year intervals and a new analysis will be required at the start of each phase.

4. Access and Site-Related Improvements

The Developer is fully responsible for its share of the following site-related roadway and intersection improvements: all intersection improvements, including signalization, turn lanes, deceleration

lanes, and other improvements deemed necessary by the County Engineer and consistent with the Lee County Land Development Code for the project's access points onto Alico Road and Ben Hill Griffin Parkway. Site-related improvements are not eligible for credit against impact fees and are also ineligible for offset against the project's proportionate share obligation.

5. Biennial Transportation Monitoring Report

(a) Design of Monitoring Program

The transportation monitoring program will be designed in cooperation with the Lee County Department of Transportation, the Florida Department of Transportation (FDOT), the Southwest Florida Regional Planning Council (SWFRPC), and the Florida Department of Economic Opportunity (FDEO) prior to submittal of the first report. The methodology of the biennial transportation monitoring report may be revised if agreed upon by all parties.

(b) Submittal of Monitoring Report

The Developer must submit a biennial transportation monitoring report to the following entities for review and approval: Lee County Department of Transportation, FDOT, FDEO, and SWFRPC. Additionally, the Developer must provide a copy of the report to Florida Gulf Coast University (FGCU). The first monitoring report will be submitted one year after the effective date of the DRI Development Order. The Developer must provide written notice to the above review agencies if he concludes that a traffic monitoring report is not required because no traffic impacts have been created. Once an biennial transportation monitoring report has been submitted, a report must be submitted biennially thereafter until project buildout, whether actual or declared.

(c) Minimum Requirements for Report Contents

At a minimum, the monitoring report will measure the project's actual external roadway impacts and the level of service conditions on the impacted roads and intersections, and determine the timing for needed improvements. The biennial traffic monitoring report must also contain the following information:

- 1) P.M. peak hour traffic counts with turning movements at the project's access points onto Alico Road and Ben Hill Griffin Parkway, and on the external road segments and intersections identified in Paragraph D.1.c.
- 2) A comparison of field measured project traffic volumes to the project trip generation assumed in the DRI analysis. The Developer will need to specify in the methodology how the internal interaction will be measured.
- 3) Estimated existing levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above.
- 4) Estimated future levels of service and needed improvements for the roads and intersections specified in Paragraph D.1.c. above, based on a one-year projection of future volumes.
- 5) A summary of the status of road improvements assumed to be committed by Lee County and FDOT as set forth below:

<u>Roadways</u>	<u>Improvement</u>	<u>Construction Schedule</u>
Alico Road		
--US 41 to Seminole Gulf Railway	four (4) lanes	FY 98/99
--Seminole Gulf Railway to I-75 West Ramps	six (6) lanes	FY 98/99
Corkscrew Road		
--Sandy Lane to I-75	four (4) lanes	FY 98/99
Three Oaks Parkway		
--Alico Road to Daniels Parkway	four (4) lanes	FY 00/01
Treeline Avenue		
--Alico Road to Daniels Parkway	four (4) lanes	FY 01/02
US 41		
--Alico Road to Daniels Parkway	four (4) lanes	FY 98/99

<u>Intersections</u>	<u>Improvement</u>	<u>Construction Schedule</u>
I-75 Ramps/Alico Road	Signalization	FY 98/99

(d) Implications

- 1) If the biennial transportation monitoring report reveals that the project trip generation exceeds the thresholds identified in 380.06(19)(b)15, Florida Statutes, then the statutory provisions regarding substantial deviations will govern. If the project is deemed to be a substantial deviation, the Developer must then undergo additional DRI review. This review must reanalyze the project impacts on the County road network in general, and specifically evaluate the potential project impacts on the roadway segments identified in Paragraph D.3 above.
- 2) Changes to development parameters or phasing may trigger the need to rebut the statutory presumption of substantial deviation. In some instances, the evidence necessary to rebut the presumption may involve the need for a comparison of project trip distribution and assignment.

6. Other

(a) Access to FGCU

The Developer has accommodated a second access to FGCU that connects to Ben Hill Griffin Parkway at STA 916+43.75, as contemplated in the FGCU Master Plan.

In addition, the Developer has accommodated two additional accesses to the FGCU campus from: 1) the southern project entrance off Ben Hill Griffin Parkway; and 2) the east boundary of the project as reflected on the DRI Master Plan (Map H) dated 02-14-2014.

(b) Access Locations and Movements

- 4) The transportation assessment was based on the access locations and movements identified in the DRI Master Plan (Map H) dated 12/23/09, printed by Miromar Development Corporation. Additional accesses may require further analysis by the Lee County Department of Transportation for the DRI.

- ~~2) Access to the Estero Parkway will be subject to the access management plan for the roadway proposed in conjunction with the design. Median openings were determined as part of the roadway design process as well.~~

(c) Pedestrian/Bicycle and Transit Facilities

The Developer will provide for pedestrian and bicycle facilities and bus stop locations in accordance with the attached Exhibit D.

(d) Access to Future 951

Future access to County Road 951 will be subject to the recommendations set forth in the PD&E for the roadway.

7. Land Use Conversion

The approved parameters, as specified in this Development Order, may be modified by the Developer without further amendment to this Development Order, subject to the conditions of Paragraph D.1.a. and as set forth below.

- (a) ~~No more than 700 single-family units will be built at Miramar Lakes. Given that single-family units generate more total and external traffic than multi-family and, therefore, have a greater traffic impact, single family units may be converted to multi-family units at a one-to-one (1:1) ratio. Single Family units can be converted to multi-family units, and multi-family units can be converted to single-family units and any type of multi-family unit and other unit types permitted under the zoning can be constructed as long as the conversion of residential unit types does not result in a significant change as that term is defined in paragraph D.1.a. The current ITE manual will be used to determine whether or not there is 5% or less increase in net new external p.m. trips. This conversion may occur without further DRI or substantial deviation review.~~
- (b) ~~Residential condominium units may be converted to apartment units at a ratio of 1.15 residential condominium units to one apartment unit. However, no more than 700 residential condominium units may be converted to apartment units. This conversion may occur without further DRI or substantial deviation review.~~
- (eb) Office use may be converted to Research and Development (R&D) at a ratio of 1,000 square feet of Office to 1,100 square feet of Research and Development, unless the current ITE manual would require an adjustment to the conversion rate set forth herein. There is no limitation on the conversion of Office use to Research and Development (R&D) at the

above ratio.

- (d~~c~~) ~~Notice of any conversion must be provided to the County, the Regional Planning Council, and the Department of Economic Opportunity. In addition, t~~The amount of conversion must be reported as part of the subsequent biennialannual monitoring reports to the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity.

8. Golf Cart Crossing

- (a) Any golf cart crossing of Ben Hill Griffin Parkway by the Miromar Lakes DRI must be grade-separated. At-grade golf cart crossings of Ben Hill Griffin Parkway are prohibited. The golf cart crossing must be elevated over Ben Hill Griffin Parkway.
- (b) The elevated golf cart crossing of Ben Hill Griffin Parkway was reviewed and approved by Lee County DOT. The review included issues such as structural requirements and adequate sight distances for Ben Hill Griffin Parkway. The Developer obtained a right-of-way permit from Lee County DOT and agreed to adequately maintain the structure within the right-of-way.

E. VEGETATION AND WILDLIFE/WETLANDS.

1. Where feasible and appropriate for bird usage, storm water management lakes must include draw-down pool features in littoral shelf slopes. These features will be reviewed as part of the ERP permit and will be considered because they favor use by wood storks and wading birds.
2. Identifiable impacts to the Florida panther habitat will be addressed through the Army Corps. of Engineers (ACOE) permitting process. The ACOE is consulting with U.S. Fish and Wildlife (USFWS) Service as part of the Section 7 consultation under the Endangered Species Act. The ACOE will evaluate, through the permitting process, the impacts to the Florida panther. The impact must be assessed in accordance with Section 404 Federal Register and Section 7 of the Endangered Species Act.

The panther mitigation for buildout of the development, as depicted on Map H, has been identified in the ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN) Addition and South Florida Water Management District (SFWMD) Environmental Resource Permit (ERP) No. 36-03568-P, as modified. The 12.65 Panther Island Mitigation credits have been transferred and 548.0 acres (194.0 and 353.0 acre parcels) of off-site land for panther mitigation has been acquired by the applicant. The 353-acre parcel must be accepted by appropriate agencies and conservation

easements as per ACOE and SFWMD permit condition requirements must be recorded over the 194.0 and 353.0 acre parcels.

3. The Big Cypress Fox Squirrel Management Plan, dated July 2, 1998, must be amended to:

- (a) address the quantity and quality of the Big Cypress Fox Squirrel habitat to be protected, and
- (b) to identify the entity that will be responsible for the perpetual maintenance of the habitat.

The afore-stated amendments to the Big Cypress Fox Squirrel Management Plan are subject to review and approval by Lee County, FDEO, and SWFRPC. Once approved, the management plan must be incorporated into this DRI Development Order. (9J-2.041 FAC)

4. ~~The Developer must obtain an incidental take permit or off-site relocation permit from the Florida Game and Fresh Water Fish and Wildlife Conservation Commission (FGFWFC FWC) for gopher tortoises. If the Developer obtains an incidental take permit, tortoises and commensal species must be located out of harm's way to appropriate upland locations. The Developer will relocate tortoises to appropriate on-site upland preserves. Regardless of the type of permit obtained from the FGFWFC, a minimum of 3.0 acres of upland habitat appropriate for gopher tortoises will be preserved south of Stewart Cypress Slough between Ben Hill Griffin Parkway and the approximate 156 acre wetland/upland conservation area.~~
5. Where appropriate, the Developer must design internal roads that cross the Stewart Cypress and other strand areas to accommodate wildlife crossings of appropriate size for use by Florida panther and Florida black bear. Such size and design must correspond to the size and design set out in Condition 24 18 to the MPD.
6. Seventy-five (75) percent of the total number of required trees used in buffers and landscaping must be indigenous native varieties. Fifty percent (50%) of the total number of required shrubs used in buffers and landscaping must be indigenous native varieties. Where practicable, ecologically viable existing native vegetation should be incorporated into the landscape design. Xeriscaped landscape areas should not be irrigated after the initial start-up period, unless weather conditions and the survival of the areas require otherwise. Category 1 invasive exotic vegetation listed by the Florida Pest Plant Council may not be used for landscaping

south of the main branch of the Stewart Cypress Slough (see Exhibit F attached hereto), except that Ficus benjaminia trees are permitted only along Ben Hill Griffin Parkway to screen the residential community and to carry forward the existing landscaping theme of the northern and western portions of the DRI.

7. The following management guidelines must be implemented to further reduce the potential for ground and surface water impacts from the golf course:
 - (a) The course must be planted with a turf grass cultivated variety having drought and pest resistant qualities and requiring relatively low fertilizer use;
 - (b) The irrigation system should operate on an "as needed" basis by the utilization of weather forecasting and ongoing assessment of the moisture content of the soil. It is not the intent of this provision to require the purchase or installation of high technology weather forecasting or rain monitoring equipment.
 - (c) Fertilizers with a low leaching potential (slow release) must be used whenever possible. Fertilizers may not be applied after active growth of the turf grass has ceased. Application rates must be kept to the lowest reasonable levels;
 - (d) To reduce sources of pollutants, especially nutrients and pesticides associated with the golf course, the golf course manager must implement a chemicals management plan which includes an integrated pest management (IPM) program and a nutrient management program so that nutrients and pesticides are used only when absolutely necessary and only in the most conservative manner through minimal species-specific applications. The nutrient management program must include the use of soil tests to determine needed applications of nutrients. Only EPA-approved chemicals are permitted. Turf managed areas (including fairways, tees, and greens) are prohibited within 35 feet of the Conservation Areas (CO) shown on the Master Concept Plan for Miromar Lakes.
 - (e) The golf course manager will coordinate the application of pesticides with the irrigation practices (the timing and application rates of irrigation water) to reduce runoff and the leaching of any applied pesticides and nutrients.
 - (f) The Developer must employ a golf course manager licensed by the state to use restricted pesticides and experienced in the

principles of IPM. The golf course manager will be 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 same fertilizers into the groundwater.

- (g) The storage, mixing, and loading of fertilizer and pesticides will be designed to prevent/minimize the pollution of the natural environment. The golf course must comply with the publication "Best Management Practices for Golf Course Maintenance Departments, May 1995" published by the Florida Department of Environmental Protection.

8. Golf Cart Crossing

- (a) Golf course crossing of the Stewart Cypress Slough must be grade-separated. At grade golf cart crossings of this Slough are prohibited.
- (b) At the time of final plan approval, all proposed elevated golf cart crossings of the Slough must be reviewed and approved by the Lee County Division of Environmental Sciences. The review will include, but is not limited to, the structural requirements of the crossing and function of the Slough.

9. The wetland mitigation for buildout of the development, as depicted on Map H, has been identified in the ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN), and SFWMD ERP No. 36-03568-P, as modified. In addition to mitigation as discussed in Condition II.E.2., requirements include a minimum of 354.0 acres of on-site wetland and upland preservation, restoration and enhancement in substantial compliance with the areas delineated as conservation areas (CO) on Map H. If modifications to Map H are proposed to include additional land and/or impacts to required conservation areas, then jurisdictional agency review is required. Should additional land be added to the DRI, the impacts to wetlands on the additional lands will be reviewed in accordance with the laws in effect at that time. The inclusion of additional land will not subject the wetland mitigation identified in ACOE Permit #199507483 (IP-MN) and SAJ1995-07483 (IP-MN) to additional review or changes unless the applicant proposes changes to the wetland impacts and/or the required wetland mitigation.

F. WASTEWATER MANAGEMENT/WATER SUPPLY.

1. The project must incorporate water conserving devices or methods, including low volume water use plumbing fixtures, self-closing or metered

water faucets. The water conserving devices must meet the criteria outlined in the water conservation plan of the public water supply permit issued to Gulf Environmental Services (GES) by SFWMD.

2. The Developer must obtain Water Use Permits for water withdrawals for landscape irrigation. Permits may only be issued for applications that meet the SFWMD criteria in effect at the time of permitting. Permits must be received prior to construction of the irrigation system.
3. Prior to the commencement of construction, plans and specifications for the water and wastewater collection system must be reviewed by Gulf Environmental Services, in accordance with their adopted rules and regulations.
4. The Developer must design potable water facilities in accordance with the Lee County Land Development Code (LDC). The LDC will also govern the applicable design for domestic and fire flow.
5. The Developer must comply with the LDC provisions that require the availability of adequate water and wastewater at the time of local final Development Order approval. Potable water, wastewater collection and treatment, and eventually non potable water must be obtained from Gulf Environmental Services. If GES is unable to provide the service, the Developer must construct interim potable water and wastewater treatment facilities, or postpone development until GES has sufficient capacity. Interim facilities must be constructed to LDC standards, and must be dismantled at the Developer's expense upon connection to GES facilities.
6. If the Developer utilizes treated effluent for irrigation, the Developer must buffer the on-site lakes, preserved wetlands, and storm water management system from possible effluent contamination in accordance with applicable SFWMD regulations.
7. Temporary septic systems may be used in conjunction with the construction office, sales offices, and model homes. Temporary septic systems must be properly abandoned and removed by a licensed septic system firm when permanent or interim wastewater treatment facilities are operational. Permanent septic systems are permitted for golf course restrooms. All other septic systems are prohibited.
8. The Developer must use the lowest quality of water available and acceptable for all non-potable water uses. Potable water may not be utilized for non-potable uses if adequate and acceptable non-potable water is readily available.

G. COMPREHENSIVE PLAN CONSISTENCY.

1. Lee County may not issue a local Development Order unless the Development Order is consistent with the County's Comprehensive Plan, Land Development Code, University Window Overlay, Ben Hill Griffin Parkway Access Management Plan, and Concurrency Management System.
2. ~~Given the 114 acres~~ The proposed for commercial development, the project is limited to no more than 1,140,000 square feet of commercial retail, office, hotel, and research and development uses. This includes commercial located within property designated as C1, C-S, and MU on Map H. All commercial ancillary uses are included in this limitation; no residential or recreational ancillary uses or parking structures serving commercial or residential development are included in this amount. All building area must be included in this calculation to show compliance with this limitation. If multiple local development orders are requested, it is the developer's responsibility to provide a cumulative total of square footage from previous development order approvals prior to the issuance of the requested local development order.
3. ~~The requested 340,000 square feet of office use may be converted to research and development use on a one square foot to 1.1 square foot ratio.~~

H. FIRE.

1. The Developer must address its fire and emergency services impacts through the payment of impact fees in accordance with the schedule set forth in the Lee County Land Development Code.
2. When required by Superfund Amendments Reauthorization Act (SARA) Title III, and the Florida Hazardous Materials Emergency Response and Community Right to Know Act of 1988, the Developer must file hazardous materials reports and updates.

I. ~~AIRPORT NOISE ZONE.~~

~~Residential development is prohibited within all areas designated as Airport Noise Zone 3. However, this does not preclude the development of time-share units in conjunction with a bona-fide hotel use, provided the time-share units do not comprise more than 25 percent of the total approved hotel rooms. In such an instance, time-share units are not deemed to be a residential use.~~

III. LEGAL EFFECT AND LIMITATIONS OF THIS DEVELOPMENT ORDER AND ADMINISTRATIVE REQUIREMENTS.

- A. Resolution. This Development Order constitutes a resolution of Lee County adopted by the Board of County Commissioners in response to the DRI ADA filed for Miromar Lakes DRI.
- B. Additional Developer Commitments. All commitments and impact mitigating actions volunteered by the Developer in the ADA and supplementary documents that are not in conflict with conditions or stipulations specifically enumerated above are incorporated by reference into this Development Order. These documents include, *but are not limited to the following*:
1. The Alico AMDA filed September 13, 1990, as amended by The Miromar Lakes Development of Regional Impact ADA sufficiency response filed November 10, 1997.
 2. The Miromar Lakes DRI sufficiency responses, stamped received on:

January 16, 1991
April 2, 1991
July 10, 1991
November 17, 1997
March 27, 1998
July 6, 1998
 3. The Miromar Lakes Notice of Proposed Change as amended by subsequent submittals.
- C. Master Plan of Development. Map H, dated ~~September 19, 2011~~ February 14, 2014, is attached hereto as Exhibit C, and is incorporated by reference. The Developer may modify the boundaries of development areas and the location of internal roadways to accommodate topography, vegetation, market conditions, traffic circulation, or other site related conditions as long as the modification meets local development regulations. However, this provision may not be used to reduce the size of wetland preserve areas. Precise wetland boundaries will be determined by the South Florida Water Management District, as delegated by the Department of Environmental Protection and the Army Corps. of Engineers.
- D. Binding Effect. This Development Order is binding upon the Developer(s), and its assignees or successors in interest. Where the Development Order refers to lot owners, business owners or other specific references, those provisions are binding on the entities or individuals referenced. Those portions of this Development Order that clearly apply only to the project Developer are binding upon any builder/Developer who acquires a tract or parcel of land within the DRI.

The Developer may impose or pass on the requirements of this DRI DO to ultimate purchasers through covenants that run with the land.

- E. Reliance. The terms and conditions and phasing schedule set out in this Development Order constitute a basis upon which the Developer and the County may rely in future actions necessary to fully implement the final development contemplated by this Development Order. The development parameters and phasing schedule upon which this Development Order approval is based is set forth in Exhibit B. Changes to the development mix or phasing schedule may require a reanalysis of project impacts in order to rebut a presumption of substantial deviation.
- F. Enforcement. All conditions, restrictions, stipulations and safeguards contained in this Development Order may be enforced by either party by action at law or equity. The cost of those proceedings, including reasonable attorney's fees, will be paid by the defaulting party.
- G. Successor Agencies. References to governmental agencies will be construed to mean future instrumentalities that may be created and designated as successors in interest to, or which otherwise possess the powers and duties of the referenced governmental agencies in existence on the effective date of this Development Order.
- H. Severability. If any portion or section of this Development Order is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, that decision will not affect the remaining portions or sections of the Development Order, which will remain in full force and effect.
- I. Applicability of Regulations. This Development Order does not negate the Developer's responsibility to comply with federal, state, regional and local regulations.
- J. Further Review. Subsequent requests for local development permits do not require further DRI review pursuant to Section 380.06, Florida Statutes. However, upon a finding by the Board that any of the following conditions exist, the Board must order a termination of all development activity in that portion of the development affected by the substantial deviation until a DRI Application for Development Approval, Notice of Substantial Deviation or Notice of Proposed Change has been submitted, reviewed and approved in accordance with Section 380.06, Florida Statutes.
 - 1. There is a substantial deviation from the terms or conditions of this Development Order or other changes to the approved development plans that create a reasonable likelihood of adverse regional impacts or other regional impacts that have not been evaluated in the review by the

Regional Planning Council; or

2. Expiration of the period of effectiveness of the Development Order. Any request to extend the effectiveness of this Development Order will be evaluated based on the criteria for the extension of the buildout date set forth in Section 380.06(19), Florida Statutes.
 3. Conditions in the development order that specify circumstances in which the development will be required to undergo additional DRI review. See 9J-2.025(10).
- K. Commencement of Physical Development. Substantial physical development of the project occurred no later than December 31, 2000. Further development must occur in accordance with the development parameters and phasing schedule set forth in Exhibit B.
- L. Buildout and Termination Dates. The project has a buildout date of ~~December 31, 2024~~April 3, 2028, and a termination date of ~~December 31, 2030~~April 3, 2033. No permits for development will be issued by the County subsequent to the termination date or expiration date unless the conditions set forth in Section 380.06(15)(g) are applicable.
- M. Assurance of Compliance. The administrative director of the Lee County Department of Community Development, or their designee, will be the local official responsible for assuring compliance with this Development Order. Lee County is primarily responsible for monitoring the development and enforcing the provisions of the development order. No permits or approvals will be issued if the developer fails to act in substantial compliance with the development order.
- N. Credits Against Local Impact Fees. Pursuant to Chapter 380.06(16), the Developer may be eligible for credits for contributions, construction, expansion, or acquisition of public facilities, if the Developer is also subject by local ordinances to impact fees or exactions to meet the same needs. However, no credit will be provided for internal on-site facilities required by County regulations or to any off-site facilities to the extent those facilities are necessary to provide safe and adequate services to the development.
- O. Protection of Development Rights. Assuming the project can comply with the County's Concurrency Management Program at the time development permits are requested, the project will not be subject to down-zoning, unit density reduction, intensity reduction or prohibition of development until December 30, 2026~~30~~. If the County demonstrates at a public hearing that substantial changes have occurred in the conditions underlying the approval of this Development Order, or finds that the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established

by Lee County to be essential to public health, safety and welfare, then down-zoning unit density reduction or prohibition of development may occur. [See 9J-2.025(3)(b)13]

- P. Biennial Reports. The Developer must submit a report biennially to the Lee County Department of Community Development, the SWFRPC and Florida DEO on Form RPM-BSP-Annual Report-1. The content of the biennial report must include the information set forth in Exhibit E, and must also be consistent with the rules of the FDCA. The first monitoring report must be submitted to the DRI coordinator for SWFRPC, FDEO, and Lee County not later than one year after the effective date of this Development Order. Further reporting must be submitted not later than two years from the previously submitted report, until buildout, whether actual or declared. Failure to comply with this biennial reporting procedure is governed by Section 380.06(18), Florida Statutes, which provides for the temporary suspension of the DRI Development Order.

The Developer must file the biennial monitoring reports until actual or declared buildout of the project. Miromar Lakes, L.L.C., is the party responsible for filing the biennial monitoring reports until one or more successor entities are named in the development order. The Developer must inform successors in title to the undeveloped portion of the real property covered by this Development Order of the biennial reporting requirement. Tenants or owners of individual lots or units have no obligation to comply with this reporting condition.

The Developer must also submit a transportation biennial report in accordance with the provisions set forth in Section II.D. of this development order.

- Q. Community Development District. The Developer elected to petition for the formation of a Uniform Community Development District to serve all or a portion of the project pursuant to Florida Statutes Chapter 190, as it may be in effect from time to time. Lee County hereby gives its approval that any such district may undertake the construction and/or funding of all or any of the mitigation and public infrastructure projects for which the Developer is responsible under the terms of this development order, whether within or without the boundaries of the district, and including the payment of mitigation amounts provided for in this development order, as a co-obligor hereunder. This provision shall not be construed to require the approval of any petition to form such a district, and in no event shall the Developer be released from its obligations under this Development Order.
- R. Transmittal and Effective Date. The County will forward certified copies of this Development Order to the SWFRPC, the Developer, and appropriate state agencies. This Development Order is rendered as of the date of that transmittal. In accordance with the requirements of Section 380.06(15)(f), Florida Statutes, once this development order is effective, the Developer must record notice of its

adoption in the office of the Clerk of the Circuit Court of Lee County. The FDEO and the SWFRPC offered no objections within 45 days after the application was submitted, and therefore have no ability to appeal the amended DRI DO.

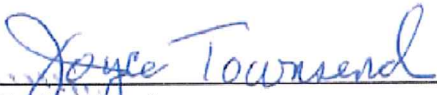
Commissioner Hamman made a motion to adopt the Eighth Development Order Amendment, seconded by Commissioner Manning. The vote was as follows:

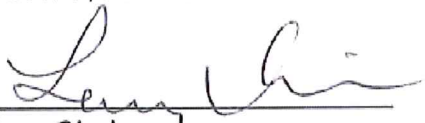
John E. Manning	Aye
Cecil L Pendergrass	Absent
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 18th day of June, 2014.

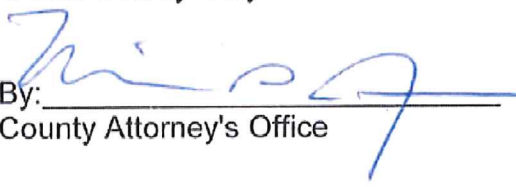
ATTEST:
Linda Doggett, Clerk

BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA


Deputy Clerk

By: 
Larry Kiker, Chair

Approved as to Form for the Reliance
of Lee County Only


By: _____
County Attorney's Office

Exhibits:

- A. Legal Description (1,793.646 +/- acres)
- B. Development Parameters and Phasing Schedule
- C. Map H dated ~~September 19, 2014~~ February 14, 2014
- D. Pedestrian and Bicycle Facilities and Bus Stop Locations
- E. Biennial Monitoring Report Requirements
- F. Invasive exotic vegetation listed by Florida Pest Plant Council



950 Encore Way • P.O. Box 111629 • Naples, Florida 34108 • Phone: 239.254.2000 • Fax: 239.254.2098

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

EXHIBIT A

HA200012000106\WP2000106\MIR-WEST-1.dwg

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF $54^{\circ}31'33''$, SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF $S.28^{\circ}05'29''E.$, FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN $S.00^{\circ}49'43''E.$ ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.,
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

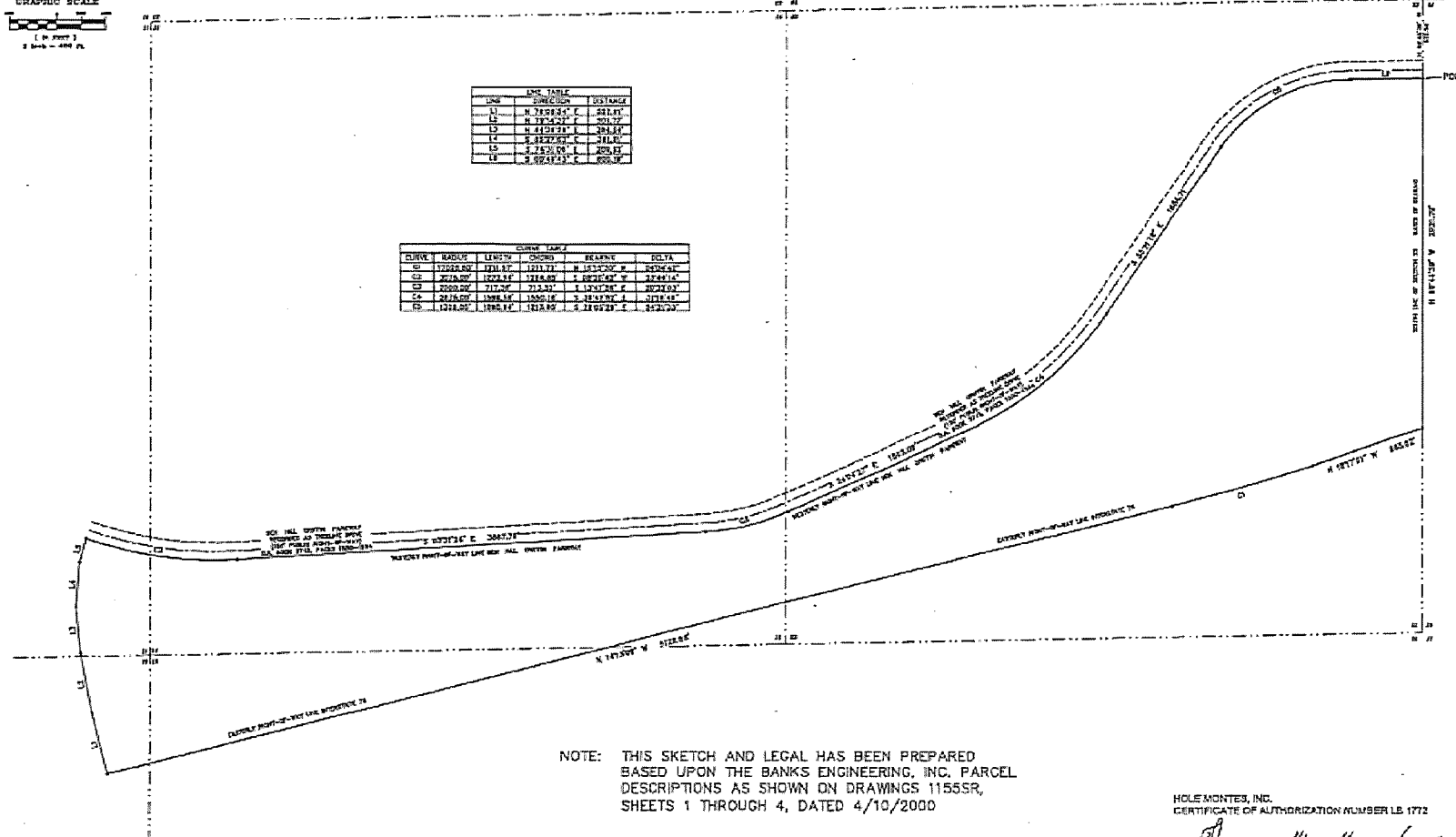
DCI 2013-00008

N
PMT

GRAPHIC SCALE
1" = 100' (1" = 30.48m)
2" = 200' (2" = 60.96m)

LINE	LINE TYPE	DISTANCE
1	N 78°52'24" E	281.17
2	N 78°52'24" E	201.77
3	N 41°03'24" E	284.49
4	S 88°22'52" E	281.17
5	S 78°52'24" E	201.77
6	S 88°22'52" E	284.49

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	37268.85'	1211.17'	1211.17'	N 10°12'24" E	89°47'36"
C2	26718.20'	1222.81'	1218.60'	S 10°12'24" E	89°47'36"
C3	30209.20'	717.26'	713.32'	S 10°12'24" E	89°47'36"
C4	26718.20'	1222.81'	1218.60'	S 10°12'24" E	89°47'36"
C5	37268.85'	1211.17'	1211.17'	S 10°12'24" E	89°47'36"



NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED
BASED UPON THE BANKS ENGINEERING, INC. PARCEL
DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR,
SHEETS 1 THROUGH 4, DATED 4/10/2000

* NOT A SURVEY *

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. 85428
STATE OF FLORIDA

LEGEND
PDC POINT OF DISCONTINUITY
PDC POINT OF BEGINNING

FIELD BOOK	DATE
1	
2	
3	
4	
5	
6	
7	
8	
9	
10	

MIROMAR LAKES

DATE	TH	DATE
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03

HOLE MONTES
HOLE MONTES, INC.
150 Encore Way
Naples, FL 34110
Phone: (813) 254-2000
Florida Certificate of
Authorization No. 1772

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

DATE	TH	DATE
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03
7/2/03	TH	7/2/03



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED, THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 4812.99 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN



HM PROJECT #2000106X
6/26/2014
REF. DWG. #A-1582-2
Page 2 of 3

950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF 40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.58°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.68 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 1,336.10 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,304.77 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN



HM PROJECT #2000106X
6/26/2014
REF. DWG. #A-1582-2
Page 3 of 3

950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,606.47 FEET, TO THE POINT OF BEGINNING; CONTAINING 1,403.216 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.00°48'26"E.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

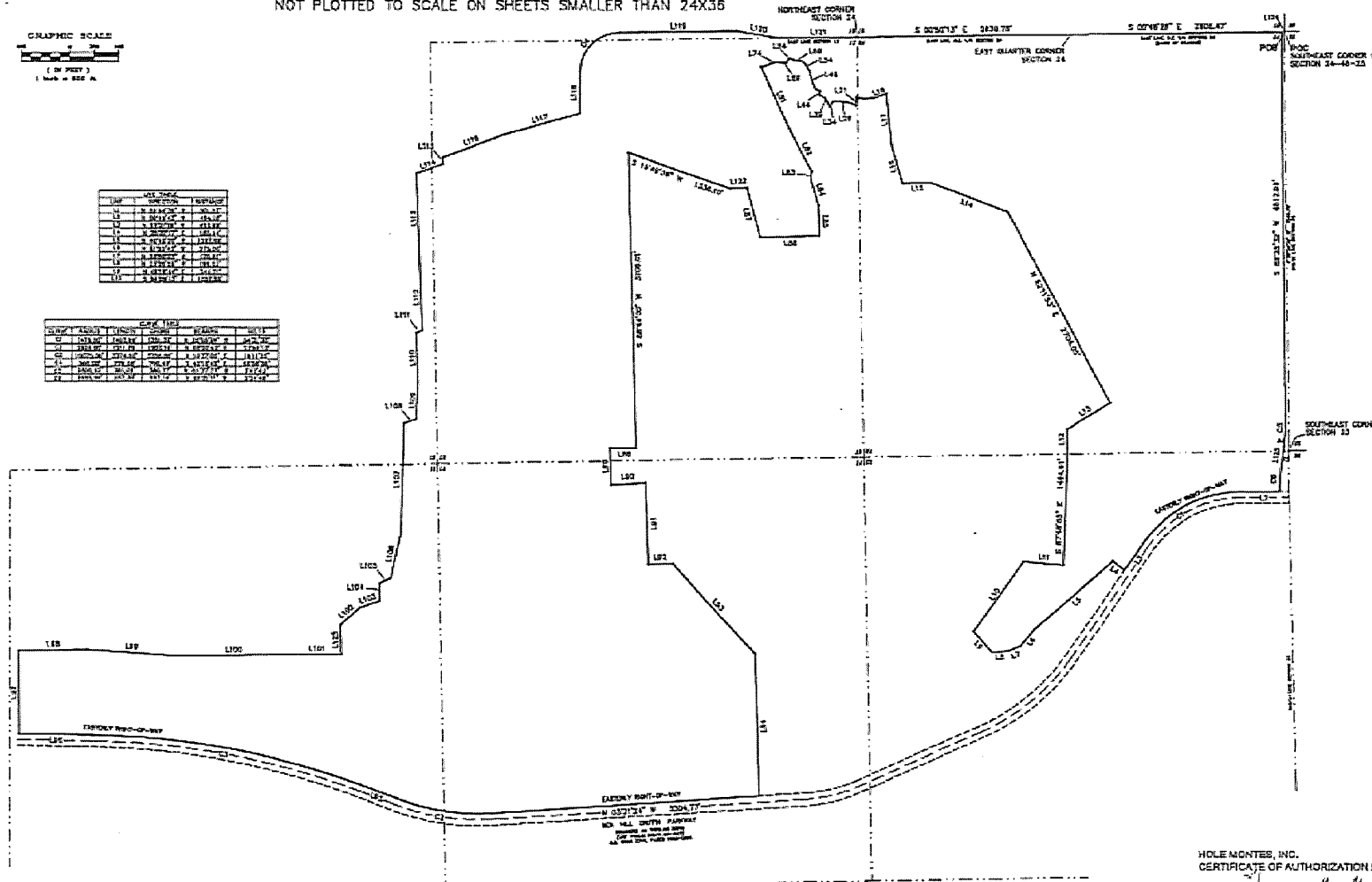
BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000 NOT PLOTTED TO SCALE ON SHEETS SMALLER THAN 24X36



LINE	DESCRIPTION	LENGTH
L1	S 89°45'00" E	20.57'
L2	S 89°45'00" E	20.57'
L3	S 89°45'00" E	20.57'
L4	S 89°45'00" E	20.57'
L5	S 89°45'00" E	20.57'
L6	S 89°45'00" E	20.57'
L7	S 89°45'00" E	20.57'
L8	S 89°45'00" E	20.57'
L9	S 89°45'00" E	20.57'
L10	S 89°45'00" E	20.57'

LINE	DESCRIPTION	LENGTH	BEARING	AREA
L1	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L2	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L3	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L4	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L5	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L6	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L7	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L8	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L9	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'
L10	S 89°45'00" E	20.57'	S 89°45'00" E	20.57'



LINE	DESCRIPTION	LENGTH
L1	S 89°45'00" E	20.57'
L2	S 89°45'00" E	20.57'
L3	S 89°45'00" E	20.57'
L4	S 89°45'00" E	20.57'
L5	S 89°45'00" E	20.57'
L6	S 89°45'00" E	20.57'
L7	S 89°45'00" E	20.57'
L8	S 89°45'00" E	20.57'
L9	S 89°45'00" E	20.57'
L10	S 89°45'00" E	20.57'
L11	S 89°45'00" E	20.57'
L12	S 89°45'00" E	20.57'
L13	S 89°45'00" E	20.57'
L14	S 89°45'00" E	20.57'
L15	S 89°45'00" E	20.57'
L16	S 89°45'00" E	20.57'
L17	S 89°45'00" E	20.57'
L18	S 89°45'00" E	20.57'
L19	S 89°45'00" E	20.57'
L20	S 89°45'00" E	20.57'
L21	S 89°45'00" E	20.57'
L22	S 89°45'00" E	20.57'
L23	S 89°45'00" E	20.57'
L24	S 89°45'00" E	20.57'
L25	S 89°45'00" E	20.57'
L26	S 89°45'00" E	20.57'
L27	S 89°45'00" E	20.57'
L28	S 89°45'00" E	20.57'
L29	S 89°45'00" E	20.57'
L30	S 89°45'00" E	20.57'
L31	S 89°45'00" E	20.57'
L32	S 89°45'00" E	20.57'
L33	S 89°45'00" E	20.57'
L34	S 89°45'00" E	20.57'
L35	S 89°45'00" E	20.57'
L36	S 89°45'00" E	20.57'
L37	S 89°45'00" E	20.57'
L38	S 89°45'00" E	20.57'
L39	S 89°45'00" E	20.57'
L40	S 89°45'00" E	20.57'
L41	S 89°45'00" E	20.57'
L42	S 89°45'00" E	20.57'
L43	S 89°45'00" E	20.57'
L44	S 89°45'00" E	20.57'
L45	S 89°45'00" E	20.57'
L46	S 89°45'00" E	20.57'
L47	S 89°45'00" E	20.57'
L48	S 89°45'00" E	20.57'
L49	S 89°45'00" E	20.57'
L50	S 89°45'00" E	20.57'
L51	S 89°45'00" E	20.57'
L52	S 89°45'00" E	20.57'
L53	S 89°45'00" E	20.57'
L54	S 89°45'00" E	20.57'
L55	S 89°45'00" E	20.57'
L56	S 89°45'00" E	20.57'
L57	S 89°45'00" E	20.57'
L58	S 89°45'00" E	20.57'
L59	S 89°45'00" E	20.57'
L60	S 89°45'00" E	20.57'
L61	S 89°45'00" E	20.57'
L62	S 89°45'00" E	20.57'
L63	S 89°45'00" E	20.57'
L64	S 89°45'00" E	20.57'
L65	S 89°45'00" E	20.57'
L66	S 89°45'00" E	20.57'
L67	S 89°45'00" E	20.57'
L68	S 89°45'00" E	20.57'
L69	S 89°45'00" E	20.57'
L70	S 89°45'00" E	20.57'
L71	S 89°45'00" E	20.57'
L72	S 89°45'00" E	20.57'
L73	S 89°45'00" E	20.57'
L74	S 89°45'00" E	20.57'
L75	S 89°45'00" E	20.57'
L76	S 89°45'00" E	20.57'
L77	S 89°45'00" E	20.57'
L78	S 89°45'00" E	20.57'
L79	S 89°45'00" E	20.57'
L80	S 89°45'00" E	20.57'
L81	S 89°45'00" E	20.57'
L82	S 89°45'00" E	20.57'
L83	S 89°45'00" E	20.57'
L84	S 89°45'00" E	20.57'
L85	S 89°45'00" E	20.57'
L86	S 89°45'00" E	20.57'
L87	S 89°45'00" E	20.57'
L88	S 89°45'00" E	20.57'
L89	S 89°45'00" E	20.57'
L90	S 89°45'00" E	20.57'
L91	S 89°45'00" E	20.57'
L92	S 89°45'00" E	20.57'
L93	S 89°45'00" E	20.57'
L94	S 89°45'00" E	20.57'
L95	S 89°45'00" E	20.57'
L96	S 89°45'00" E	20.57'
L97	S 89°45'00" E	20.57'
L98	S 89°45'00" E	20.57'
L99	S 89°45'00" E	20.57'
L100	S 89°45'00" E	20.57'

LEGEND FOR POINT OF DISCONTINUITY FOR POINT OF BEGINNING		FILE BOOK DATE		MIROMAR LAKES		NOT A SURVEY		DATE: 6/14 TIME: 6:14 VERTICAL SCALE: 1"=200' HORIZONTAL SCALE: 1"=200'		850 Encore Way Naples, FL 34110 Phone: (541) 254-2200 Florida Certificate of Authorization No. 1772		SKETCH TO ACCOMPANY A LEGAL DESCRIPTION		DATE: 6/14 TIME: 6:14 VERTICAL SCALE: 1"=200' HORIZONTAL SCALE: 1"=200'	
---	--	------------------------------	--	----------------------	--	---------------------	--	---	--	---	--	--	--	---	--

HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772
 BY Thomas M. Murphy
 THOMAS M. MURPHY
 P.S.M. #5828
 STATE OF FLORIDA

NOT 2013-00008

EXHIBIT B
Page 1 of 2

DEVELOPMENT PARAMETERS AND PHASING SCHEDULE – 20242027

LAND USE	ACRES
Residential	404 <u>296</u> 3
Commercial/Office/Hotel	402 <u>84</u>
<u>Mixed Use</u>	<u>109</u>
Lakes/Miscellaneous Recreation/Buffers	312
Conservation Areas	338

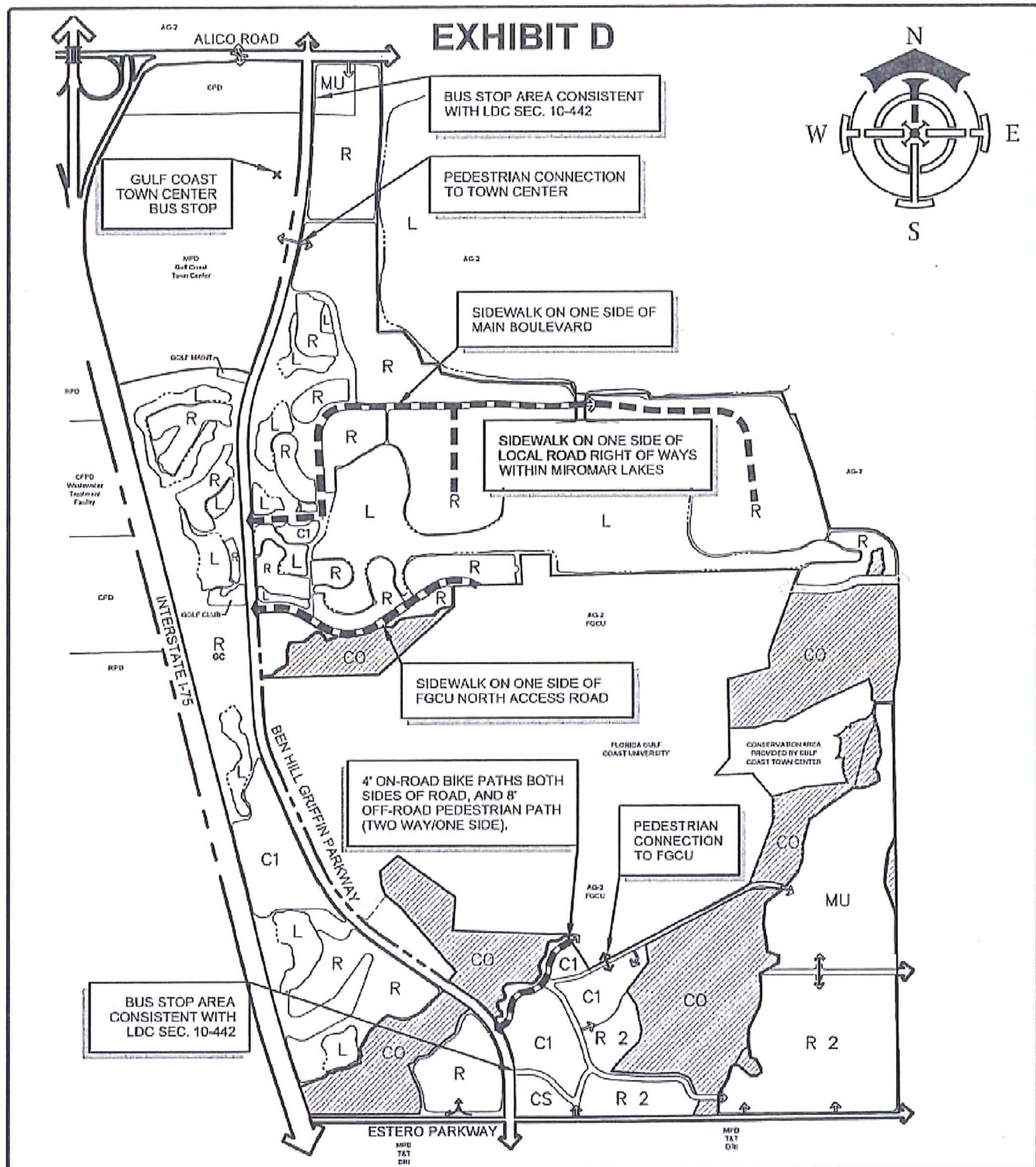
LAND USE	PHASE ONE	PHASE TWO	TOTAL
RESIDENTIAL	1,414	1,186	2,600
Single Family	314	386	700
Multiple Family	1,100	800	1,900
RETAIL COMMERCIAL (gfa)	160,000	90,000	250,000
HOTEL ROOMS	350	100	450
OFFICE (gfa)*	100,000	240,000	340,000
RESEARCH & DEVELOPMENT (gfa)	-	40,000	40,000
CLUBHOUSE	20,000	20,000	40,000
GOLF COURSE	18 Holes	18 Holes	36 <u>18</u> Holes
BEACH PARK	10 Acres	-	10 Acres

~~*The 340,000 square feet of office use may be converted to Research and Development use on a one square foot to 1.1 square foot ratio.~~

EXHIBIT B
Page 2 of 2

	ANCILLARY BOATING FACILITIES					
	PHASE ONE			PHASE TWO		
	Slips	Day Slips	Boat Ramp	Slips	Day Slips	
Multiple-Family Parcel	25			25		
Beach Club	10	40	√			
Town Center	25	25	√	25	25	
Single Family Homes	Individual Docks as Applicable					
Boat Club				10	40	√

1. A maximum of 250 ancillary wet boat slips may be located in the "R", "R2", "C2", the Beach Club and the Boat Club tracts in addition to a dock for each single-family lakefront lot as of 11/29/1999.
2. Single-family docks may be converted to multiple-family slips on a 1:1 basis.
3. Up to 250 wet slips may be converted to dry storage associated with the Boat Club on a 1:1 basis.



DELSI FITZGERALD, INC.
 Planning - Engineering - Project Management
 1605 Hendry Street
 Fort Myers, FL 33901
 239-418-0691 • 239-418-0692 fax
 Florida Certificate of Authorization:
 Engineering LB #: 26978

OWNER / DEVELOPER:
MIROMAR LAKES
 MIROMAR LAKES II
 PROJECT:

MIROMAR LAKES

PEDESTRIAN AND BICYCLE FACILITIES AND BUS STOP LOCATIONS

Project Number:	21248
Part of Section(s):	11,12,13,14,23 & 24
Township:	46S Range: 25E
County, State:	LEE COUNTY, FL

Sheet Number: 1

DRI
EXHIBIT E
BIENNIAL MONITORING REPORT REQUIREMENTS

The Biennial Monitoring Report that must be submitted by the Developer in accordance with Subsections 380.06(15) and 380.06(18), Florida Statutes, and 9J-2.025(7), Florida Administrative Code, must include the following:

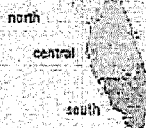
- A. Any changes in the plan of development or in the representations contained in the application for development approval, or in the phasing for the reporting year and for the next year;
- B. A summary comparison of development activity proposed and actually conducted for the year;
- C. Identification of undeveloped tracts of land, other than individual single family lots, that have been sold to separate entities or developers.
- D. Identification and intended use of lands purchased, leased, or optioned by the developer adjacent to the original DRI site since the development order was issued;
- E. A specific assessment of the developer's and the local government's compliance with each individual condition of approval contained in the DRI Development Order and the commitments which are contained in the application for development approval and which have been identified by the local government, the RPC, or the DCA as being significant;
- F. Any requests for substantial deviation determination that were filed in the reporting year and to be filed during the following year;
- G. An indication of a change, if any, in local government jurisdiction for any portion of the development since the development order was issued;
- H. A list of significant local, state, and federal permits which have been obtained or which are pending by agency, type of permit, permit number and purpose of each;
- I. A statement that all persons have been sent copies of the biennial report in conformance with Subsections 380.06(15) and (18), Florida Statutes;
- J. A copy of any recorded notice of the adoption of a development order or the subsequent modification of an adopted development order that was recorded by the developer pursuant to Paragraph 380.06(15)(f), Florida Statutes.

NOTE: The Florida Administrative Code specifically requires that the development order specify the requirements for the biennial report. The Administrative Code requires that the biennial report will be submitted to DCA, the RPC, and the local government on Form RPM-BSP-Annual Report-1.

EXHIBIT F

FLEPPC List Definitions: Exotic – a species introduced to Florida, purposefully or accidentally, from a natural range outside of Florida. Native – a species whose natural range includes Florida. Naturalized exotic – an exotic that sustains itself outside cultivation (it is still exotic; it has not "become" native). Invasive exotic – an exotic that not only has naturalized, but is expanding on its own in Florida native plant communities.

Abbreviations: Government List (Gov. List): P = Prohibited aquatic plant by the Florida Department of Agriculture and Consumer Services; N = Noxious weed listed by Florida Department of Agriculture & Consumer Services; U = Noxious weed listed by U.S. Department of Agriculture. Regional Distribution (Reg. Dist.): N = north, C = central, S = south, referring to each species' current distribution in general regions of Florida (not its potential range in the state). Please refer to the adjacent map.



Citation example:

FLEPPC. 2011. List of Invasive Plant Species. Florida Exotic Pest Plant Council. Internet: <http://www.fleppc.org/fls/11list.htm> or *Wildland Weeds* Vol. 14(3-4):11-14. Summer/Fall 2011.

The 2011 list was prepared by the FLEPPC Plant List Committee:

Keith A. Bradley – Chair (2006-present), The Institute for Regional Conservation, 22601 SW 152nd Ave., Miami, FL 33170, (305) 247-6547, bradley@regionalconservation.org

Janice A. Duquesnel, Florida Park Service, Florida Department of Environmental Protection, P.O. Box 1052, Islamorada, FL 33036, (305) 664-8455, Janice.Duquesnel@dep.state.fl.us

David W. Hall, Private Consulting Botanist, 3656 NW 13th Place, Gainesville, FL 32605, (352) 375-1370

Roger L. Hammer, Retired Naturalist and Author, 17360 Avocado Drive, Homestead, FL 33030, kaskazi44@comcast.net

Patricia L. Howell, Broward County Parks, Environmental Section, 950 NW 38th St., Oakland Park, FL 33309, (954) 357-6137, phowell@broward.org

Colette C. Jacono, USDA/APHIS/PPQ, 1911 SW 34th Street, Gainesville, FL 32608, (352) 258-4458, Colette.C.Jacono@aphis.usda.gov

Kenneth A. Langeland, University of Florida-IFAS, Center for Aquatic and Invasive Plants, 7922 NW 71st St., Gainesville, FL 32653, (352) 392-5614, gnor8@ufl.edu

Chris Lockhart, Habitat Specialists, Inc., c/o P.O. Box 243116, Boynton Beach, FL 33424-3116, (561) 738-1179, chris@lockhaus.org

Gil Nelson, Gil Nelson Associates, 157 Leonard Dr., Thomasville, GA 31792, gil@gilnelson.com

Robert W. Pemberton, Research Associate, Florida Museum of Natural History and Fairchild Tropical Botanic Garden, 2121 SW 28th Terrace, Fort Lauderdale, FL 33312, rpemberton5@gmail.com

Jim L. Sadle, Everglades National Park, 40001 State Road 9336, Homestead, FL 33034, (305) 242-7806, Jim_L_Sadle@nps.gov

Robert W. Simons, 1122 SW 11th Ave., Gainesville, FL 32601-7816

Daniel B. Ward, Department of Botany, University of Florida, 220 Barram Hall, Gainesville, FL 32611

Richard P. Wunderlin, Institute for Systematic Botany, Dept. of Biological Sciences, University of South Florida, Tampa, FL 33620, (813) 974-2359, rwunder@cas.usf.edu

For more information on invasive exotic plants, including links to related web pages, visit the Florida EPPC web site: <http://www.fleppc.org>

Application for Membership in the Florida Exotic Pest Plant Council

Annual Membership Levels (circle one)

Individual		Institutional	
Student	\$10	Library	\$100
General	\$30	General	\$100
Donor	\$75 +	Contributor	\$501 – \$10,000
		Patron	\$10,001 +

FLEPPC is a 501(c)(6) nonprofit organization.

NAME _____

ORGANIZATION _____

MAILING ADDRESS _____

CITY, STATE, ZIP _____

TELEPHONE _____

FAX _____

E-MAIL _____

Mail application & dues, payable to FLEPPC, to:

Florida EPPC, Treasurer

PO Box 23426

Fort Lauderdale, FL 33307

(Or join online at www.fleppc.org)

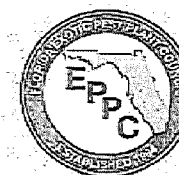
Florida Exotic Pest Plant Council's 2011 List of Invasive Plant Species

The mission of the Florida Exotic Pest Plant Council is to support the management of invasive exotic plants in Florida's natural areas by providing a forum for the exchange of scientific, educational and technical information.

Purpose of the List:

To focus attention on —

- ▶ the adverse effects exotic pest plants have on Florida's biodiversity and native plant communities,
- ▶ the habitat losses in natural areas from exotic pest plant infestations,
- ▶ the impacts on endangered species via habitat loss and alteration,
- ▶ the need for pest-plant management,
- ▶ the socio-economic impacts of these plants (e.g., increased wildfires or flooding in certain areas),
- ▶ changes in the severity of different pest plant infestations over time,
- ▶ providing information to help managers set priorities for research and control programs.



www.fleppc.org

CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the current severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Gov. List	Reg. Dis.
<i>Abrus precatorius</i>	rosary pea	N	C, S
<i>Acacia curatilis</i>	earleaf acacia		C, S
<i>Albizia julibrissin</i>	mimosa, silk tree	N, C	
<i>Albizia lebbekii</i>	woman's tongue		C, S
<i>Artocarpus crenata</i>	coral ardisia	N, C, S	
(<i>A. crenata</i> misapplied)			
<i>Artocarpus elliptica</i>	sheo-houston ardisia	N	C, S
(<i>A. humilis</i> misapplied)			
<i>Asparagus acutipicus</i>	asparagus-fern		N, C, S
(= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)			
<i>Bauhinia variegata</i>	orchid tree		C, S
<i>Bischofia javanica</i>	bishopwood		C, S
<i>Calophyllum aptilatum</i>	stink anise, mass wood		S
(<i>C. callo</i> and <i>C. inophyllum</i> misapplied)	Alexandrian laurel		
<i>Casuarina equisetifolia</i>	Australian-pine, beach sheonk	P, N	N, C, S
<i>Casuarina glauca</i>	suckering Australian-pine, gray sheonk	P, N	C, S
<i>Cinnamomum camphora</i>	camphor tree		N, C, S
<i>Clusia esculenta</i>	wild taro		N, C, S
<i>Colubrina asiatica</i>	lather leaf	N	S
<i>Conocarpus americanus</i>	carrotwood		N, C, S
<i>Cyperus rotundus</i>	Japanese rice sparrowgrass		N, C
<i>Dioscorea alata</i>	winged yam	N	N, C, S
<i>Dioscorea bulbifera</i>	air-potato	N	N, C, S
<i>Eichhornia crassipes</i>	water-hyacinth	P	N, C, S
<i>Eugenia uniflora</i>	Sour cherry		C, S
<i>Ficus microcarpa</i> (<i>F. retusa</i> and <i>F. retusa</i> var. <i>indica</i> misapplied)	laurel fig		C, S
<i>Hydrilla verticillata</i>	hydrilla	P, U	N, C, S
<i>Hydrocotyle peltata</i>	green hyacinth	P, U	N, C, S
<i>Hydrocotyle umbellata</i>	West Indian marsh grass		N, C, S
<i>Imperata cylindrica</i>	coconut grass	N, U	N, C, S
(<i>I. hirsuta</i> misapplied)			
<i>Ipomoea aquatica</i>	water spinach	P, U	C
<i>Jasminum alabianum</i>	Gold Coast jasmine		C, S
<i>Jasminum floribundum</i>	Brazilian jasmine		C, S
<i>Lantana camara</i>	lantana, shrub verbena		N, C, S
(= <i>L. strychnantha</i>)			
<i>Ligustrum lucidum</i>	glossy privet		N, C
<i>Ligustrum parvifolium</i>	Chinese privet, bodge privet		N, C, S
<i>Lonicera japonica</i>	Japanese honeysuckle		N, C, S
<i>Lonicera periclymenum</i>	periwinkle		N, C, S
<i>Lumnitzera racemosa</i>	krill; white-flowered mangrove		S
	black mangrove		
<i>Luciola subintegra</i>	Tropical American water grass		S
<i>Lygodium japonicum</i>	Japanese climbing fern	N	N, C, S
<i>Lygodium microphyllum</i>	Old World climbing fern	N, U	C, S
<i>Macfadyenia unguis-cati</i>	cat's claw vine		N, C, S
<i>Mandevilla zapota</i>	sapodilla		S
<i>Melaleuca guineensis</i>	melaleuca, paper bark	P, N, U	C, S
<i>Melinis repens</i>	Natal grass		N, C, S
(= <i>Rhynchospora repens</i>)			
<i>Mimosa pigra</i>	catclaw mimosa	P, N, U	C, S
<i>Nandina domestica</i>	randina, heavenly bamboo		N, C
<i>Nepenthes brownii</i>	Asian sword fern		C, S
(= <i>N. multiflora</i>)			
<i>Nepenthes distillata</i>	sword fern		N, C, S
<i>Nyctandra rymondiana</i>	Burma reed, cane grass	N	S
<i>Nymphoides peltata</i>	spoonflower		C, S
<i>Peperomia crassifolia</i>	sewer vine, onion vine	N	S
<i>Peperomia peltata</i>	skunk vine	N	N, C, S
<i>Peperomia repens</i>	torpedo grass		N, C, S
<i>Pennisetum purpureum</i>	Napier grass		N, C, S
<i>Phymatopteris scolopendria</i>	serpent fern, wren fern		S
<i>Pilea spathulata</i>	water lettuce	P	N, C, S
<i>Pisonia grandis</i>	strawberry guava		C, S
<i>Pisonia grandis</i>	guava		C, S
<i>Portulaca oleracea</i> var. <i>oleracea</i>	loddia		N, C, S
(= <i>P. littoralis</i>)			
<i>Rhynchospora latifolia</i>	downy rose-myrtle	N	C, S
<i>Rhynchospora repens</i> (See <i>Melinis repens</i>)			
<i>Ruellia simplex</i>	Mexican penstemon		N, C, S
<i>Salvinia natans</i>	water spangles		N, C, S
<i>Sapium indicum</i>	popcorn tree	N	N, C, S
(= <i>Triplaris indica</i>)	Chinese willow tree		
<i>Scaevola taccada</i>	scaevola, half-flower	N	C, S
(= <i>Scaevola taccada</i> S. <i>frutescens</i>)	beach naupaka		
<i>Schefflera actinophylla</i>	schefflera, Queen's shrub		C, S
(= <i>Brassia actinophylla</i>)	umbrella tree		
<i>Schinus molle</i>	Brazilian pepper	P, N	N, C, S
<i>Scleria lacustris</i>	Wingnut nutrush		C, S
<i>Senna pedunculata</i> var. <i>glabrata</i>	climbing cassia		C, S
(= <i>Cassia latifolia</i>)	Christmas cassia, Christmas wren		
<i>Solanum elaeagnifolium</i>	weiland nightshade	N, U	C, S
(= <i>S. elaeagnifolium</i>)	aqueous soda apple		
<i>Solanum elaeagnifolium</i>	tropical soda apple	N, U	N, C, S
<i>Synedrella nodiflora</i>	strawhead vine		N, C, S
<i>Synedrella nodiflora</i>	Java-plum, Java-plum		C, S
<i>Taraxacum officinale</i>	insected halberd fern		S
<i>Thapsia populina</i>	scoldie mallow		C, S
<i>Tradescantia virginiana</i>	small-leaf spiderwort		N, C
<i>Urtica dioica</i>	Cow's foot weed		N, C, S
<i>Urtica dioica</i>	Papa grass		C, S
(= <i>Bracharia distachya</i>)			

CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become Category I, if ecological damage is demonstrated.

Scientific Name	Common Name	Gov. List	Reg. Dis.
<i>Acanthaceae pavonia</i>	red sandalwood		S
<i>Agave sisalana</i>	sisal hemp		C, S
<i>Alchornea ferdinandi</i> (= <i>Alchornea ferdinandi</i>)	ting oil tree		N, C
<i>Alouatta maculata</i>	devil tree		S
<i>Alouatta maculata</i>	alligator weed	P	N, C, S
<i>Andropogon leptosperma</i>	coral vine		N, C, S
<i>Andropogon leptosperma</i>	Japanese ardisia		N
<i>Andropogon leptosperma</i>	Asian sword fern		N, C, S
<i>Asplenium platyneuron</i>	Ganges primrose		C, S
<i>Begonia pavonia</i>	wax begonia		N, C, S
<i>Blechnum pyramidalis</i> (See <i>Blechnum blechnum</i>)			
<i>Breynia papyrifera</i>	paper mulberry		N, C, S
<i>Breynia papyrifera</i>	large-leaved mangrove		S
<i>Callisia fragrans</i>	inch plant, spiny-plant		C, S
<i>Callistemon viminalis</i>	hedge-rose		C, S
(= <i>Callistemon viminalis</i>)	weeping bottlebrush		
<i>Casuarina cunninghamiana</i>	river sheonk, Australian-pine	P	C, S
<i>Cecropia peltata</i>	trumpet tree		C, S
<i>Cestrum diurnum</i>	day jasmine		C, S
<i>Chamaecrista nictitans</i>	barbarea palm		S
<i>Clematis integrifolia</i>	Japanese clematis		N, C
<i>Coccoloba palmarum</i>	coconut palm		S
<i>Cryptanthus mangroveensis</i>	rubber vine		C, S
<i>Cyperus involutus</i>	umbrella plant		C, S
(= <i>Cyperus involutus</i> misapplied)			
<i>Cyperus rotundus</i>	dwarf papyrus		C, S
<i>Dactyloctenium aegyptium</i>	Durban crowdfootgrass	N, C, S	
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo		C, S
<i>Elaeagnus argentea</i>	silver thorn, thorny olive		N, C
<i>Elaeagnus umbellata</i>	silverberry, autumn olive		N
<i>Epipremnum pinnatum</i>	pothos		C, S
<i>Eucommia ulmoides</i>	false honyan, council tree		S
<i>Flacourtia indica</i>	governor's plum		S
<i>Hemarthra hirsuta</i>	limp grass		C, S
<i>Hibiscus tiliaceus</i> (See <i>Tillandsia tiliaceus</i>)			
<i>Hydrocotyle sphenoloba</i>	jangosa		N, C, S
<i>Hydrocotyle sphenoloba</i> var. <i>indica</i>	shrub morning-glory	P	C, S
(= <i>L. sphenoloba</i>)			
<i>Kalanchoe pinnatifida</i>	life plant		C, S
(= <i>Kalanchoe pinnatifida</i>)			
<i>Kalanchoe pinnatifida</i>	flame-leaf tree		C, S
<i>Lycopersicon esculentum</i> (= <i>L. lycopersicon</i>)	tomato		C, S
<i>Lycopersicon esculentum</i>	spotted duckweed		N, C, S
(= <i>Lycopersicon esculentum</i>)			
<i>Lycopersicon esculentum</i>	lent tree	N	N, C, S
<i>Limnophila filiformis</i>	Asian marshweed	P, U	N, C, S
<i>Livistona chinensis</i>	Chinese fan palm		C, S
<i>Melia azadirachta</i>	Chinaberry		N, C, S
<i>Melinis minutiflora</i>	Melastomaceae		C, S
<i>Melastomaceae</i>	wood-rose		C, S
<i>Mikania micrantha</i>	mile-a-minute vine	N, U	S
<i>Murraya paniculata</i>	orange jessamine		S
<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	P	N, C, S
<i>Parthenium maximum</i>	Guinea grass		N, C, S
(= <i>Parthenium maximum</i> , <i>Microtheca maximum</i>)			
<i>Paspalum bisulcatum</i>	two-flowered paspalum		S
<i>Pennisetum setaceum</i>	green fountain grass		S
<i>Phenacoccus reclinatus</i>	Senegal date palm		C, S
<i>Phyllostachys aurea</i>	golden bamboo		N, C
<i>Phytolacca americana</i>	Philippine pisonia		S
<i>Pisonia grandis</i>	Taiwanese cheeseweed		S
<i>Pisonia grandis</i>	Chinese holly fern		N, C, S
<i>Psychotria elegans</i>	solitaire palm		S
<i>Rhoeo spathulata</i> (See <i>Tradescantia spathulata</i>)			
<i>Ricinus communis</i>	cassia bean		N, C, S
<i>Ruellia repens</i>	roundleaf portulaca		S
<i>Ruellia repens</i>	green shrimp plant, Braun's blattaria		N, C, S
<i>Sarcocolla discolorata</i>	bowstring hemp		C, S
<i>Scaevola taccada</i>	purple seashore, rattlebox		N, C, S
<i>Solanum elaeagnifolium</i>	non-leaf nightshade		N, C, S
<i>Solanum torvum</i>	sourberry, turkey berry	N, U	N, C, S
<i>Sphenocladus hillebrandii</i>	wedelia		N, C, S
(= <i>Wedelia hillebrandii</i>)			
<i>Stachytarpheta jamaicensis</i>	nettle-leaf portulaca		S
(= <i>S. jamaicensis</i>)			
<i>Syagrus romanzoffiana</i>	queen palm		C, S
(= <i>Archontophoenix romanzoffiana</i>)			
<i>Syzygium jambos</i>	Malabar plum, rose-apple		N, C, S
<i>Tillandsia usneoides</i>	mahoe, sea hibiscus		C, S
(= <i>Millettia usneoides</i>)			
<i>Terminalia catappa</i>	tropical almond		C, S
<i>Terminalia mollis</i>	Australian almond		C, S
<i>Tradescantia spathulata</i>	nyssa plant		S
(= <i>Rhoeo spathulata</i> , <i>Rhoeo discolorata</i>)			
<i>Triplaris chinensis</i>	puncture vine, burn-nut		N, C, S
<i>Vicia trifolia</i>	simile-leaf chaste tree		C, S
<i>Washingtonia robusta</i>	Washington fan palm		C, S
<i>Wedelia</i> (See <i>Sphenocladus</i> above)			
<i>Wisteria sinensis</i>	Chinese wisteria		N, C
<i>Xanthosoma sagittifolium</i>	malanga, elephant ear		N, C, S

Does not include *Pisonia microcarpa* subsp. *indica*, which is sold as "Green Island Pine". Many names are applied to the species in Florida because of a complicated taxonomic and nomenclatural history. Plants collected in Florida, all representing the same taxonomic species, have in the past been referred to as *Ruellia repens* II, *Ruellia repens* I, *Ruellia repens* I, and *Ruellia repens*.

ADMINISTRATIVE AMENDMENT (FPA) ADD2014-00213

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC filed an application for Final Plan Approval (FPA) to a Mixed Use Planned Development (MPD) on a project known as University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars on property located at Miromar Lakes, FL, described more particularly as:

LEGAL DESCRIPTION: In Sections 23 & 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned in case number Z-99-029 with subsequent amendments per zoning resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020; and

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

WHEREAS, Resolution Z-99-029 requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, the application includes a total of 118.09 acres, including 63.33 acres of future development, 47.09 acres of mixed use, and 7.67 acres for South Village Boulevard; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 47.09-acre tract known as University Village Phase I (mixed use) including 168 multi-family units and 75,000 square feet of commercial floor area and associated infrastructure; and

WHEREAS, the proposal includes utilization of Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30 (Attachment "B"); and

WHEREAS, the proposal includes a master site plan (Attachment A") and two additional deviation requests (Attachment "B") as follow:

Deviation 1 from LDC Sec. 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where bulkhead shoreline is proposed.

Deviation 2 from LDC Sec. 34-2021(d) which requires restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars.

WHEREAS, the proposed Final Plan Approval and deviation requests have been reviewed by Lee County Department of Community Development's Environmental Sciences and Development Services staff Attachments "C" and "D"; and

WHEREAS, the deviation requests – as conditioned by staff - enhance the objectives of the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-99-029, as subsequently amended; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval (FPA) to the Mixed Use Planned Development (MPD for University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars is **APPROVED with the following conditions:**

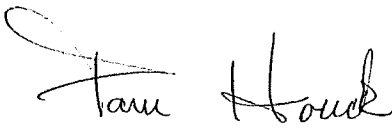
1. **The Development must be in substantial compliance with the 3-page Final Plan Approval: University Village Phase I (Attachment “A”).**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Future development within the “Future Development” portion of the Final Plan Approval (Page 2 Attachment “A”) will require subsequent approval including Final Plan Approval for the Future Development portion.**
4. **Final Zoning Plan ADD2014-00213 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
5. **Open space must be provided in substantial compliance with the approved Phase I FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.**
6. **Deviation # 1 is approved with the following two conditions:**

Condition #1 – Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Condition #2 – Turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.
7. **Deviation #2 is approved.**

8. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 4/22/2015

BY: 

Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibit "A" - Approved Legal Description

Attachment "A" – University Village Phase I - Final Plan Approval (3 pages)

Attachment "B" - Deviation Narrative.

Attachment "C" - Environmental Sciences Staff Report.

Attachment "D" - Development Services Staff Comments.



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

EXHIBIT A

HM PROJECT #2014553

11/11/2014

REF. DWG. B-7032

Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET; THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 3106.93 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 1706.06 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET ; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET ; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET ; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET ; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET ; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2704.05 FEET; THENCE RUN S.21°47'19"E., FOR A DISTANCE OF 90.40 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; WHOSE RADIUS POINT BEARS S.16°22'46"E., THEREFROM; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF S.67°54'34"W., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN S.62°11'53"W., FOR A



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
11/11/2014
REF. DWG. B-7032
Page 2 of 2

DISTANCE OF 1702.31 FEET; THENCE RUN S.09°28'37"E., FOR A DISTANCE OF 237.10 FEET;
THENCE RUN S.37°03'08"W., FOR A DISTANCE OF 549.34 FEET; THENCE RUN S.33°44'20"E., FOR
A DISTANCE OF 265.34 FEET; THENCE RUN S.11°50'46"E., FOR A DISTANCE OF 376.96 FEET;
THENCE RUN S.12°31'18"W., FOR A DISTANCE OF 143.56 FEET; THENCE RUN S.44°05'12"W., FOR
A DISTANCE OF 159.55 FEET; THENCE RUN S.43°43'24"W., FOR A DISTANCE OF 344.32 FEET;
THENCE RUN S.35°34'43"W., FOR A DISTANCE OF 155.70 FEET; THENCE RUN S.86°27'01"E., FOR
A DISTANCE OF 516.40 FEET; THENCE RUN S.86°18'36"E., FOR A DISTANCE OF 142.88 FEET;
THENCE RUN N.87°55'21"E., FOR A DISTANCE OF 395.41 FEET; THENCE RUN S.67°15'23"E., FOR
A DISTANCE OF 157.97 FEET; THENCE RUN S.22°29'12"E., FOR A DISTANCE OF 152.13 FEET;
THENCE RUN S.23°33'35"E., FOR A DISTANCE OF 209.05 FEET; THENCE RUN S.24°08'50"W., FOR
A DISTANCE OF 199.34 FEET, TO THE POINT OF BEGINNING.

CONTAINING 118.090 ACRES, MORE OR LESS.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

APPROVED
ADD2014-00213
Chick Jakacki, Planner
Lee Co Division of Zoning
11/26/2014

THIS IS NOT A SURVEY

LINE	BEARING	DISTANCE
L1	N00°48'26"W	37.50'
L2	S89°28'32"W	3106.93'
L3	S89°28'32"W	1706.06'
L4	N82°43'46"W	275.20'
L5	N00°49'43"W	484.10'
L6	N48°52'47"E	591.95'
L7	N83°15'50"E	340.40'
L8	N27°22'23"E	649.51'
L9	N88°17'12"E	233.73'
L10	S31°47'37"E	631.21'
L11	N62°11'53"E	2704.05'
L12	S21°47'19"E	90.40'
L13	S62°11'53"W	1702.31'
L14	S09°28'37"E	237.10'
L15	S37°03'08"W	549.34'
L16	S33°44'20"E	265.34'
L17	S11°50'46"E	376.96'
L18	S12°31'18"W	143.56'
L19	S44°05'12"W	159.55'
L20	S43°43'24"W	344.32'
L21	S35°34'43"W	155.70'
L22	S86°27'01"E	516.40'
L23	S86°18'36"E	142.88'
L24	N87°55'21"E	395.41'
L25	S67°15'23"E	157.97'
L26	S22°29'12"E	152.13'
L27	S23°33'35"E	209.05'
L28	S24°08'50"W	199.34'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	2800.92'	7°47'42"	380.77'	N86°37'37"W	381.06'
C2	2950.00'	5°34'48"	287.19'	N85°31'11"W	287.30'
C3	1475.00'	50°05'25"	1248.83'	N25°52'25"W	1289.50'
C4	500.00'	11°25'22"	99.52'	S67°54'34"W	99.68'

ABBREVIATIONS

C1 = SEE CURVE TABLE

DR. = DRIVE

L1 = SEE LINE TABLE

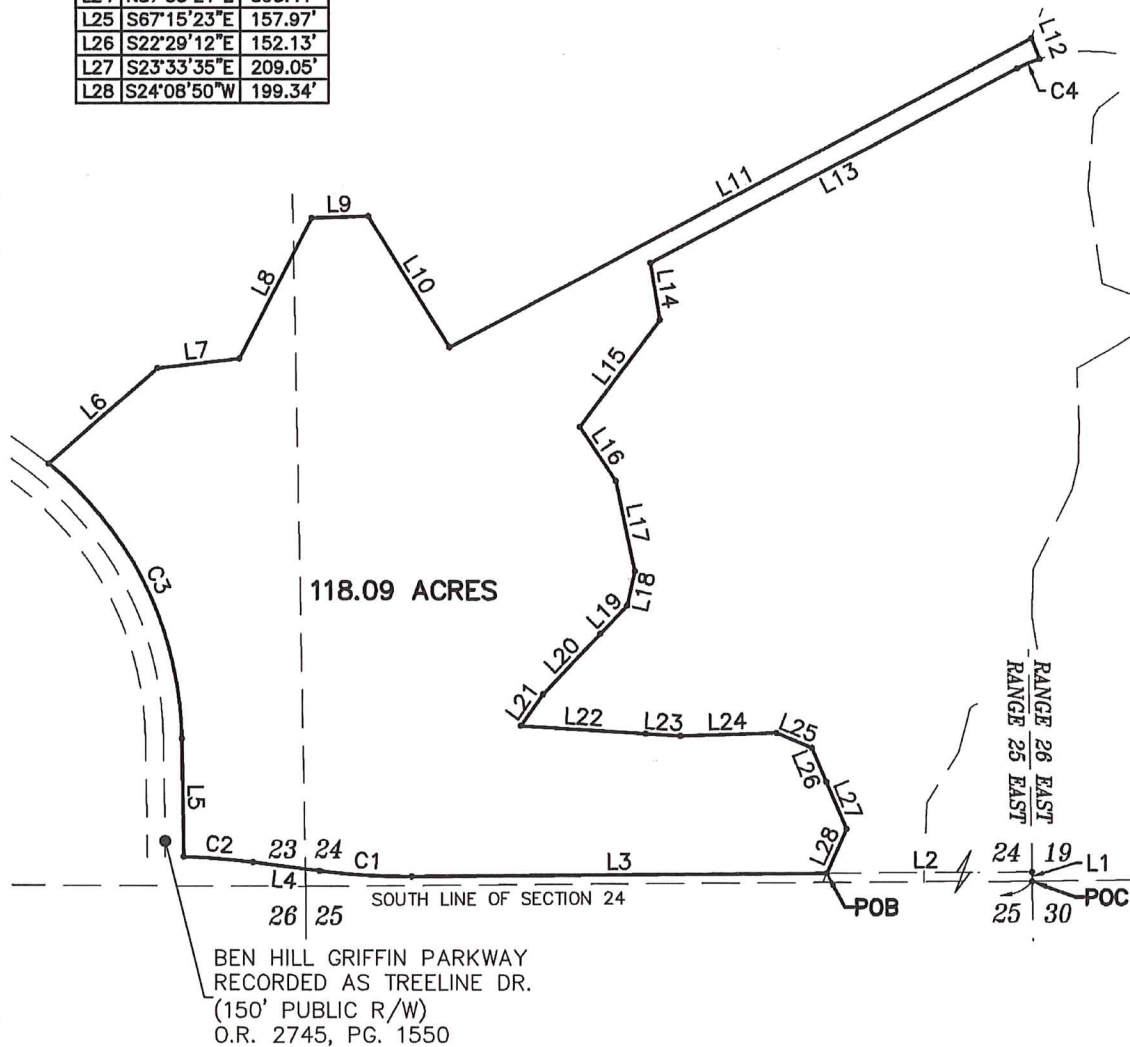
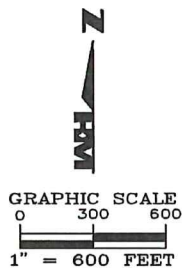
POB = POINT OF BEGINNING

POC = POINT OF COMMENCEMENT

PG. = PAGE

O.R. = OFFICIAL RECORDS BOOK

R/W = RIGHT-OF-WAY



HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
 THOMAS M. MURPHY

P.S.M. #5628
 STATE OF FLORIDA

SEC-TWN-RGE:
 23,24-46S-25E

DRAWN BY: DATE
 R.A.K. 11/11/14

CHECKED BY: DRAWING NO.
 T.M.M. B-7032



950 Encore Way
 Naples, FL 34110
 Phone: (239) 254-2000
 Florida Certificate of
 Authorization No.1772

SKETCH OF LEGAL DESCRIPTION

MIROMAR - UNIVERSITY VILLAGE - WEST 118 AC

PROJECT NO.
 2014553

REFERENCE NO.
 14553_Skelch W118.dwg

A PORTION OF STRAP # 24-46-25-00-00001.0030, 23-46-25-00-00001.0000
23-46-25-00-00001.0030, 23-46-25-00-00001.0020, & 24-46-25-00-00001.0020
LEE COUNTY, FLORIDA

SHEET INDEX	
1	COVER SHEET
2	FINAL PLAN
3	GENERAL NOTES, TABLES & CROSS SECTIONS



OPEN SPACE SUMMARY		
OPEN SPACE	AREA (ACRES)	PERCENTAGE
GOLF COURSE	219.04	100.00
PHASE 1	15.73	7.18
PHASE 2	15.88	7.25
JOHN HANFMAN	5.07	2.32
VALLEY	6.18	2.82
TRAIL & B	4.27	1.95
BEACH CLUB	2.34	1.07
TRAIL	0.50	0.23
REBELLYA	2.51	1.15
MEDICATED ANCELY	1.57	0.72
CAPRIE GREEN	1.19	0.54
VALLEY	0.50	0.23
GOLF COURSE	2.51	1.15
SAN MARINO	14.68	6.70
VALLEY ACCESS ROAD	1.21	0.55
TRAIL C-100 GREEN	0.50	0.23
PORTO ROMANO	2.66	1.21
MARINA RESERVATION	0.50	0.23
CAPRIE & MARINA	0.50	0.23
VALLEY & TRAIL	0.50	0.23
REBELLYA	2.51	1.15
BEACH CLUB PH 2	2.34	1.07
HIGHWAY LATE PHASE, EXTENSION	0.50	0.23
EAST 100 ACRES	0.50	0.23
BEACH CLUB PHASE 1 / DODD MARSH	0.50	0.23
PHASE 1 PHASE 1	0.50	0.23
PERMANENT PHASE 1	1.00	0.45
LIBERTY PHASE 1	21.29	9.72
TOTAL	403.78	185.25

- (1) EACH SINGLE-FAMILY LAKEFRONT LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LAKEFRONT LOTS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR WET BOAT STORAGE ON A ONE FOR ONE (1:1) BASIS.
- (2) A MAXIMUM OF TWO AUXILIARY DOCKS ARE PERMITTED.

(2) A MAXIMUM OF 250 AUXILIARY DOCKS ARE PERMITTED

Attachment "A"



DEVELOPED BY:
MIROMAR LAKES, L.L.C.
10801 CORKSCREW ROAD - SUITE #305
ESTERO, FL 33928
PHONE: (239) 390-5100

**WALDROP
ENGINEERING**

ONE ENGINEERING A
KIND DEVELOPMENT CONSULTANTS

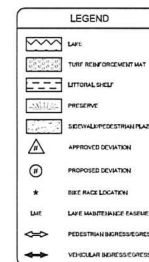
28100 BONTA GRANDE DRIVE - SUITE 305 BONTA SPRINGS, FL 34135

UNIVERSITY VILLAGE PHASE I
AT MIROMAR LAKES

CLIENT: MIROMAR LAKES, LLC

COVER SHEET

[illegible]



N

CLIENT: MIROMAR LAKES, LLC

FINAL PLAN APPROVAL

**CIVIL ENGINEERING &
LAND DEVELOPMENT CONSULTANTS**

28100 BONITA GRANDE DRIVE • SUITE 305 BONITA SPRINGS, FL 34135
P: 239-405-7777 F: 239-405-7899 EMAIL: info@swaldevelopment.com

[illegible]

[illegible]



WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

Attachment "B"

Schedule of Deviations & Justifications University Village Phase I

REVISED MARCH 2015

Deviations Approved per Z-13-020

Deviation #2 from LDC Sec. 34-1954(d)(2), which restricts model townhomes and multi-family units to a time limitation, to allow model multi-family units through the build out of the project.

Deviation #6 from LDC Sec. 10-296(b), Table 3, which requires a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of curb for local private roads.

Deviation #7 from LDC Sec. 10-296(d), Table 4(7)c), which requires asphaltic concrete, to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes.

Deviation #13 from LDC Sec. 10-355, which requires a 10-foot public utility easement on both sides of a roadway, to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing.

Deviation #14 from LDC Sec. 10-415(a), which requires that open space be calculated as a percentage of development area; to allow open space based on the areas of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing minimum lakes located east of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site. This deviation is APPROVED for the entire project.

Deviation #16 from LDC Sec. 10-415(b), which requires 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous preservation requirement be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is approved for the 534-acre addition to the project subject to the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of

Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

Deviation #18 from LDC Sec. 10-418(a)(2)b, which requires a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan approved by Zoning Resolution No. Z-99-029, provided that herbaceous plant requirements per LDC Sec. 10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of 1 tree or 2 shrubs for 10 herbaceous plants.

Deviation #20 from LDC Sec. 34-2194(c)(1)(a) revised and approved, but limited to 5,527 linear feet of lake frontage within the areas delineated on the MCP. In addition, a compensatory littoral zone must be provided as pocket marshes instead of a 5-foot-wide linear littoral shelf, per Sec. 10-418(3)(a). The compensatory pocket marsh area must be a minimum 0.50 acres of marsh planted with a minimum of our native wetland plants and providing a 50 percent coverage at time of planting (herbaceous plants must be a minimum 2-inch linear; shrubs and grasses must be a minimum 1-gallon container size; trees must be a minimum 3-gallon size). The compensatory pocket marsh area must be provided along the shoreline of Tract C-2. Additionally, the total amount of linear feet of lake frontage that utilizes the zero-foot setback, plus any rip-rap installed for shoreline erosion control cannot exceed 20 percent or 11,504 linear feet of shoreline.

Deviation #24 from LDC Sec. 10-416(d)(3), which requires commercial developments adjoining existing residential development to provide a buffer including a fence or wall between the uses; to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is APPROVED to allow alternative means of separation, while protecting internal project compatibility in accordance with Lee Plan Policy 18.1.7. in the following areas:

- a. Between residential and non-residential uses internal to the C-1, C-2 and MU tracts, so as to create a "town center" design.
- b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes residential "R" tracts.
- c. Between the Miromar Lakes "C-1" areas and abutting "R" tracts.
- d. Between the "C-1", "C-S" and "MU" areas and the abutting "R-2" tracts south and east of FGCU to allow pedestrian access and encourage walkability.

Deviation #28 from the LDC §34-935(f)(3)(e), which is a requirement that limits building heights in the University Community future land use category to 45 feet above minimum flood elevation with no more than 3 habitable stories. This Deviation was approved for the following three areas depicted on the 1999 MCP; specifically:

- 1) The "R" residential area in the northerly portion of the project lying westerly of Ben Hill Griffin Parkway (BHGP).

- 2) The "R" residential areas associated with the "Beach Club", and
- 3) The "C2" area in the northerly portion of the project lying easterly of BHGP and south of Alico Road.

Deviation #30 from LDC Sec. 34-1263 (e) and 34-1264(b), which prohibits a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises from locating within 500 feet of any dwelling unit, to allow a bar, cocktail lounge, or package store to locate within 500 feet of dwelling units on a C-1 Tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway and west of the conservation area depicted on the Master Concept Plan. This deviation was approved with the following conditions:

- a. Any establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises, must be located a minimum of 500 feet from the Florida Gulf Coast University property line (except as permitted by Deviation #3) and a minimum of 500 feet from Grandezza residential units. Distances will be measured as set forth in LDC Sec. 34-1264(b). This deviation does not apply to consumption on premises in conjunction with uses outlined in LDC Sec. 34-1264(b)(2).
- b. The MPD is limited to one (1) establishment primarily engaged in the sale of alcoholic beverages, specifically a bar, cocktail lounge, or package store. The establishment must be located as depicted on the Master Concept Plan, either within the C-1 tract located on the west side of Ben Hill Griffin Parkway as described in Deviation 3, OR within a C-1 tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway, and west of the conservation area, as described in Deviation 30.

Proposed Deviations

1. **Deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where bulkhead shoreline is proposed.**

JUSTIFICATION: The proposed 4:1 lake bank slope is vested for this development, and will comply with previous approvals. Similarly, bulkhead shoreline has been permitted in previous phases of the development as proposed.

Staff has opined that the 4:1 slope will be permitted in non-residential developments and where site constraints exist, such as existing development footprints, conservation areas, etc. The proposed development is a compact, mixed-use village, and is not a single-family residential community. The development portions of the Miromar Lakes MPD/DRI have 4:1 lake bank slopes and is vested pursuant to existing MPD and DRI approvals. Therefore, continuation of the 4:1 lake bank slope within University Village is consistent with Staff's

implementation of this deviation on other projects, and is integral to upholding the design established prior to the LDC amendment.

Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the enclosed final plan, turf reinforcement mats and plantings are proposed to mitigate lake bank erosion.

The Applicant is proposing Turf Reinforcement Mat (TRM) along all 4:1 lake bank slopes in combination with 6,500 +/- herbaceous plants. These enhanced plantings are proposed in addition to the code minimum littoral planting requirements, and the increased littorals to offset the bulkhead shoreline.

Therefore, the requested deviation will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC and the overall Miromar Lakes master plan.

2. Deviation from LDC Section 34-2021(D), which requires restaurant stacking lanes to accommodate ten (10) cars per service lane, to allow vehicle stacking for seven (7) cars.

JUSTIFICATION: This deviation will support the compact, mixed-use form of development within the proposed village, while allowing sufficient space for vehicle stacking based upon the intended end-users and parking lot layout. The reduced vehicle stacking is appropriate based upon the pedestrian orientation provided for in the site plan, and the proximity between residential and commercial uses, which facilitates multi-modal access between on-site uses.

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Attachment "C"

Date: April 15, 2015

To: Tony Palermo, Senior Planner
From: Susie Derheimer, Environmental Planner
Phone: (239) 533-8158
E-mail: sderheimer@leegov.com



Project: University Village
Case: ADD2014-00213
STRAP: 23-46-25-00-00001.0030 & others (see approved legal description)

The Division of Environmental Sciences (ES) staff has reviewed the University Village Final Plan Approval (FPA) with proposed Administrative Deviations and offer the following analysis and recommended conditions:

PARCEL HISTORY:

Miromar Lakes is an 1,800± acre parcel, zoned MPD (mixed use planned development), and is in a DRI (development of regional impact) located east of I-75, south of Alico Road and north of Corkscrew Road. The proposed University Village development, a 118.09 acre portion of the Miromar Lakes development, is located south of Florida Gulf Coast University between Ben Hill Griffin Parkway and the large central flowway conservation area.

FINAL PLAN APPROVAL:

Zoning Resolution Z-13-020 Section B. Conditions: 1.c. indicates that "the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when additional deviations are requested. If a FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices".

In the case of University Village, the developer is requesting vertical construction of residential multi-family buildings and commercial retail buildings with associated parking, amenities and water management within 47.09 acres of the 118.09 acre area. Therefore, a final plan has been

provided for the 47.09 acre area and two new deviations have been requested to seek relief from current Land Development Code (LDC) requirements. The deviations are requesting relief from LDC Section 10-329(d)(4) lake bank slope requirements to go from 6:1 to 4:1 where turf reinforcement mats are provided; And LDC Section 34-2021(d) restaurant vehicle stacking lanes to allow for seven (7) cars.

Zoning Resolution Z-13-020 Section B. Conditions: 1.d. further identifies the requirements to be provided in the FPA application. Per the condition the applicant has provided the following relevant ES requirements: vii. buffers and landscape strips required or proposed; and viii. open space, including an ongoing tabulation of required open space; and ix. detailed drawing showing the location and application of deviations.

Buffers and Landscape Strips:

The final plan depicts the LDC required Type D buffers where the FPA Development Boundary abuts the (Future) South Village Blvd. to the north and Ben Hill Griffin Pkwy to the west. The zoning resolution and LDC do not require and the final plan does not depict any buffers to Florida Gulf Coast University or buffers internal to the mixed use development. In addition, the final plan does depict the vehicle use area and building perimeter planting areas as required by the LDC.

Open Space:

Zoning Resolution Z-13-020 B. Conditions: 15. Requires open space provided per Exhibit H which indicates residential uses must provide 40% common open space and commercial uses will provide 30% open space except to allow a minimum of 10% open space in each commercial tract with the remaining open space provided within the Miromar Lakes Development. The University Village Phase One Open Space Summary table indicates the open space requirement as required by the zoning condition and the table and final plan depicts the common open space to exceed the condition requirements.

Exhibit H also indicates that indigenous preservation (open space) must be provided in compliance with the areas delineated on the Master Concept Plan. The University Village Phase One Open Space Summary table indicates that 8.98 acre of indigenous preserve is required (based on LDC Section 10-415b1a.). The summary then indicates that 5.27 acres of Indigenous Preserve will be provided within Phase One including Note 3 stating the developer will provide the remaining minimum 153.43 (158.7-5.27) acres of Indigenous Restored/Enhanced Planted Communities within the 534-acres portion of the MPD/DRI to the south of FGCU in accordance with Deviation 16 of Z-13-020 with future phases. Given the location of the FPA Development Boundary area and that the conservation areas are located throughout the development, ES staff will agree to allow a minimum of 5.27 acres of indigenous preserve for this FPA phase with the condition that the next FPA (Phase 2) to be located within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

ES staff recommends the following condition to ensure that open space as required by Z-13-020 is provided:

Open space must be provided in substantial compliance with the approved Phase 1 FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

Proposed New Deviations:

Deviation #1 requests to deviate from LDC Section 10-329(d)(4) requiring lake banks to be sloped at 6:1 ratio from the top of bank to a water depth of two feet below dry season water table; to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed.

The FPA depicts turf reinforcement mats proposed along the entire shoreline of the two lakes except where bulkhead is proposed for a total of 4,020± linear feet (4,440-420). The lake bank cross sections indicate that the enhanced littorals, used in combination with appropriate turf reinforcement mat as required by LDC Section 329(d)(4) and install a minimum 6,500 littorals at a minimum 2-feet below control to 2-feet above control for a total of 6,500 enhanced littorals. ES staff does not object to the deviation requests and defers to Development Services staff for final recommendation.

If the deviation moves forward with an approval ES staff recommends the following condition to ensure that enhanced littorals as proposed by the applicant are provided:

Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Palermo, Anthony

From: Morgan, Ross
Sent: Monday, April 13, 2015 9:03 AM
To: Palermo, Anthony; Dickson, Benjamin
Subject: RE: 3820103 (2015-04-07).pdf

DS substantive comments:

Regarding requested deviation no. 1 (from the required 6:1 bank sideslope to allow a 4:1 sideslope): Staff supports this deviation with the condition that turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.

Regarding requested deviation no. 2 (from the requirement to provide fast food restaurant lane stacking for a minimum of 10 vehicles to allow stacking for 7 vehicles): Staff supports this deviation due to the proximity of the residential use to the commercial use and the extensive pedestrian/bicycle access provisions being provided.

End of comments.

Ross Morgan
Development Review Representative
Lee County Department of Community
Development
Phone: (239) 533-8894
Fax: (239) 485-8344

Attachment "D"

From: Palermo, Anthony
Sent: Thursday, April 09, 2015 12:04 PM
To: Morgan, Ross; Dickson, Benjamin
Subject: 3820103 (2015-04-07).pdf

FYI. I'll be drafting the FPA amendment soon, and will need substantive comments/conditions please. 4/7/15 is the latest FPA plan. Two deviations including bank slopes.

Thank you.

Tony

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

ADMINISTRATIVE AMENDMENT (FPA) ADD2015-00209

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Positano Investment of SWFL, LLC. filed an application for Final Plan Approval (FPA) for a Mixed Used Planned Development (MPD) on a project known as Positano at Miromar Lakes for approval of 40 multi-family units within two buildings with 5 stories over parking (65 feet maximum building height), with open space areas and related infrastructure on property located on Miromar Lakes Parkway, Fort Myers, FL. described more particularly as:

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

ATTACHED AS EXHIBIT "A"

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

WHEREAS, the property was originally rezoned in case number Z-99-029 (with subsequent amendments in case number Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020; and

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

WHEREAS, Resolution Z-13-020 (Attachment "D") requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan (FPA) that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 3.58-acre tract known as Tract N-N Positano at Miromar Lakes including 40 multi-family units within two buildings with 5 stories over parking (65 feet maximum building height), with open space areas and related infrastructure (Attachment "A"); and

WHEREAS, the Property Development Regulations per Z-13-020 permit a maximum building height of 65 feet for multi-family buildings within this location within Miromar Lakes; and

WHEREAS, the applicant has provided the required 40% open space for this proposed development; and

WHEREAS, the proposal includes utilization of Deviation 7 approved per Zoning Resolution Z-13-020 to permit the use of brick pavers on private roads within Miromar Lakes (Attachment "B"); and

WHEREAS, the proposed Final Plan Approval and deviation requests have been reviewed by Lee County Department of Community Development's Development Services and environmental staff (Attachment "C"); and

WHEREAS, the deviation request – as conditioned - enhances the objectives of the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval (FPA) to the Mixed Use Planned Development (MPD) for approval of 40 multi-family units within two buildings with 5 stories over parking (65 feet maximum building height), with open space areas and related infrastructure is **APPROVED with the following conditions:**

1. **The Development must be in substantial compliance with the Final Plan Approval: Site Plan per Attachment "A".**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Deviation #7 per Zoning Resolution Z-13-020 is approved with the following conditions:**
 - A. **The proposed stone/concrete wall must be removed from the lake maintenance easement prior to Development Order approval.**
 - B. **A structural equivalency analysis for the pavers vs. asphalt must be submitted with the Development Order application.**
 - C. **The parking layout underneath the building must be provided with the Development Order application.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 1/12/2016 by

Pam Houck, Zoning Manager
Department of Community Development

Exhibit “A” - Approved Legal Description

Attachment “A” – Final Plan Approval - Site Plan

Attachment “B” – Narrative/Cover Letter

Attachment “C” – Environmental Staff Comments

Attachment “D” – Zoning Resolution Z-13-020

LEGAL DESCRIPTION

APPROVED
ADD2015-00209
Chick Jakacki, Planner
Lee Co Division of Zoning
1/6/2016

LEGAL DESCRIPTION

A PARCEL LOCATED IN SECTIONS 12 AND 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHWEST CORNER OF TRACT "B-1", ALSO BEING A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, AS SHOWN ON THE PLAT OF MIROMAR LAKES UNIT XIII - COSTA AMALFI, AS RECORDED IN INSTRUMENT NUMBER 2008000338718 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA,
THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, AS SHOWN ON THE PLAT OF MIROMAR LAKES UNIT XI - PENINSULA, AS RECORDED IN INSTRUMENT NUMBER 2006000456819 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA ALSO BEING A CURVE TO THE RIGHT, HAVING A RADIUS OF 267 50 FEET, AT A BEARING OF N 02°46'11"W THEREFROM, THROUGH A CENTRAL ANGLE OF 42°16'30", SUBTENDED BY A CHORD OF 192 92 FEET, AT A BEARING OF N 71°37'56"W , FOR AN ARC LENGTH OF 197 37 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED,
THENCE LEAVING SAID SOUTHERLY RIGHT-OF-WAY LINE, RUN S 24°58'23"W FOR A DISTANCE OF 88 59 FEET, THENCE RUN N 72°42'39"W FOR A DISTANCE OF 46 40 FEET, THENCE RUN N 60°02'04"W FOR A DISTANCE OF 100 92 FEET, THENCE RUN N 75°42'05"W FOR A DISTANCE OF 35 24 FEET, THENCE RUN N 83°17'45"W FOR A DISTANCE OF 37 43 FEET, THENCE RUN S 85°31'29"W FOR A DISTANCE OF 88 28 FEET, THENCE RUN N 77°51'56"W FOR A DISTANCE OF 37 00 FEET, THENCE RUN N 49°48'31"W FOR A DISTANCE OF 26 13 FEET, THENCE RUN N 35°46'15"W FOR A DISTANCE OF 67 33 FEET, THENCE RUN N 40°16'06"W FOR A DISTANCE OF 124 52 FEET, THENCE RUN N 28°28'33"W FOR A DISTANCE OF 24 95 FEET, TO THE SOUTHEAST CORNER OF THE PARCEL DESCRIBED IN INSTRUMENT NUMBER 2008000269233 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA, THENCE RUN N 00°46'49"E FOR A DISTANCE OF 233 82 FEET TO THE NORTHEAST CORNER OF SAID PARCEL, ALSO BEING A POINT ON SAID SOUTHERLY RIGHT-OF-WAY LINE OF SAID MIROMAR LAKES PARKWAY, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, AS SHOWN ON THE PLAT OF MIROMAR LAKES UNIT XI - PENINSULA, AS RECORDED IN INSTRUMENT NUMBER 2006000456819 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA THE FOLLOWING FOUR (4) DESCRIBED COURSES

- 1) THENCE RUN S 89°44'39"E FOR A DISTANCE OF 114 39 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE RIGHT
- 2) THENCE ALONG SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 282 50 FEET, AT A BEARING OF S 00°15'21"W THEREFROM, THROUGH A CENTRAL ANGLE OF 66°03'12", SUBTENDED BY A CHORD OF 307 94 FEET, AT A BEARING OF S 56°43'03"E , FOR AN ARC LENGTH OF 325 68 FEET,
- 3) THENCE RUN S 23°41'27"E FOR A DISTANCE OF 165 64 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT,
THENCE ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 267 50 FEET, AT A BEARING OF N 66°18'33"E THEREFROM, THROUGH A CENTRAL ANGLE OF 26°48'14", SUBTENDED BY A CHORD OF 124 00 FEET, AT A BEARING OF S 37°05'34"E , FOR AN ARC LENGTH OF 125 14 FEET, TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED

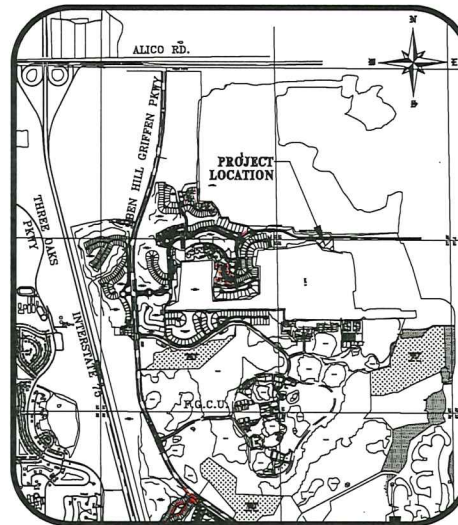
CONTAINING 155,991 SQUARE FEET OR 3 58 ACRES, MORE OR LESS

BEARINGS SHOWN HEREON REFER TO THE WESTERLY RIGHT-OF-WAY LINE OF MIROMAR LAKES PARKWAY, AS BEING S 23°41'27" E

FINAL PLAN APPROVAL FOR POSITANO AT MIROMAR LAKES LEE COUNTY, FLORIDA

DATE: DECEMBER 2015

LEE COUNTY NUMBER	APPROVAL HISTORY	TRACT	DATE	TYPE	QUANTITY
Z-99-029	MIROMAR LAKES	8/29/1999	RESOLUTION	N/A	
ADD2000-00110	PHASE I	7/27/2000	SINGLE FAMILY	11 UNITS	
ADD2000-00111	PHASE I	7/27/2000	SINGLE FAMILY	39 UNITS	
ADD2000-00117	PHASE 2	7/31/2000	SINGLE FAMILY	51 UNITS	
ADD2000-00191	GOLF MAINT.	12/16/2000	COMMERCIAL	7500 S.F.	
ADD2000-00191	TEMP CLUBHOUSE	1/8/2001	COMMERCIAL	8,500 S.F.	
ADD2001-00018	VALENCIA	5/24/2001	MULTI-FAMILY	80 UNITS	
ADD2001-00085	TRACT M & N	8/11/2001	SINGLE FAMILY	27 UNITS	
ADD2001-00113A	BEACH CLUB	4/1/2002	RECREATION	4.77 ACRES	
ADD2001-00125	TIVOLI	10/18/2001	SINGLE FAMILY	113 UNITS	
ADD2001-00142	SALES CENTER	12/20/2001	COMMERCIAL	4,147 S.F.	
ADD2002-00043	BELLAVISTA	8/28/2002	MULTI-FAMILY	80 UNITS	
ADD2002-00077	MED. VILLAGE	8/5/2002	SINGLE FAMILY	33 UNITS	
ADD2002-00188	CAPRINI GREENS	12/17/2002	SINGLE FAMILY	27 UNITS	
ADD2003-00028	VAVALDI	4/4/2003	MULTI-FAMILY	80 UNITS	
ADD2003-00047	GOLF CLUBHOUSE	5/14/2003	RECREATION	5.45 ACRES	
Z-02-072	MIROMAR LAKES	12/15/2003	RESOLUTION	N/A	
ADD2003-00101	CAPRINI GREENS MOD.	12/18/2003	ADMSND. TO ADD2002-00188		
ADD2004-00033	SAN MARINO	7/21/2004	MULTI-FAMILY	160 UNITS	
ADD2004-00042	MIRASOL ACCESS	4/2/2004	ACCESS	5.07 ACRES	
ADD2004-00045	C1/C2 ACCESS	4/2/2004	ACCESS	1.02 ACRES	
ADD2004-00054	PORTO ROMANO	5/11/2004	SINGLE FAMILY	33 UNITS	
ADD2004-00070	MIRASOL RESIDENTIAL	7/27/2004	MULTI-FAMILY	120 UNITS	
ADD2004-00074	CAPRINI GREENS MOD.	4/21/2004	ADMSND. TO ADD2002-00188		
ADD2004-00178	MIRASOL ACCESS MOD.	11/17/2004	ADMSND. TO ADD2004-00042		
ADD2004-00177	CASTELLI & ANACAPRI	12/3/2004	SINGLE FAMILY	18 UNITS	
ADD2004-00223	MONTEBELLO	01/10/2005	SINGLE FAMILY	120 UNITS	
ADD2004-00253	VOLTERRA & BELLINI	4/25/2005	MULTI-FAMILY	72 UNITS	
ADD2005-00134	MIRASOL PHASE 2	8/2/2005	MULTI-FAMILY	120 UNITS	
ADD2005-00190	RAVENNA	2/21/2006	MULTI-FAMILY	80 UNITS	
ADD2006-00004	BEACH CLUB PH. 2	3/13/2006	RECREATION	7.67 ACRES	
ADD2006-00002	MIROMAR LAKES PKWY EXTENSION	3/13/2006	ACCESS	133.08 ACRES	
ADD2006-00009	EAST 100 AC.	4/10/2006	SINGLE FAMILY	51 UNITS	
Z-06-064	MIROMAR LAKES	10/18/2006	RESOLUTION	N/A	
ADD2008-00130	BEACH COTTAGES	12/18/2008	SINGLE FAMILY	18 UNITS	
ADD2008-00144	SORRENTO LMC MOD.	4/1/2009	ADMSND. TO ADD2008-00130		
ADD2008-00028	COSTA AMALFI MOD.	4/18/2008	ADMSND. TO ADD2008-00130		
ADD2008-00028	COSTA AMALFI MOD.	3/8/2010	ADMSND. TO ADD2008-00028		
Z-10-019	MIROMAR LAKES	10/18/2008	RESOLUTION	N/A	
Z-13-004	MIROMAR LAKES	10/18/2008	RESOLUTION	N/A	
ADD2013-00110	PENINSULA PHASE II	5/16/2012	SINGLE FAMILY	29 UNITS	
ADD2014-00102	PENINSULA PHASE IV	8/15/2014	5' / 1' W/	28/48 UNITS	
ADD2014-00175	COSTA AMALFI MOD.	10/27/2014	ADMSND. TO ADD2008-00130		
ADD2014-00213	UNIVERSITY VILLAGE PH. 1		188 AC. W/ 74,000 S.F.		
ADD2015-00070	LAKE SHORELINE STABILIZATION	10/8/2015	RECREATIONAL	800 SQ. YD.	
ADD2015-00078	TRACT M-M	07/14/2015	SINGLE FAMILY	12 UNITS	



PROPERTY LOCATION MAP
N.T.S.

STRAP NOS. 13-46-25-00-00001.0010
13-46-25-00-00001.0020

OPEN SPACE

OPEN SPACE	AREA (ACRES)
GOLF COURSE	218.98
PHASE I	81.72
PHASE II	13.10
GOLF MAINTENANCE	0.82
VALENCIA	8.08
TRACT N & N	4.77
BEACH CLUB	2.34
TIVOLI	0
BELLAVISTA	3.55
MEDITERRANEAN VILLAGE	8.71
CAPRINI GREENS	1.19
VAVALDI	0
GOLF CLUBHOUSE	2.51
SAN MARINO	13.40
MIRASOL ACCESS DRIVE	1.31
TRACT C1/C2 ENTRANCE	0.39
PORTO ROMANO	2.80
MIRASOL RESIDENTIAL	0
CASTELLI & ANACAPRI	0.92
VOLTERRA & BELLINI	5.89
RAVENNA	3.17
BEACH CLUB PH.2	2.73
MIRASOL LAKES PKWY. EXTENSION	0
EAST 100 AC.	0
BEACH COTTAGES	3.31
PENINSULA PHASE II	8.16
PENINSULA PHASE IV	16.33
UNIVERSITY VILLAGE PH. I	24.74
LAKE SHORE STABILIZATION	0
TRACT M-M	1.80
POSITANO	1.80
TOTAL	408.80

BOAT DOCK HISTORY

	BOAT SLIPS APPROVED	BOAT SLIPS PROPOSED
SINGLE FAMILY SUBDIVISIONS	50	
VALENCIA LAGO	15	
CAPRINI GREENS/BELLAVISTA	15	
VALENCIA BELLA	17	
CASTELLI & ANACAPRI	9	
VOLTERRA	12	
COSTA AMALFI (BEACH COTTAGES)	8	
SORRENTO (EAST 100 AC.)	11	
PORTOFINO (EAST 100 AC.)	26	
MIRASOL (EAST 100 AC.)	19	
RAVENNA (PENINSULA PH. II)	18	
SALZINGO (PENINSULA PH. IV)	10	
SALZINGO (PENINSULA PH. IV)	22	
ESTATE LOTS (PENINSULA PH. IV)	0	
VILLA LOTS (PENINSULA PH. IV)	0	
TRACT M-M	0	
POSITANO	0	
TOTAL	203	
ANCILLARY (700 MAXIMUM)		
BEACH CLUB PH. I	13	
BEACH CLUB PH. II	13	
BEACH CLUB PH. III	13	
VALENCIA	13	
MIRASOL BEACH PH. 1&2	16	
BELLINI	16	
RAVENNA	87	
THE PENINSULA PH. IV	168	
TOTAL	188	
TOTAL PROPOSED & APPROVED ANCILLARY SLIPS		188
TOTAL REMAINING ANCILLARY SLIPS		0

EACH SINGLE-FAMILY LAKESFRONT LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LAKESFRONT LOT DOCKS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR NET BOAT STORAGE ON A ONE FOR ONE (1:1) BASIS.

AN ADDITIONAL 250 (MAXIMUM) ANCILLARY SLIPS FOR NET BOAT STORAGE ARE ALLOWED ON THE LAKE.

PREPARED FOR:

POSITANO INVESTMENT OF SWFL, LLC.

CONTACT PERSON: GUSTAVO A. PAFAL - V.P.
10471 VIA LOMBARDIA COURT
FT. MYERS, FL 33913
PH (239) 269-1882

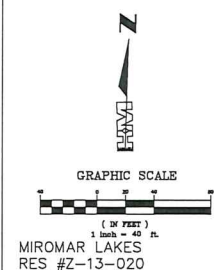
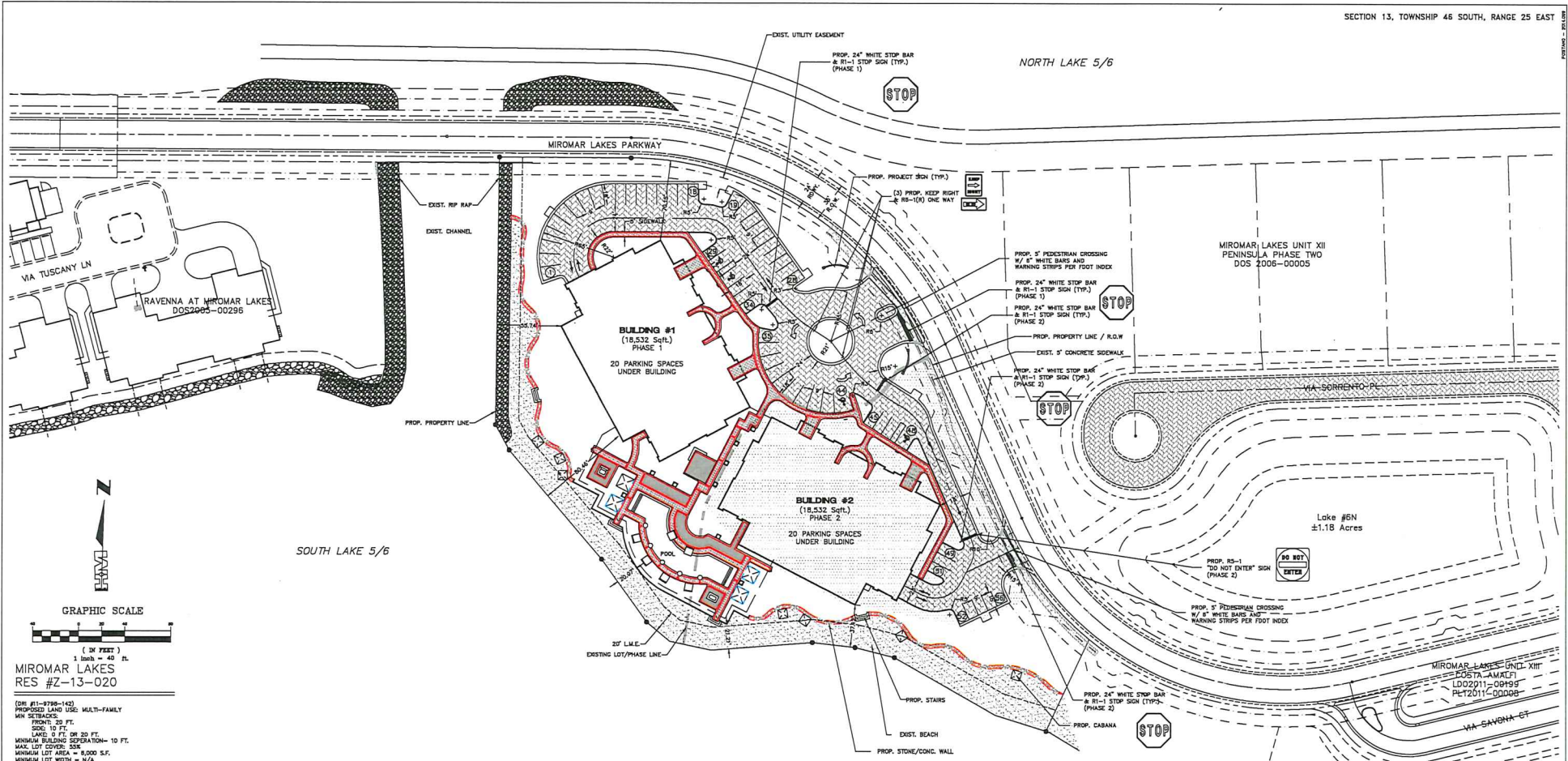
Attachment "A"

PREPARED BY:

H.M.
HOLE MONTES
ENGINEERS/PLANNERS/SURVEYORS

6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No. 1772

THESE DRAWINGS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF H.M. ENGINEERS/PLANNERS/SURVEYORS	DATE
POSITANO AT MIROMAR LAKES LEE COUNTY, FLORIDA	
DRAWING NO. 1368	PROJECT NO. 14.099



- GENERAL NOTES**
1. ALL ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM (NAVD83).
 2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES. EXISTING UTILITIES HAVE BEEN NOTED BASED ON THE BEST INFORMATION AVAILABLE.
 3. THE CONTRACTOR SHALL MAINTAIN AND ADOPT PROTECTION OF SPECIAL WETLAND PRESERVATION AREAS SHOWN ON THE DRAWINGS AND TOWERS AT THE SITE.
 4. IF A SUB-CONTRACTOR'S RESPONSIBILITY TO REPAIR ANY EXISTING LANDSCAPING (L.A.) DUE TO BE MAINTAINED (L.A.) CONSTRUCTION, SPARKS, AND FENCES THAT MAY BE REQUIRED SHALL BE MAINTAINED AT THE CONTRACTOR'S EXPENSE.
 5. ANY CHANGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE MAINTAINED AND BE MAINTAINED AT THE CONTRACTOR'S EXPENSE.
 6. PRIOR TO LANDSCAPING ANY AREA WITHIN THE PHASE 1/2-OF-WAY, A LANDSCAPING PLAN AND PHASE 1/2-OF-WAY PLAN SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COUNTY ENGINEER. (NOTE: LANDSCAPING WORK TO BE DONE BY OTHERS.)
 7. IRRIGATION LINE, SEED, LOCATION, AND CABLE LOCATIONS ARE TO BE PROVIDED BY LANDSCAPING CONTRACTOR.
 8. ALL SUB-SURFACE INSTALLATIONS FOR WATER, SEWER, DRAINAGE AND PUBLIC UTILITIES SHALL BE INSTALLED PRIOR TO COMPLETION OF EXISTING AND PROPOSED CONSTRUCTION. DRAINAGE, ETC. SHALL BE MAINTAINED PRIOR TO STREET CONSTRUCTION.
 9. ALL CONCRETE NECESSARY FOR ELECTRICAL, CABLE, TELEPHONE, TELEPHONE, SINK, DRAINAGE, ETC. SHALL BE MAINTAINED PRIOR TO STREET CONSTRUCTION.
 10. IF HORIZONTAL SEPARATION AND 18" VERTICAL SEPARATION TO BE MAINTAINED BETWEEN EXISTING AND PROPOSED CONSTRUCTION, THE CONTRACTOR SHALL MAINTAIN DRAINAGE, ETC. SHALL BE MAINTAINED AT THE CONTRACTOR'S EXPENSE.

- APPROVED DEVIATIONS
PER RES #Z-13-020**
- DEVIATION (7): Stick Powers to Replace 1 1/2" 5-1 on Private Roads
- GENERAL DEVELOPMENT NOTE:**
- 1) BASED ON THE SPRING GENERAL PERMIT 2006-03368-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA, IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNUSUAL DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS, SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO SITE FILL, DRAINAGE, WATER MANAGEMENT AND SEWAGE DISPOSAL FACILITIES.

GENERAL SITE LAND USE

USE	AREA	PERCENTAGE
BUILDINGS	= 0.85 Ac.	24.0%
DRIVES/ PARKING	= 0.68 Ac.	19.0%
SIDEWALKS/POOL DECK	= 0.44 Ac.	12.0%
LAKES AREA	= N/A	0%
OPEN SPACE	= 1.60 Ac.	44.7%
PROJECT AREA	= 3.58 Ac.	100%

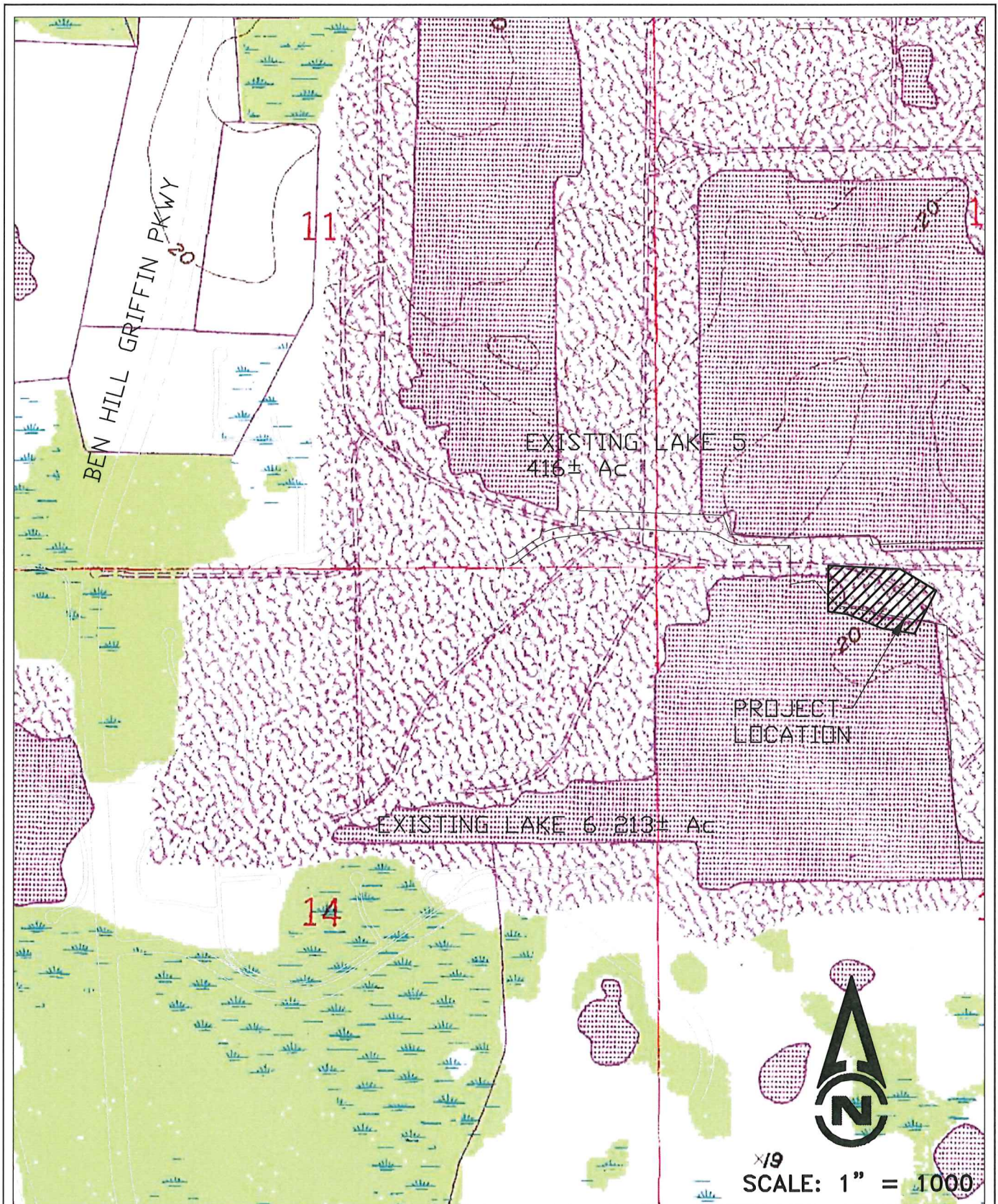
PARKING CALCULATIONS

34-7000 REQUIRED PARKING
MULTI-FAMILY 2 SPACES PER UNIT
NO PROPOSED UNITS 2 SPACES PER UNIT = 80 SPACES
+ NOTE: REQUIRED 100% ADDITIONAL FOR GUEST
NO SPACES 5 100% = 8 SPACES
TOTAL REQ'D = 88 SPACES REQUIRED (84 STANDARD, 4 W/CL)
TOTAL PROVIDED = 88 SPACES PROVIDED (84 STANDARD, 4 W/CL)

LEGEND

- PHASE 2 IMPROVEMENTS
- PROPOSED BEACH
- BRICK PAVERS (Deviation #7)
- SIDEWALK
- PROP. CONC/STONE WALL

- PHASE NOTES**
- PHASE 1) A) WATER, DRAINAGE, SANITARY, AND FIRE SERVICE FOR BUILDING #1.
B) ENTRANCES, PARKING LOT 13-48 & 20 SPACES UNDER BUILDING.
C) LANDSCAPING UP TO ENTRANCES / PHASE 1 LINE.
D) POOL DECK & SIDEWALKS TO PHASE 1 LINE.
- PHASE 2) A) WATER, DRAINAGE, SANITARY & FIRE SERVICES FOR BUILDING 2.
B) PARKING LOT SPACES 1-12, 49-50 & 20 SPACES UNDER BUILDING.
C) LANDSCAPING UP TO SECOND ENTRANCE / PHASE 2 LINE.
D) REMAINING SIDEWALKS TO PHASE 2 LINE.





6200 Whiskey Creek Drive, Fort Myers, Florida 33919 Phone: 239.985.1200 Fax: 239.985.1259

December 30, 2015

Attachment "B"

Mr. Ben Dickson
Acting Director
Lee County Department of Community Development
Development Services Division
1500 Monroe Street, 2nd Floor
Ft. Myers, Florida 33901

RE: *Miromar Lakes*
 Tract N-N, Positano
 Final Plan Approval
 HM Project No. 2014.099

Dear Mr. Dickson:

Hole Montes, Inc. is pleased to submit this application for Final Plan Approval for Tract N – N, Positano at Miromar Lakes as required by Resolution Z-13-020. This request is for the approval of a 3.58 ac. parcel of land that is to be developed into 40 multi-family units within two (2) - 5 stories over parking buildings.

The following approved deviations are requested as part of this development.

- Deviation #7 – Brick Pavers to replace 1.5 inches of S-1 on Private Roads.

The filing fee of \$1000.00 is included with this submittal. If you have any questions, or require additional information, please contact me.

Very truly yours,

HOLE MONTES, INC.

A handwritten signature in blue ink, appearing to read 'Charles L. Krebs', is written over the printed name.

Charles L. Krebs, P.E.
Senior Project Manager/Associate

Dbm/clk
Enclosures
cc: Mike Elgin

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES

Attachment "C"

Date: January 8, 2016

To: Tony Palermo, Senior Planner
From: Beth Workman, Environmental Planner
Phone: (239) 533-8793
E-mail: EWorkman@leegov.com

Project: Positano at Miromar Lakes
Case: ADD2015-00209
STRAP: 12-46-25-00-00001.0010 & 13-46-25-00-00001.0020

The Division of Development Services (DS) staff has reviewed the Final Plan Approval as it pertains to buffering, landscape strips, and open space. DS staff offers the following analysis:

PARCEL HISTORY:

Miromar Lakes is an 1,800 acre parcel, zoned MPD (mixed use planned development), and is in a DRI (development of regional impact) located east of I-75, south of Alico Road and north of Corkscrew Road. The proposed development is for a 3.58 acre portion of the Miromar Lakes development located in Tract N-N of the approved Master Concept Plan (MCP). Per zoning resolution Z-13-020 condition 1c, "the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when further deviations are requested. If FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices".

In the case of Positano at Miromar Lakes, the developer is requesting vertical construction so a FPA is required and one deviation to request to use brick pavers to replace 1.5 inches of S-1 on Private Roads. Condition 1d (vii and viii) requires that the FPA must include the open space, buffers, and landscape strips when vertical construction is proposed.

FINAL PLAN APPROVAL:

Per condition 1d of the Z-13-020, the applicant has provided the required 40% open space on the MCP. There are no buffer or landscape strip requirements for this phase. The Limited Development Order must provide the required landscaping per Chapter 10-416 of the LDC.

Therefore, the Peninsula Phase III at Miromar Lakes meets all the specific parameters required per the Z-13-020.

ADMINISTRATIVE AMENDMENT (FPA) ADD2016-00025

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes LLC – Mike Elgin filed an application for Final Zoning Plan Approval to a Mixed Use Planned Development (MPD) on a project known as Boat Storage Facility at Miromar Lakes for a temporary storage area for boats, trailers, RVs and other vehicles on a 3.0 acre parcel of land for the use of Miromar Lakes residents only on property located at Miromar Lakes, Fort Myers, FL. described more particularly as:

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

ATTACHED AS EXHIBIT “A”.

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

WHEREAS, the property was originally rezoned in case number Z-99-029 (with subsequent amendments in case number Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020; and

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

WHEREAS, Resolution Z-13-020 (Attachment “D”) requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan (FPA) that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 3-acre tract for temporary storage of vehicles including boats, trailers, RVs, fences, dry detention, entrance gates, and an existing boat dock, and existing boat ramp and related infrastructure (Attachment “A”); and

WHEREAS, the applicant has provided the required 30% open space (0.92 acres) for this proposed development; and

WHEREAS, the applicant has provided for adequate buffering, landscaping, plantings and other improvements (Attachment "B") generally consistent with the Land Development Code and Zoning Resolution Z-13-020; and

WHEREAS, the subject property was developed and previously utilized for temporary storage of boats and other vehicles for residents of Miromar Lakes; and

WHEREAS, the property is in receipt of two violations (VIO2016-01271 and VIO2016001371) for a fence, ramp, and dock constructed without permits; and

WHEREAS, Development Order DOS2016-00015 for construction of a temporary fenced storage facility to be used for the purpose of residents of Miromar Lakes to store boats and other vehicles on this site was applied for February 4, 2016; and

WHEREAS the subject property is within the Residential "R" portion of Miromar Lakes per the approved Master Concept Plan per Zoning Resolution Z-13-020; and

WHEREAS, to the east of the subject property is a private road within Miromar Lakes accessing Ben Hill Griffin Parkway; and

WHEREAS, to the west of the subject property is a large lake with the Compact Community Planned Development (CCPD) zoning designation (Centerplace); and

WHEREAS, there is vacant land to the north and south of the subject property within one of the "R" portions of Miromar Lakes; and

WHEREAS, the Property Development Regulations per Z-13-020 permit Accessory Uses and Structures including private boat docks, Clubs (including accessory uses including boat docks, boat ramps, fishing piers, Entrance Gates, Fences, Walls, Recreational Facilities, personal and private including fishing piers, boat docks, boat ramps, and temporary uses; and

WHEREAS, the Property Development Regulations per Z-13-020 says, "Any activity comparable in nature with the foregoing uses and which the Director of the Lee County Community Development determines to be compatible in "R" district"; and

WHEREAS, this proposed activity is an accessory use and activity consistent with the permitted uses within the "R" portions of Miromar Lakes; and

WHEREAS, the applicant proposes a development to be used by the residents of Miromar Lakes to store boats, trailers, RVs and other vehicles in a secure area; and

WHEREAS, this is a limited access storage facility with a boat ramp to allow the users a safe and controlled access to the adjacent lake; and

WHEREAS, the applicant proposes the users must be accompanied by Miromar Lakes Property Management staff to utilize this area; and

WHEREAS, due to the unique, temporary and accessory nature of the proposed use the applicant requests two additional deviations from the Land Development Code; and

WHEREAS, *Deviation 1* requests relief from LDC Sec. 10-261(a) requiring all new construction to provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers to allow for no requirement for such containers or receptacles; and

WHEREAS, Condition 28 of Zoning Resolution Z-13-020 says, "As part of any local development order approval for vertical development, the development order plans must include facilities in compliance with LDC Sec. 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables. The minimum area required for, and specific locations of these facilities will be reviewed at time of local development order application"; and

WHEREAS, the proposed storage activity requires no vertical construction with the exception of the fences, gates, and docks; and

WHEREAS, the applicant proposes a system where Miromar Lakes residents have limited access to the property accompanied by Miromar Lakes staff; and

WHEREAS, there will be no need, as proposed, to have any garbage or recycling facilities on site; and

WHEREAS, *Deviation 2* requests relief from LDC Sec. 34-2020(b) requiring marinas and other water-oriented uses to provide for parking spaces to allow for no parking for the proposed facility; and

WHEREAS, the applicant proposes residents using this area for storage and boat ramp will not be permitted to park their vehicles in the facility; and

WHEREAS, the proposed Final Plan Approval and deviation requests have been reviewed by Lee County Department of Community Development's Development Services and environmental staff (Attachment "D"); and

WHEREAS, the deviations requested – as conditioned - enhance the objectives of the planned development, and preserve and promote the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval (FPA) to the Mixed Use Planned Development (MPD) for approval a temporary storage area for boats, trailers, RVs and other vehicles on a 3.0 acre parcel of land for the use of Miromar Lakes residents only is **APPROVED with the following conditions:**

1. **The Development must be in substantial compliance with the Final Plan Approval: Site Plan per Attachment "A" and Landscape Plan per Attachment "B".**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. ***Deviations 1 and 2* as proposed are approved per the conditions of this amendment only.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**
5. **Within 180 days from the Final Plan Approval (ADD2016-00025), the dock and boat launch which have been constructed without permits must be either removed or a dock and shoreline permit issued and final inspection signed off by the Department of Community Development.**

6. **Development must include the two entrance gates consistent with Attachment "A".**
7. **Use of this property is limited to the temporary storage of boats, trailers, RVs, and other vehicles (not including heavy machinery, dump trucks, or similar vehicles) for residents of Miromar Lakes only.**
8. **Temporary storage of RVs is limited to 5 at any one time.**
9. **Use of this property for commercial storage of any kind is prohibited.**
10. **Use of this property for boat launching, docking, or boat or vehicle storage by non-residents or non-employees of Miromar Lakes is prohibited.**
11. **Individual boats or vehicles may not be stored on site in excess of one calendar year.**
12. **This temporary use is limited to no more than two calendar years from the date this amendment (ADD2016-00025) is signed. Continued use after this point may only be permitted by a subsequent Final Plan Approval extending the date of approval or through amendment of the MPD through the public hearing process.**
13. **If garbage accumulates on this site for a week or longer, the developer must comply with LDC Sec. 10-261 and Solid Waste Ordinance #11-27 for the pick-up/disposal of solid waste and recyclables.**

Duly passed, adopted, and electronically signed on 7/7/2016 by

Pam Houck, Zoning Manager
Department of Community Development

Exhibit "A" – Approved Legal Description

Attachment "A" –Site Plan Boat Storage Facility (FPA)

Attachment "B" – Landscape Plan

Attachment "C" – Applicant's Deviation Requests

Attachment "D" – Environmental Staff Report

EXHIBIT A

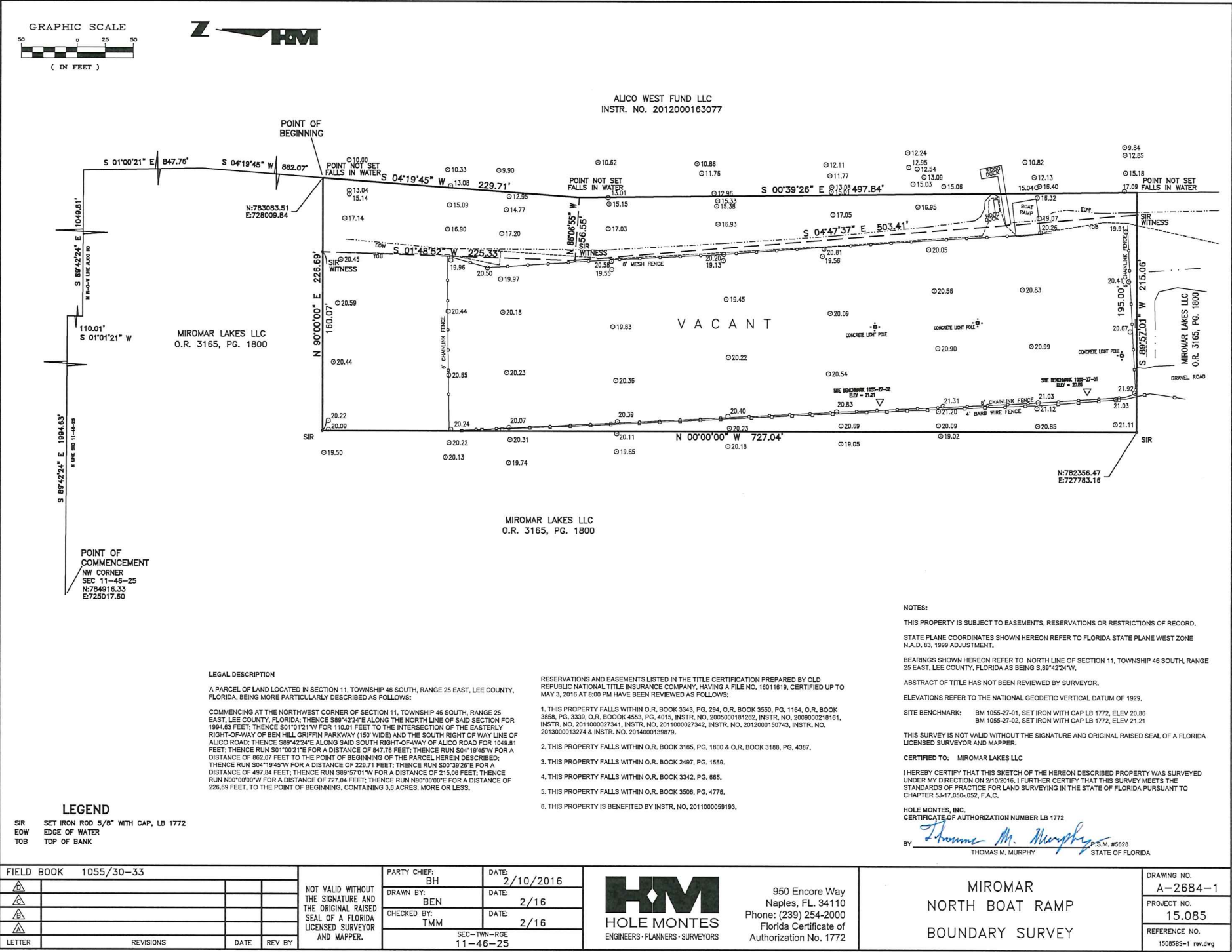
APPROVED
ADD2016-00025
Chick Jakacki, Planner
Lee Co Division of Zoning
7/6/2016

HM PROJECT # 2001038
12/11/01
REF DWG # A-2684-1
1 OF 1

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE S89°42'24"E ALONG THE NORTH LINE OF SAID SECTION FOR 1994.63 FEET; THENCE S01°01'21"W FOR 110.01 FEET TO THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF BEN HILL GRIFFIN PARKWAY (150' WIDE) AND THE SOUTH RIGHT OF WAY LINE OF ALICO ROAD; THENCE S89°42'24"E ALONG SAID SOUTH RIGHT-OF-WAY OF ALICO ROAD FOR 1049.81 FEET; THENCE RUN S01°00'21"E FOR A DISTANCE OF 847.76 FEET; THENCE RUN S04°19'45"W FOR A DISTANCE OF 862.07 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE RUN S04°19'45"W FOR A DISTANCE OF 229.71 FEET; THENCE RUN S00°39'26"E FOR A DISTANCE OF 497.84 FEET; THENCE RUN S89°57'01"W FOR A DISTANCE OF 215.06 FEET; THENCE RUN N00°00'00"W FOR A DISTANCE OF 727.04 FEET; THENCE RUN N90°00'00"E FOR A DISTANCE OF 226.69 FEET, TO THE POINT OF BEGINNING. CONTAINING 3.6 ACRES, MORE OR LESS.



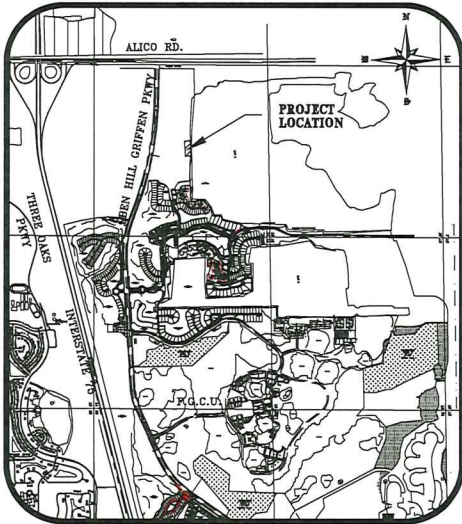
FINAL PLAN APPROVAL
FOR

BOAT STORAGE FACILITY
AT MIROMAR LAKES

LEE COUNTY, FLORIDA

DATE: FEBRUARY 2016

LEE COUNTY NUMBER	APPROVAL HISTORY TRACT DATE TYPE QUANTITY	
Z-99-029	MIROMAR LAKES 8/29/1999 RESOLUTION N/A	
A002000-00101	PHASE 1 7/27/2000 SINGLE FAMILY 11 UNITS	
A002000-00111	PHASE 1 7/27/2000 SINGLE FAMILY 30 UNITS	
A002000-00117	PHASE 2 7/21/2000 SINGLE FAMILY 91 UNITS	
A002000-00151	GOLF MAINT. 12/19/2000 COMMERCIAL 7500 S.F.	
A002000-00191	TEMP CLUBHOUSE 1/9/2001 COMMERCIAL 8,500 S.F.	
A002001-00019	VALENTIA 5/24/2001 MULT-FAMILY 80 UNITS	
A002001-00085	TRACT M & N 8/11/2001 SINGLE FAMILY 27 UNITS	
A002001-00134	BEACH CLUB 4/1/2002 RECREATION 4.77 ACRES	
A002001-00125	TIVOLI 10/16/2001 SINGLE FAMILY 113 UNITS	
A002001-00142	SALES CENTER 12/20/2001 COMMERCIAL 4,147 S.F.	
A002002-00045	BELLAVISTA 8/28/2002 MULT-FAMILY 80 UNITS	
A002002-00077	MED. VILLAGE 8/5/2002 SINGLE FAMILY 33 UNITS	
A002002-00188	CAPRINI GREENS 12/17/2002 SINGLE FAMILY 27 UNITS	
A002003-00028	VAVALDI 4/4/2003 MULT-FAMILY 80 UNITS	
A002003-00047	GOLF CLUBHOUSE 5/14/2003 RECREATION 5.45 ACRES	
Z-02-072	MIROMAR LAKES 12/15/2003 RESOLUTION N/A	
A002003-00101	CAPRINI GREENS MOD 12/16/2003 ADJNG. TO A002002-00188	
A002004-00033	SAN MARINO 7/21/2004 MULT-FAMILY 180 UNITS	
A002004-00042	MIRASOL ACCESS 4/2/2004 ACCESS 5.07 ACRES	
A002004-00045	CI/02 ACCESS 4/2/2004 ACCESS 1.02 ACRES	
A002004-00054	PORTO ROMANO 5/11/2004 SINGLE FAMILY 55 UNITS	
A002004-00070	MIRASOL RESIDENTIAL 7/27/2004 MULT-FAMILY 120 UNITS	
A002004-00074	CAPRINI GREENS MOD 4/21/2004 ADJNG. TO A002003-00188	
A002004-00178	MIRASOL ACCESS MOD 11/17/2004 ADJNG. TO A002004-00042	
A002004-00177	CASTELLI & ANACAPRI 12/3/2004 SINGLE FAMILY 18 UNITS	
A002004-00223	MONTIBELLO 01/10/2005 MULT-FAMILY 120 UNITS	
A002004-00253	VOLTERRA & BELLINI 4/15/2005 MULT-FAMILY 72 UNITS	
A002005-00134	MIRASOL PHASE 2 8/2/2005 MULT-FAMILY 120 UNITS	
A002005-00190	RAVENNA 3/31/2006 MULT-FAMILY 80 UNITS	
A002006-00004	BEACH CLUB PH. 2 3/13/2006 RECREATION 7.87 ACRES	
A002006-00002	MIROMAR LAKES PKWY EXTENSION 3/13/2006 ACCESS 133.08 ACRES	
A002006-00009	EAST 100 AL. 4/10/2006 SINGLE FAMILY 51 UNITS	
Z-06-064	MIROMAR LAKES 10/16/2006 RESOLUTION N/A	
A002006-00130	BEACH COTTAGES 12/5/2006 SINGLE FAMILY 18 UNITS	
A002006-00144	SORRENTO LANE MOD. 4/1/2009 ADJNG. TO A002006-00009	
A002006-00028	COSA AMAJI MOD. 4/18/2009 ADJNG. TO A002006-00130	
A002006-00028	COSA AMAJI MOD. 3/8/2010 ADJNG. TO A002006-00028	
Z-10-019	MIROMAR LAKES 10/16/2006 RESOLUTION N/A	
Z-12-004	MIROMAR LAKES 10/16/2006 RESOLUTION N/A	
A002012-00110	PENINSULA PHASE II 5/18/2012 SINGLE FAMILY 28 UNITS	
A002014-00102	PENINSULA PHASE IV 8/15/2014 SF / WF 25/48 UNITS	
A002014-00175	COSTA AMAJI MOD. 10/27/2014 ADJNG. TO A002006-00130	
A002014-00213	UNIVERSITY VILLAGE PH. I PENDING MIXED USE 198,82 UNITS 75,000 SF.	
A002015-00070	LAKE SHORELINE STABILIZATION 10/9/2015 RECREATIONAL 80 ACRES TO BE	
A002015-00079	TRACT M-M 07/14/2015 SINGLE FAMILY 12 UNITS	
A002015-00029	POSTANO 01/12/2016 MULT-FAMILY 40 UNITS	
A002016-00025	TEMP BOAT STORAGE PENDING RECREATION N/A	



PROPERTY LOCATION MAP
N.T.S.

STRAP NOS.

11-46-25-00-00001.0040

OPEN SPACE	
OPEN SPACE	AREA (ACRES)
GOLF COURSE	218.06
PHASE I	81.72
PHASE II	13.10
GOLF MAINTENANCE	0.92
VALENTIA	6.08
TRACT M & N	4.77
BEACH CLUB	2.34
TIVOLI	0
BELLAVISTA	3.55
MEDITERRANEAN VILLAGE	6.71
CAPRINI GREENS	1.19
VAVALDI	0
GOLF CLUBHOUSE	2.51
SAN MARINO	13.40
MIRASOL ACCESS DRIVE	1.31
TRACT CI/02 ENTRANCE	0.39
PORTO ROMANO	2.90
MIRASOL RESIDENTIAL	0
CASTELLI & ANACAPRI	0.92
VOLTERRA & BELLINI	5.89
RAVENNA	3.17
BEACH CLUB PH.2	2.73
MIROMAR LAKES PKWY. EXTENSION	0
EAST 100 AL.	0
BEACH COTTAGES	3.31
PENINSULA PHASE II	6.16
PENINSULA PHASE IV	16.33
UNIVERSITY VILLAGE PH I	24.74
LAKE SHORE STABILIZATION	0
TRACT M-M	1.90
POSTANO	1.60
TEMPORARY BOAT STORAGE FACILITY	0.92
TOTAL	409.52 AC.

BOAT DOCK HISTORY	
SINGLE FAMILY SUBDIVISIONS	
YORKDA LAGO	56
CAPRINI GREENS/BELLAVISTA	18
ISOLA BELLA	13
CASTELLI & ANACAPRI	17
VOLTERRA	12
COSTA AMAJI (BEACH COTTAGES)	8
SORRENTO (EAST 100 AL.)	11
PORTEFINO (EAST 100 AL.)	30
MURANO (EAST 100 AL.)	19
NAVONA (PENINSULA PH II)	18
SALIZING (PENINSULA PH II)	10
ESTATE LOTS (PENINSULA PH IV)	22
VILLA LOTS (PENINSULA PH IV)	0
TRACT M-M	0
POSTANO	0
TOTAL	230
ANGULARY (250 MAXIMUM)	
BEACH CLUB PH I	13
BEACH CLUB PH II	13
BEACH CLUB PH III	13
VAVALDI	18
MIRASOL BEACH PH 1&2	18
BELLINI	18
RAVENNA	80
THE PENINSULA PH IV	168
TOTAL	288
TOTAL PROPOSED & APPROVED ANGULARY SLIPS	
TOTAL REMAINING ANGULARY SLIPS	58
EACH SINGLE-FAMILY LAKESFRONT LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LAKESFRONT LOT DOCKS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR NET BOAT STORAGE ON A ONE FOR ONE (1:1) BASIS.	
AN ADDITIONAL 250 (MAXIMUM) ANGULARY SLIPS FOR NET BOAT STORAGE ARE ALLOWED ON THE LAKE.	

PREPARED FOR:

MIROMAR LAKES, LLC

CONTACT PERSON: MIKE ELGIN
10841 CORNSCREW ROAD - SUITE 305
FT. MYERS, FL 33928
PH (339) 394-5185

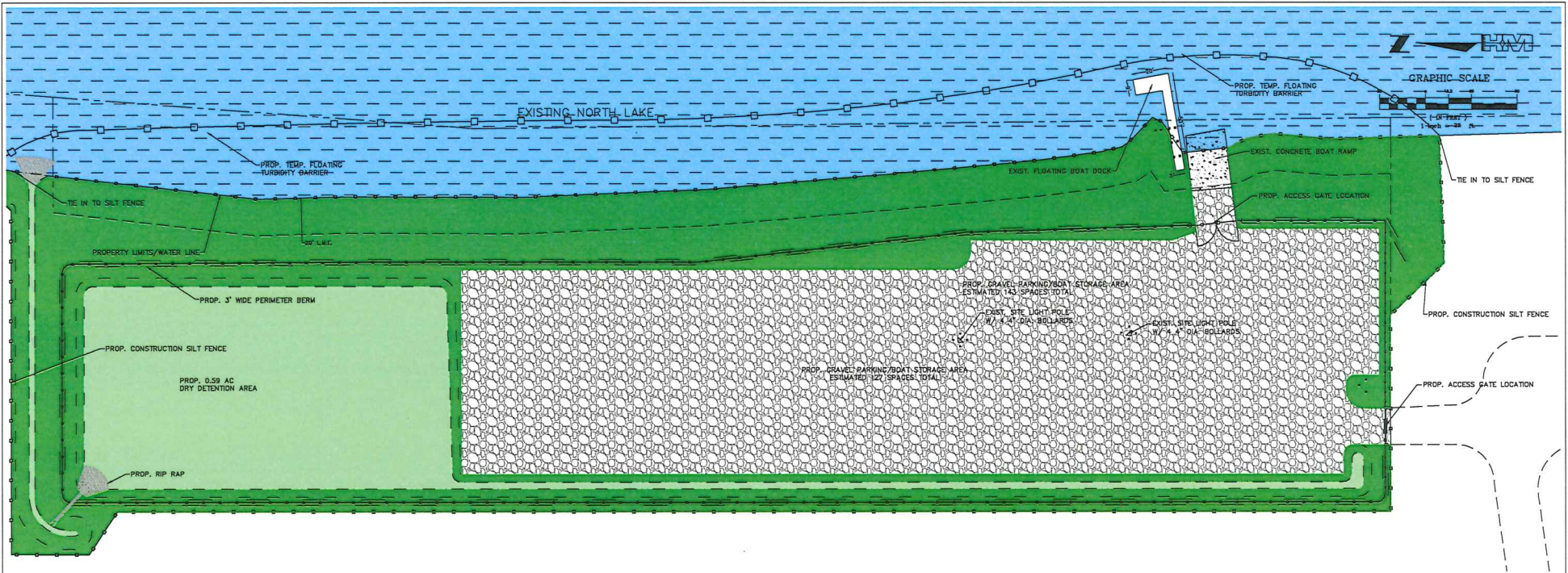
Attachment "A"

PREPARED BY:

H.M.
HOLE MONTES
ENGINEERS/PLANNERS/SURVEYORS

6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No.1772

DATE SUBMITTED FOR REVIEW	DATE REVIEWED
DATE APPROVED	DATE
RECEIVED FOR AGENT COMMENTS	REVISIONS
POSITANO AT MIROMAR LAKES LEE COUNTY, FLORIDA	
DRAWING NO. 1400	PROJECT NO. 14-099



GENERAL NOTES:

1. ALL ELEVATIONS REFER TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD29).
2. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES.
3. EXTREME CAUTION IS TO BE USED WHEN EXCAVATING, AS THE NUMBER AND LOCATION OF EXISTING UTILITIES HAVE BEEN NOTED BASED ON THE BEST INFORMATION AVAILABLE.
4. IT IS THE CONTRACTOR'S RESPONSIBILITY TO REPLACE ANY EXISTING LANDSCAPING (i.e. SHrubS, BUSHES, TREES, ETC.), SPRINKLER PIPE, SPRINKLER HEADS AND FENCING THAT MAY HAVE TO BE REMOVED DURING CONSTRUCTION.
5. ANY DAMAGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.
6. PRIOR TO LANDSCAPING ANY AREAS WITHIN THE ROAD RIGHT-OF-WAY, A LANDSCAPING PLAN AND RIGHT-OF-WAY PERMIT SHALL BE SUBMITTED FOR REVIEW AND APPROVAL BY THE COUNTY ENGINEER.
(NOTE: LANDSCAPING WORK TO BE DONE BY OTHERS.)
7. IRRIGATION LINE SIZES, LOCATION, AND CASING LOCATIONS ARE TO BE PROVIDED BY LANDSCAPE ARCHITECT.
8. ALL SUB-SURFACE INSTALLATIONS FOR WATER, SEWER, DRAINAGE AND PUBLIC UTILITIES SHALL BE INSTALLED PRIOR TO COMPACTION OF SUBGRADE AND ROADWAY CONSTRUCTION.
9. ALL CONDUITS NECESSARY FOR ELECTRICAL, CABLE TELEVISION, TELEPHONE, STREET LIGHTING, ETC. SHALL BE INSTALLED PRIOR TO STREET CONSTRUCTION.

GENERAL DEVELOPMENT NOTE:

- 1) BASED ON THE SPWMD GENERAL PERMIT #35-03568-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA, IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDOE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS, SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO SITE FILL, DRAINAGE WATER MANAGEMENT AND SEWAGE DISPOSAL FACILITIES.

MIROMAR LAKES
RES #Z-13-020

(DPR #11-0758-142)
PROPOSED LAND USE: DRY BOAT STORAGE
MIN SETBACKS:
FRONT: N/A
SIDE: 5 FT.
LAKE: 0 FT. OR 20 FT.
MINIMUM BUILDING SEPARATION = 10 FT.
MAX LOT COVER: N/A
MINIMUM LOT AREA = N/A
MINIMUM LOT WIDTH = N/A
MINIMUM LOT DEPTH = N/A
MAX BUILDING HEIGHT = 45 FT.

APPROVED DEVIATIONS
PER RES #Z-13-020

REQUEST #1 Request relief from Section 15-29(c) which requires curbside / on-street parking. The storage area and boat ramp will not be open to the public and are necessary uses in the overall development. The residence will only be provided access when accompanied by Staff. After relieving/storing or placing their cars in the water the residents will be required to leave with staff so the area can be secured.

PROJECT DATA:

PROP. ONSITE IMPROVEMENTS	
OPEN SPACE/GREEN AREA	39,500 SF = 0.92 AC = 29.56%
GRAVEL PARKING AREA	60,152 SF = 1.38 AC = 44.50%
DRY DETENTION AREA	27,581 SF = 0.63 AC = 20.63%
LAKE/STANDING WATER AREA	9,495 SF = 0.22 AC = 4.07%
BOAT RAMP AREA (LAND)	474 SF = 0.01 AC = 0.35%
BOAT RAMP AREA (WATER)	256 SF = 0.00 AC = 0.15%
BOAT DOCK AREA (LAND)	73 SF = 0.00 AC = 0.23%
BOAT DOCK AREA (WATER)	396 SF = 0.01 AC = 0.23%
TOTAL PROJECT AREA	133,611 SF = 3.07 AC = 100.0%

OPEN SPACE

REQUIRED OPEN SPACE = 30% = 3.07 AC = 30% = 0.92 AC
PROVIDED OPEN SPACE = 0.92 AC

LEGEND:

- L.M.E. LAKE MAINTENANCE EASEMENT
- PROPOSED GRAVEL PARKING AREA
- EXIST. BOAT DOCK PILING
- PROP. 6" CHAINLINK FENCE

REVISION	DATE
REVISED PER AGENCY COMMENTS	04/20/16

MIROMAR LAKES
BOAT STORAGE FACILITY
LEE COUNTY, FL

DESIGNED BY	DATE
C.L.K.	01/12/16
CHECKED BY	DATE
C.L.K.	01/12/16
VERTICAL SCALE	HORIZONTAL SCALE
N/A	1" = 25'



6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

FINAL PLAN APPROVAL
SITE PLAN

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW

SHARLENE L. KREBS, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #56830
DATE

CAD FILE NAME:	DRAWING NO.:
1400-02 MSP	1400-02
PROJECT NO.:	SHEET NO.:
2015085	2 of 2



6200 Whiskey Creek Drive, Fort Myers, Florida 33919 Phone: 239.985.1200 Fax: 239.985.1259

May 6, 2016

Tony Palermo, AICP
Senior Planner
Lee County Department of Community Development
Development Services Division
1500 Monroe Street, 2nd Floor
Ft. Myers, Florida 33901

Attachment "C"

**RE: *Miromar Lakes*
 Boat Storage Facility
 Final Plan Approval
 ADD2016-00025
 HM Project No. 2015.085**

Dear Mr. Palermo:

Hole Montes, Inc. is pleased to submit this revised deviation request for the Final Plan Approval submittal for a Boat Storage Facility at Miromar. The proposed facility is an accessory use as described in the approved schedule of uses.

This facility will be used by the residence to store boats, trailers, RVs and other vehicles in a secure area. This is a limited access storage facility with a boat ramp to allow the residence a safe and controlled access to the adjacent lake. As a limited access facility residence will need to be accompanied by Miromar Lakes Property Management staff. The facility is opened to allow the resident temporary access to store, retrieve or place a boat in the water. After that time the resident must leave with staff so the area can be secured.

Because of the accessory nature of the use and the limited access we are requesting deviations from LDC 10-261(a) and LDC 34-2020.

Deviation #1 - LDC Section 10-261(a) - All new construction of multifamily residential developments, commercial businesses, and industrial uses must provide sufficient on-site space for the placement of garbage containers or receptacles, and sufficient space for recyclable materials collection containers, to allow for no requirement for containers or receptacles.

Deviation #2 – LDC Section 34-2020(b) – Marinas and other water-oriented uses. Request a deviation from LDC Section 34-2020 that requires parking Marinas and other water-oriented uses to allow for no required parking for the proposed facility.

The proposed facility is an accessory use as described in Exhibit D of the approved schedule uses, Z-13-20. The proposed facility is an accessory use that is not open to the public and does not allow for unlimited use by the residence. This facility is solely for the storing of residential vehicles and trailers and allows residence to put boats in the adjacent lake via the proposed boat ramp.

Access to the boat ramp is also limited and not open to the public. Residence using the boat ramp will not be allowed to park their vehicles in the facility. Once the boat is in the water the residence are required to leave the facility with staff.

If you have any questions, or require additional information, please contact me.

Very truly yours,

HOLE MONTES, INC.

Charles L. Krebs

Charles L. Krebs, P.E.
Senior Project Manager/Associate

Dbm/clk
Enclosures
cc: Mike Elgin



Department of Community Development
Zoning Division
Environmental Review

MEMORANDUM

Date: May 12, 2016
To: Tony Palermo, Senior Planner
From: Beth Workman, Environmental Planner
239.533.8793
EWorkman@leegov.com
Subject: Miromar Lakes, LLC
ADD2016-00025
STRAP#11-46-25-00-00001.0040

The applicant is requesting a Final Plan Approval for the after the fact construction of a temporary boat storage facility with a boat ramp and boat dock. The applicant has been issued two violations. The first violation (VIO2016-01271) is for a six foot chain link fence that was constructed without permits and the second (VIO2016-01371) is for a concrete boat ramp and dock constructed without permits. Environmental Sciences zoning staff has reviewed the application and the master concept plan (MCP) that included a landscape plan and offer the following conditions:

Prior to the issuance of a development order for the boat storage facility, the landscape plans must be in substantial compliance with sheet LP-1 received May 5, 2016.

Within 90 days from the Final Plan Approval (ADD2016-00025), the dock and boat launch which have been constructed without permits must be either removed or a dock and shoreline permit issued and final inspection signed off by the Department of Community Development.

Attachment "D"

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00036

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC filed an application for an administrative amendment to a Mixed Use Planned Development (MPD) on a project known as University Village Phase I to modify Final Plan Approval per ADD2014-00213 to add 7.56 acres of development area, adding four additional multi-family buildings with 24 units each for a total of 96 additional multi-family units, and change the shape of the lake on property located 19801 and 19901 Ben Hill Griffin Parkway, Fort Myers, FL. described more particularly as:

LEGAL DESCRIPTION: In Sections 23 and 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A".

WHEREAS, the property was rezoned in Zoning Resolution Z-99-029 with subsequent amendments per zoning resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004, Z-13-020 and administrative amendment ADD2014-00213; and

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

WHEREAS, Resolution Z-13-020 requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, University Village is a 118.09-acre portion of Miromar Lakes; and

WHEREAS, Final Plan Approval (FPA) for University Village Phase I (47.09 acres) was approved per ADD2014-00213 (Attachment "C"); and

WHEREAS, ADD2014-00213 included Final Plan Approval (FPA) for 168 multi-family dwelling units in seven buildings, 75,000 square feet of commercial floor area, Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30, Deviation request #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to

be sloped at a 4:1 ratio rather than the required 6:1 ratio, and Deviation request #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars on property; and

WHEREAS, the applicant seeks to modify ADD2014-00213 by adding 7.56 acres of development area, adding four additional multi-family buildings with 24 units each for a total of 96 additional multi-family units, and change the shape of the lake (Attachment "A" and "B"); and

WHEREAS, the modified development area proposed is 54.65 acres; and

WHEREAS, the total number of multi-family units proposed is 264 in 11 buildings; and

WHEREAS, the increase in residential development would bring the total number of residential dwelling units approved in Miromar Lakes to 1,465 with 1,135 remaining in the MPD/DRI; and

WHEREAS, no changes to the previously approved commercial area (75,000 square feet of floor area) are proposed; and

WHEREAS, no new deviations are proposed; and

WHEREAS, the proposed Final Plan Approval (FPA) modifications have been reviewed by Lee County Department of Community Development's Environmental and Development Services staff; and

WHEREAS, staff recommends conditions of approval consistent with ADD2014-00213 carry forward through this FPA; and

WHEREAS, the deviation requests per ADD2014-00213 enhance the objectives of the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval (FPA) to the Mixed Use Planned Development (MPD) for University Village Phase I to modify Final Plan Approval per ADD2014-00213 to add 7.56 acres of development area, adding four additional multi-family buildings with 24 units each for a total of 96 additional multi-family units, and change the shape of the lake is **APPROVED subject to the following conditions:**

1. **The Development must be in substantial compliance with the 1-page Final Plan Approval (Attachment "A").**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Open space must be provided in substantial compliance with the approved Phase I FPA Open Space Table Summary and the first FPA for any development within the 55.77 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.**
4. **Utilization of deviations approved per ADD2014-00213 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30 per Zoning Resolution Z-13-020 are approved.**
5. **Deviation #1 per ADD2014-00213 is approved with the following two conditions:**

Condition #1 – Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Condition #2 – Turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.

6. **Deviation #2 per ADD2014-00213 is approved.**

7. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 4/12/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibit "A" - Approved Legal Description

Attachment "A" – University Village Phase I - Final Plan Approval

Attachment "B" – Applicant's Narrative

Attachment "C" – Administrative Amendment FPA ADD2014-000213

EXHIBIT A

CASE NUMBER: ADD2017-00036

STRAP NUMBER

23-46-25-00-00001.0000

23-46-25-00-00001.0020

23-46-25-00-00001.0030

24-46-25-00-00001.0020

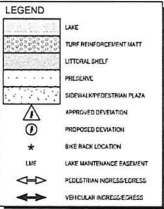
24-46-25-00-00001.0030

REVIEWED
ADD2017-00036
Jessica Leatherman,
Planner
Lee County DCD
3/7/2017

PHASE 1 OPEN SPACE SUMMARY (1)		ACREAGE
CATEGORY		
RESIDENTIAL ACREAGE		45.87 AC
COMMERCIAL ACREAGE		8.76 AC
REQUIRED RESIDENTIAL OPEN SPACE		(15.87 AC @ 4.0% (18.23 AC)
REQUIRED COMMERCIAL OPEN SPACE		(8.76 AC @ 30% = 2.63 AC)
TOTAL REQUIRED OPEN SPACE		20.86 AC
TOTAL INDEVELOPABLE PRESERVE (2)		(20.86 AC @ 100% = 20.86 AC)
PROVIDED RESIDENTIAL OPEN SPACE		21.26 AC
PROVIDED COMMERCIAL OPEN SPACE (2)		2.58 AC
TOTAL PROVIDED OPEN SPACE		23.83 AC
TOTAL INDEVELOPABLE PRESERVE (2)		20.86 AC

PROPERTY DEVELOPMENT REGULATIONS PER Z-13-20			
PROPOSED LAND USE	COMMERCIAL	MULTI-FAMILY	
NON-GARAGED FRONT SETBACK	N/A	25 FEET	
FRONT SETBACK	15 FEET	20 FEET	
SIDE SETBACK	0 OR 10 FEET	10 FEET	
WATER BODY	20 FEET	25 FEET	
MINIMUM BUILDING SEPARATION	0 OR 10 BUILDING HEIGHT	10 FEET	
MAXIMUM LOT COVERAGE	50%	50%	
MAXIMUM LOT AREA	10,000 S.F.	8,000 S.F.	
MAXIMUM LOT WIDTH	100 FEET	N/A	
MAXIMUM LOT DEPTH	500 FEET	100 FEET	
MAXIMUM BUILDING HEIGHT	45 FEET *	65 FEET *	

DEVELOPMENT SUMMARY	
RESIDENTIAL	264 DU
COMMERCIAL	72,124 S.F.



OPEN SPACE SUMMARY	
OFFICE SPACE	AREA (AC)
GOV COURSE	219.16
PHASE I	0.75
PHASE 2	1.70
GOV MAINTENANCE	0.92
VALENCIA	8.36
TRACT M & N	4.77
BEACH CLUB	2.84
PHASE 3	1.26
BELLAVISTA	3.75
WESTERMANIAN VILLAGE	0.61
CAPRIN GREENING	1.10
VALERO	0.00
GOV CLUBHOUSE	2.51
SHAWNEE	11.43
MINOR ACCESS DRIVE	0.29
TRACT EFG ENTRANCE	0.39
PORTO ROMANO	2.86
MINOR RESIDENTIAL	0.00
CASCATELLA & MANCINI	0.92
VIA TORRE & BELLINI	0.30
BEACH CLUB 2	2.47
MINOR LAWN PLOT EXTENSION	0.00
TRACT ADE TREES	0.00
TRACT COTTAGE & COSTA ALFANI	0.21
PENGA DRIVE III	1.51
PORTO ROMANO II	0.92
MINOR VILLAGE PHASE I	23.62
TOTAL	409.49

ATTACHMENT "A"

LEGEND

Revision	Date	Description	By

DESIGNED BY:	R.L.
DRAWN BY:	C.P.N.
APPROVED:	F.J.F.
JOB CODE:	MUWDO
SCALE:	1" = 200'



GradyMinor

Civil Engineers • Land Surveyors
 Cert. of Auth. EB 0005151 Cert. of Auth. LB 0005151
 Bonita Springs: 239.947.1144 www.G

Q. Grady Minor and Associates, P.A.
3800 Via Del Rey
Bonita Springs, Florida 34134

- **Landscape Architects**
Business LC 260002116
Fort Myers: 239.690.4380

UNIVERSITY VILLAGE-PHASE 1 AMENDMENT

FINAL PLAN APPROVAL (FPA)

ELEVATIONS SHOWN HEREON ARE BASED UPON NORTH AMERICAN VERTICAL DATUM 1988 (NAVD '88)
CONVERSION FACTOR TO NATIONAL GEODETIC VERTICAL DATUM 1929 (NGVD '29) IS (+)1.175

MICHAEL J. DELATE, P.E.
FLORIDA P.E. LICENSE NO. 49442

MUNICIPALITY:
LEE COUNTY
SEC/TWNSHP/RNG
13-23-24/465/258
DATE:
FEBRUARY 2017
SUBMITTAL TYPE:
EXHIBIT
SHEET 1 OF 1

University Village Phase I

Narrative of Request

Miromar Lakes is a 1,800+/- acre DRI parcel, zoned MPD. The proposed University Village development is a 118.09-acre portion of the Miromar Lakes development. Final Plan Approval (FPA) was previously granted for University Village Phase 1 consisting of 47.09 acres under ADD2014-00213.

This University Village FPA application is modifying the previously approved Phase 1 FPA by adding 7.56 acres of development area, by adding four additional multi-family buildings with 24 units each (96 total additional units) and by revising the shape of the lake. No changes to the previously approved commercial area or multi-family buildings are proposed. No new deviations are proposed.

The new University Village Phase 1 area is 54.65 acres and includes 264 multi-family units in 11 buildings, an amenity building, 75,000 square feet of commercial floor area and associated infrastructure.

ATTACHMENT "B"

ADMINISTRATIVE AMENDMENT (FPA) ADD2014-00213
ATTACHMENT "C"
ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC filed an application for Final Plan Approval (FPA) to a Mixed Use Planned Development (MPD) on a project known as University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars on property located at Miromar Lakes, FL, described more particularly as:

LEGAL DESCRIPTION: In Sections 23 & 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was rezoned in case number Z-99-029 with subsequent amendments per zoning resolutions Z-02-072, Z-06-064, Z-10-019, Z-12-004 and Z-13-020; and

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

WHEREAS, Resolution Z-99-029 requires, as a prerequisite to approval of any local Development Order, an approved Final Zoning Plan that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the Miromar Lakes Mixed Use Planned Development (MPD)/Development of Regional Impact (DRI) is a +/- 1,800-acre mixed use project approved for 250,000 square feet of retail uses, 340,000 square feet of office uses, 40,000 square feet of industrial/research and development uses, 450 hotel rooms, 650 boat slips, 2,600 residential units, recreational facilities and preserve areas; and

WHEREAS, Condition 1.c. of Z-13-020 requires Final Plan Approval prior to the issuance of a local development order for the parcel development that includes vertical (structural) development; and

WHEREAS, the application includes a total of 118.09 acres, including 63.33 acres of future development, 47.09 acres of mixed use, and 7.67 acres for South Village Boulevard; and

WHEREAS, the applicant is seeking Final Plan Approval (FPA) for a 47.09-acre tract known as University Village Phase I (mixed use) including 168 multi-family units and 75,000 square feet of commercial floor area and associated infrastructure; and

WHEREAS, the proposal includes utilization of Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7,13, 14, 16, 18, 20, 24, 28, and 30 (Attachment "B"); and

WHEREAS, the proposal includes a master site plan (Attachment A") and two additional deviation requests (Attachment "B") as follow:

Deviation 1 from LDC Sec. 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table, to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where bulkhead shoreline is proposed.

Deviation 2 from LDC Sec. 34-2021(d) which requires restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars.

WHEREAS, the proposed Final Plan Approval and deviation requests have been reviewed by Lee County Department of Community Development's Environmental Sciences and Development Services staff Attachments "C" and "D"; and

WHEREAS, the deviation requests – as conditioned by staff - enhance the objectives of the planned development, and preserves and promotes the general intent of the LDC to protect the public health, safety and welfare; and

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-99-029, as subsequently amended; and

WHEREAS, the subject plans and deviation requests are consistent with the approved zoning resolutions and Development of Regional Impact (DRI) as amended, and

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

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

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval (FPA) to the Mixed Use Planned Development (MPD for University Village Phase I for a mixed-use development including 168 multi-family dwelling units and 75,000 square feet of commercial floor area; Deviations approved per Zoning Resolution Z-13-020 including Deviations #2, 6, 7, 13, 14, 16, 18, 20, 24, 28, and 30; A new proposed Deviation #1 from LDC Sec. 10-329(d)(4) allowing for lake banks to be sloped at a 4:1 ratio rather than the required 6:1 ratio; and a new proposed Deviation #2 from LDC Sec. 34-2021(d) requiring restaurant stacking lanes to accommodate 10 cars per service lane, to allow vehicle stacking for 7 cars is **APPROVED with the following conditions:**

1. **The Development must be in substantial compliance with the 3-page Final Plan Approval: University Village Phase I (Attachment "A").**
2. **Any development which is not consistent with the final site plan approved herein and attached hereto, will require an additional, amended final plan approval.**
3. **Future development within the "Future Development" portion of the Final Plan Approval (Page 2 Attachment "A") will require subsequent approval including Final Plan Approval for the Future Development portion.**
4. **Final Zoning Plan ADD2014-00213 is hereby APPROVED and adopted. A reduced copy is attached hereto.**
5. **Open space must be provided in substantial compliance with the approved Phase I FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.**
6. **Deviation # 1 is approved with the following two conditions:**

Condition #1 – Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Condition #2 – Turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.
7. **Deviation #2 is approved.**

8. If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Director may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.

DULY PASSED AND ADOPTED ON 4/22/2015

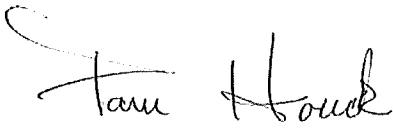
BY: 
Electronically Signed by
Pam Houck, Director
Division of Zoning
Department of Community Development

Exhibit "A" - Approved Legal Description

Attachment "A" – University Village Phase I - Final Plan Approval (3 pages)

Attachment "B" - Deviation Narrative.

Attachment "C" - Environmental Sciences Staff Report.

Attachment "D" - Development Services Staff Comments.



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

EXHIBIT A

HM PROJECT #2014553

11/11/2014

REF. DWG. B-7032

Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET; THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 3106.93 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 1706.06 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET ; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET ; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET ; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET ; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET ; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2704.05 FEET; THENCE RUN S.21°47'19"E., FOR A DISTANCE OF 90.40 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; WHOSE RADIUS POINT BEARS S.16°22'46"E., THEREFROM; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF S.67°54'34"W., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN S.62°11'53"W., FOR A



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
11/11/2014
REF. DWG. B-7032
Page 2 of 2

DISTANCE OF 1702.31 FEET; THENCE RUN S.09°28'37"E., FOR A DISTANCE OF 237.10 FEET; THENCE RUN S.37°03'08"W., FOR A DISTANCE OF 549.34 FEET; THENCE RUN S.33°44'20"E., FOR A DISTANCE OF 265.34 FEET; THENCE RUN S.11°50'46"E., FOR A DISTANCE OF 376.96 FEET; THENCE RUN S.12°31'18"W., FOR A DISTANCE OF 143.56 FEET; THENCE RUN S.44°05'12"W., FOR A DISTANCE OF 159.55 FEET; THENCE RUN S.43°43'24"W., FOR A DISTANCE OF 344.32 FEET; THENCE RUN S.35°34'43"W., FOR A DISTANCE OF 155.70 FEET; THENCE RUN S.86°27'01"E., FOR A DISTANCE OF 516.40 FEET; THENCE RUN S.86°18'36"E., FOR A DISTANCE OF 142.88 FEET; THENCE RUN N.87°55'21"E., FOR A DISTANCE OF 395.41 FEET; THENCE RUN S.67°15'23"E., FOR A DISTANCE OF 157.97 FEET; THENCE RUN S.22°29'12"E., FOR A DISTANCE OF 152.13 FEET; THENCE RUN S.23°33'35"E., FOR A DISTANCE OF 209.05 FEET; THENCE RUN S.24°08'50"W., FOR A DISTANCE OF 199.34 FEET, TO THE POINT OF BEGINNING.

CONTAINING 118.090 ACRES, MORE OR LESS.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

APPROVED
ADD2014-00213
Chick Jakacki, Planner
Lee Co Division of Zoning
11/26/2014

THIS IS NOT A SURVEY

LINE	BEARING	DISTANCE
L1	N00°48'26"W	37.50'
L2	S89°28'32"W	3106.93'
L3	S89°28'32"W	1706.06'
L4	N82°43'46"W	275.20'
L5	N00°49'43"W	484.10'
L6	N48°52'47"E	591.95'
L7	N83°15'50"E	340.40'
L8	N27°22'23"E	649.51'
L9	N88°17'12"E	233.73'
L10	S31°47'37"E	631.21'
L11	N62°11'53"E	2704.05'
L12	S21°47'19"E	90.40'
L13	S62°11'53"W	1702.31'
L14	S09°28'37"E	237.10'
L15	S37°03'08"W	549.34'
L16	S33°44'20"E	265.34'
L17	S11°50'46"E	376.96'
L18	S12°31'18"W	143.56'
L19	S44°05'12"W	159.55'
L20	S43°43'24"W	344.32'
L21	S35°34'43"W	155.70'
L22	S86°27'01"E	516.40'
L23	S86°18'36"E	142.88'
L24	N87°55'21"E	395.41'
L25	S67°15'23"E	157.97'
L26	S22°29'12"E	152.13'
L27	S23°33'35"E	209.05'
L28	S24°08'50"W	199.34'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	2800.92'	7°47'42"	380.77'	N86°37'37"W	381.06'
C2	2950.00'	5°34'48"	287.19'	N85°31'11"W	287.30'
C3	1475.00'	50°05'25"	1248.83'	N25°52'25"W	1289.50'
C4	500.00'	11°25'22"	99.52'	S67°54'34"W	99.68'

ABBREVIATIONS

C1 = SEE CURVE TABLE

DR. = DRIVE

L1 = SEE LINE TABLE

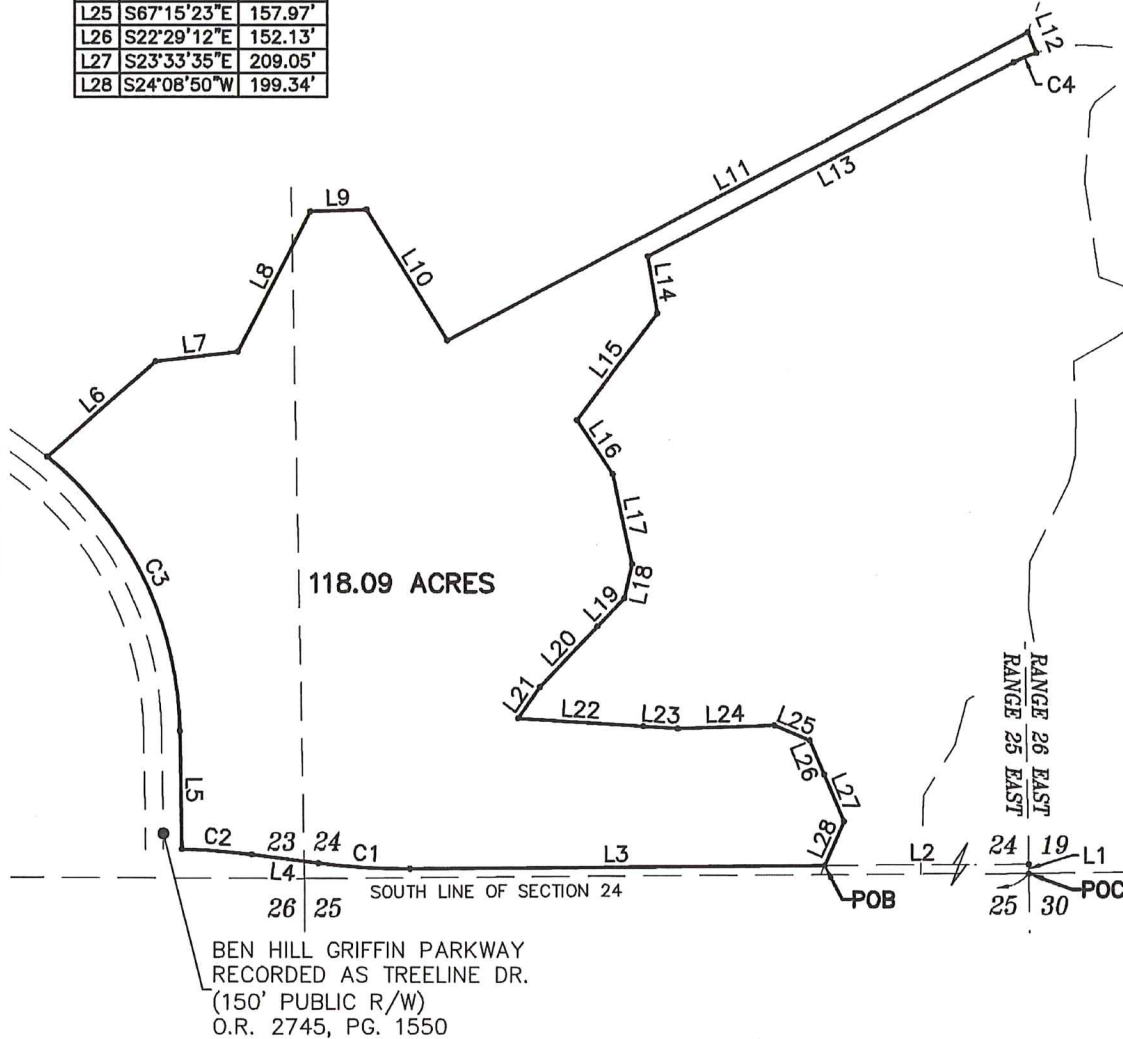
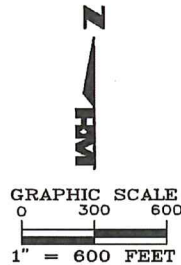
POB = POINT OF BEGINNING

POC = POINT OF COMMENCEMENT

PG. = PAGE

O.R. = OFFICIAL RECORDS BOOK

R/W = RIGHT-OF-WAY



HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

SEC-TWN-RGE:
23,24-46S-25E

DRAWN BY: R.A.K. DATE: 11/11/14
CHECKED BY: T.M.M. DRAWING NO. B-7032



950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH OF LEGAL DESCRIPTION

MIROMAR - UNIVERSITY VILLAGE - WEST 118 AC

PROJECT NO.
2014553

REFERENCE NO.
14553_Skelch W118.dwg

PLAN REVISIONS		REVISIONS
1	ADD PER GRAFT CONCRETE	
2	ADD PER GRAFT CONCRETE	
3	ADD PER GRAFT CONCRETE	
4	ADD PER GRAFT CONCRETE	
5	ADD PER GRAFT CONCRETE	
6	ADD PER GRAFT CONCRETE	
7	ADD PER GRAFT CONCRETE	
8	ADD PER GRAFT CONCRETE	
9	ADD PER GRAFT CONCRETE	
10	ADD PER GRAFT CONCRETE	
11	ADD PER GRAFT CONCRETE	
12	ADD PER GRAFT CONCRETE	
13	ADD PER GRAFT CONCRETE	
14	ADD PER GRAFT CONCRETE	
15	ADD PER GRAFT CONCRETE	
16	ADD PER GRAFT CONCRETE	
17	ADD PER GRAFT CONCRETE	
18	ADD PER GRAFT CONCRETE	
19	ADD PER GRAFT CONCRETE	
20	ADD PER GRAFT CONCRETE	
21	ADD PER GRAFT CONCRETE	
22	ADD PER GRAFT CONCRETE	
23	ADD PER GRAFT CONCRETE	
24	ADD PER GRAFT CONCRETE	
25	ADD PER GRAFT CONCRETE	
26	ADD PER GRAFT CONCRETE	
27	ADD PER GRAFT CONCRETE	
28	ADD PER GRAFT CONCRETE	
29	ADD PER GRAFT CONCRETE	
30	ADD PER GRAFT CONCRETE	
31	ADD PER GRAFT CONCRETE	
32	ADD PER GRAFT CONCRETE	
33	ADD PER GRAFT CONCRETE	
34	ADD PER GRAFT CONCRETE	
35	ADD PER GRAFT CONCRETE	
36	ADD PER GRAFT CONCRETE	
37	ADD PER GRAFT CONCRETE	
38	ADD PER GRAFT CONCRETE	
39	ADD PER GRAFT CONCRETE	
40	ADD PER GRAFT CONCRETE	
41	ADD PER GRAFT CONCRETE	
42	ADD PER GRAFT CONCRETE	
43	ADD PER GRAFT CONCRETE	
44	ADD PER GRAFT CONCRETE	
45	ADD PER GRAFT CONCRETE	
46	ADD PER GRAFT CONCRETE	
47	ADD PER GRAFT CONCRETE	
48	ADD PER GRAFT CONCRETE	
49	ADD PER GRAFT CONCRETE	
50	ADD PER GRAFT CONCRETE	
51	ADD PER GRAFT CONCRETE	
52	ADD PER GRAFT CONCRETE	
53	ADD PER GRAFT CONCRETE	
54	ADD PER GRAFT CONCRETE	
55	ADD PER GRAFT CONCRETE	
56	ADD PER GRAFT CONCRETE	
57	ADD PER GRAFT CONCRETE	
58	ADD PER GRAFT CONCRETE	
59	ADD PER GRAFT CONCRETE	
60	ADD PER GRAFT CONCRETE	
61	ADD PER GRAFT CONCRETE	
62	ADD PER GRAFT CONCRETE	
63	ADD PER GRAFT CONCRETE	
64	ADD PER GRAFT CONCRETE	
65	ADD PER GRAFT CONCRETE	
66	ADD PER GRAFT CONCRETE	
67	ADD PER GRAFT CONCRETE	
68	ADD PER GRAFT CONCRETE	
69	ADD PER GRAFT CONCRETE	
70	ADD PER GRAFT CONCRETE	
71	ADD PER GRAFT CONCRETE	
72	ADD PER GRAFT CONCRETE	
73	ADD PER GRAFT CONCRETE	
74	ADD PER GRAFT CONCRETE	
75	ADD PER GRAFT CONCRETE	
76	ADD PER GRAFT CONCRETE	
77	ADD PER GRAFT CONCRETE	
78	ADD PER GRAFT CONCRETE	
79	ADD PER GRAFT CONCRETE	
80	ADD PER GRAFT CONCRETE	
81	ADD PER GRAFT CONCRETE	
82	ADD PER GRAFT CONCRETE	
83	ADD PER GRAFT CONCRETE	
84	ADD PER GRAFT CONCRETE	
85	ADD PER GRAFT CONCRETE	
86	ADD PER GRAFT CONCRETE	
87	ADD PER GRAFT CONCRETE	
88	ADD PER GRAFT CONCRETE	
89	ADD PER GRAFT CONCRETE	
90	ADD PER GRAFT CONCRETE	
91	ADD PER GRAFT CONCRETE	
92	ADD PER GRAFT CONCRETE	
93	ADD PER GRAFT CONCRETE	
94	ADD PER GRAFT CONCRETE	
95	ADD PER GRAFT CONCRETE	
96	ADD PER GRAFT CONCRETE	
97	ADD PER GRAFT CONCRETE	
98	ADD PER GRAFT CONCRETE	
99	ADD PER GRAFT CONCRETE	
100	ADD PER GRAFT CONCRETE	



 NORTH ARROW



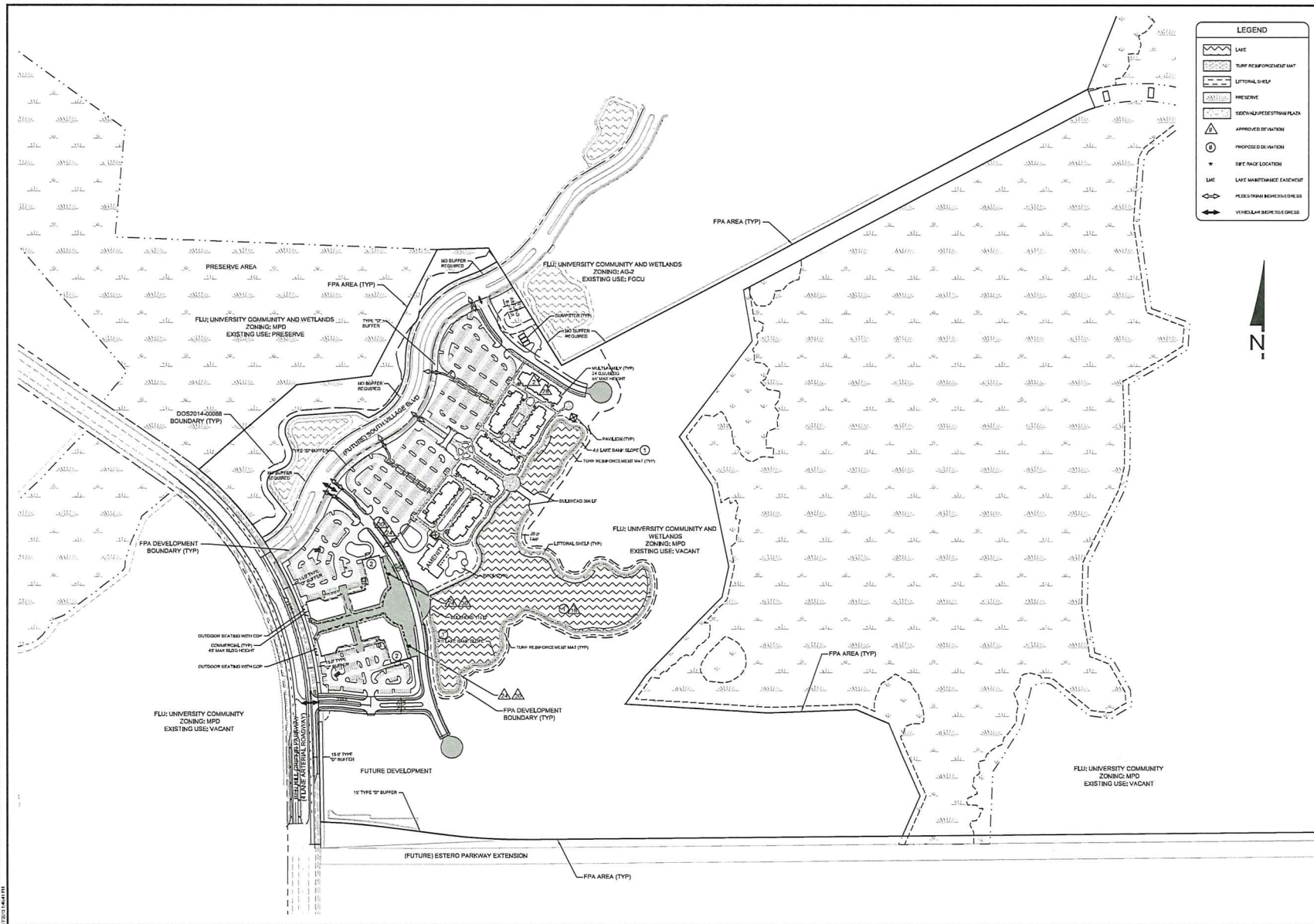
 SCALE: 1" = 10'

SET NUMBER:

382-01-03

SHEET:

1



UNIVERSITY VILLAGE PHASE I

AT MIROMAR LAKES

CLIENT: MIROMAR LAKES, LLC

FINAL PLAN APPROVAL

WALDROP
ENGINEERING

2700 S. 108th AVE. SUITE 100
P.O. BOX 4507777 F. 336 460-2719 T. 305 450-7600 E. info@waldropeng.com

PLAN EXEMPTIONS: REVIEW - 04/08/2014 13:27:14

REVISIONS:

#	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	04/08/2014
2	ISSUED FOR PERMIT	04/08/2014
3	ISSUED FOR PERMIT	04/08/2014
4	ISSUED FOR PERMIT	04/08/2014
5	ISSUED FOR PERMIT	04/08/2014
6	ISSUED FOR PERMIT	04/08/2014
7	ISSUED FOR PERMIT	04/08/2014
8	ISSUED FOR PERMIT	04/08/2014
9	ISSUED FOR PERMIT	04/08/2014
10	ISSUED FOR PERMIT	04/08/2014
11	ISSUED FOR PERMIT	04/08/2014
12	ISSUED FOR PERMIT	04/08/2014
13	ISSUED FOR PERMIT	04/08/2014
14	ISSUED FOR PERMIT	04/08/2014
15	ISSUED FOR PERMIT	04/08/2014
16	ISSUED FOR PERMIT	04/08/2014
17	ISSUED FOR PERMIT	04/08/2014
18	ISSUED FOR PERMIT	04/08/2014
19	ISSUED FOR PERMIT	04/08/2014
20	ISSUED FOR PERMIT	04/08/2014
21	ISSUED FOR PERMIT	04/08/2014
22	ISSUED FOR PERMIT	04/08/2014
23	ISSUED FOR PERMIT	04/08/2014
24	ISSUED FOR PERMIT	04/08/2014
25	ISSUED FOR PERMIT	04/08/2014
26	ISSUED FOR PERMIT	04/08/2014
27	ISSUED FOR PERMIT	04/08/2014
28	ISSUED FOR PERMIT	04/08/2014
29	ISSUED FOR PERMIT	04/08/2014
30	ISSUED FOR PERMIT	04/08/2014
31	ISSUED FOR PERMIT	04/08/2014
32	ISSUED FOR PERMIT	04/08/2014
33	ISSUED FOR PERMIT	04/08/2014
34	ISSUED FOR PERMIT	04/08/2014
35	ISSUED FOR PERMIT	04/08/2014
36	ISSUED FOR PERMIT	04/08/2014
37	ISSUED FOR PERMIT	04/08/2014
38	ISSUED FOR PERMIT	04/08/2014
39	ISSUED FOR PERMIT	04/08/2014
40	ISSUED FOR PERMIT	04/08/2014
41	ISSUED FOR PERMIT	04/08/2014
42	ISSUED FOR PERMIT	04/08/2014
43	ISSUED FOR PERMIT	04/08/2014
44	ISSUED FOR PERMIT	04/08/2014
45	ISSUED FOR PERMIT	04/08/2014
46	ISSUED FOR PERMIT	04/08/2014
47	ISSUED FOR PERMIT	04/08/2014
48	ISSUED FOR PERMIT	04/08/2014
49	ISSUED FOR PERMIT	04/08/2014
50	ISSUED FOR PERMIT	04/08/2014
51	ISSUED FOR PERMIT	04/08/2014
52	ISSUED FOR PERMIT	04/08/2014
53	ISSUED FOR PERMIT	04/08/2014
54	ISSUED FOR PERMIT	04/08/2014
55	ISSUED FOR PERMIT	04/08/2014
56	ISSUED FOR PERMIT	04/08/2014
57	ISSUED FOR PERMIT	04/08/2014
58	ISSUED FOR PERMIT	04/08/2014
59	ISSUED FOR PERMIT	04/08/2014
60	ISSUED FOR PERMIT	04/08/2014
61	ISSUED FOR PERMIT	04/08/2014
62	ISSUED FOR PERMIT	04/08/2014
63	ISSUED FOR PERMIT	04/08/2014
64	ISSUED FOR PERMIT	04/08/2014
65	ISSUED FOR PERMIT	04/08/2014
66	ISSUED FOR PERMIT	04/08/2014
67	ISSUED FOR PERMIT	04/08/2014
68	ISSUED FOR PERMIT	04/08/2014
69	ISSUED FOR PERMIT	04/08/2014
70	ISSUED FOR PERMIT	04/08/2014
71	ISSUED FOR PERMIT	04/08/2014
72	ISSUED FOR PERMIT	04/08/2014
73	ISSUED FOR PERMIT	04/08/2014
74	ISSUED FOR PERMIT	04/08/2014
75	ISSUED FOR PERMIT	04/08/2014
76	ISSUED FOR PERMIT	04/08/2014
77	ISSUED FOR PERMIT	04/08/2014
78	ISSUED FOR PERMIT	04/08/2014
79	ISSUED FOR PERMIT	04/08/2014
80	ISSUED FOR PERMIT	04/08/2014
81	ISSUED FOR PERMIT	04/08/2014
82	ISSUED FOR PERMIT	04/08/2014
83	ISSUED FOR PERMIT	04/08/2014
84	ISSUED FOR PERMIT	04/08/2014
85	ISSUED FOR PERMIT	04/08/2014
86	ISSUED FOR PERMIT	04/08/2014
87	ISSUED FOR PERMIT	04/08/2014
88	ISSUED	

PHASE 1 OPEN SPACE SUMMARY*	
CATEGORY	ACREAGE
RESERVED OPEN SPACE	30.31 AC
COMMERCIAL ACREAGE	0.78 AC
REQUIRED RESIDENTIAL OPEN SPACE	(38.31 AC X 40%) 15.32 AC
REQUIRED COMMERCIAL OPEN SPACE	(0.78 AC X 30%) 0.23 AC
TOTAL REQUIRED OPEN SPACE	15.55 AC
TOTAL REQUIRED BEEKEEPING PRESERVE**	(17.50 AC X 10%) 1.75 AC
PROVIDED RESIDENTIAL OPEN SPACE	19.21 AC
PROVIDED COMMERCIAL OPEN SPACE**	1.04 AC
TOTAL PROVIDED OPEN SPACE	20.25 AC
TOTAL PRESERVE PROVIDED	3.21 AC

DEVELOPMENT SUMMARY	
RESIDENTIAL	168 D.U.
COMMERCIAL	75,000 SF

DEVIATION (2) FROM LDC SEC. 34-2021(D) TO ALLOW FOR 7 CARS PER SERVICE LANE

DEVIATION (2) FROM LDC SEC. 34-2021(D) TO ALLOW FOR 7 CARS PER SERVICE LANE





WALDROP ENGINEERING
CIVIL ENGINEERING & LAND DEVELOPMENT CONSULTANTS

28100 BONITA GRANDE DR. #305
BONITA SPRINGS, FL 34135
P: 239-405-7777
F: 239-405-7899

Attachment "B"

Schedule of Deviations & Justifications University Village Phase I

REVISED MARCH 2015

Deviations Approved per Z-13-020

Deviation #2 from LDC Sec. 34-1954(d)(2), which restricts model townhomes and multi-family units to a time limitation, to allow model multi-family units through the build out of the project.

Deviation #6 from LDC Sec. 10-296(b), Table 3, which requires a right-of-way width of 35 feet for two-way closed drainage, rear lot drainage or inverted crown; to allow a right-of-way width to coincide with the back of curb for local private roads.

Deviation #7 from LDC Sec. 10-296(d), Table 4(7)c), which requires asphaltic concrete, to allow for cement concrete or decorative pavers within private local roadways within Miromar Lakes.

Deviation #13 from LDC Sec. 10-355, which requires a 10-foot public utility easement on both sides of a roadway, to allow the public utility easement on one side only provided the applicable utility companies agree to the elimination of the easement in writing.

Deviation #14 from LDC Sec. 10-415(a), which requires that open space be calculated as a percentage of development area; to allow open space based on the areas of development excluding that portion of the development consisting of the existing mining lakes, as approved by Resolution Z-99-029 with the following condition:

The entire acreage of the existing minimum lakes located east of Ben Hill Griffin Parkway is exempt from open space requirements. These lakes may not be used to satisfy open space requirements on the site. This deviation is APPROVED for the entire project.

Deviation #16 from LDC Sec. 10-415(b), which requires 50 percent of the required open space to incorporate existing indigenous vegetation; to allow all of the required indigenous vegetation to be provided in the conservation areas shown on the MCP and to permit all of the restored vegetation within the wetland slough to count toward the required indigenous vegetation requirement. This deviation was approved by Resolution Z-99-029 with the condition that existing indigenous preservation requirement be met within the Conservation Area shown on the MCP last revised August 16, 1999. This deviation is approved for the 534-acre addition to the project subject to the following condition:

In conjunction with an application for local development order approval, the developer must submit a detailed invasive exotic removal and replanting plan for the Division of

Environmental Sciences' Staff review and approval. The developer must delineate on the local development order plans a minimum of 111 acres of indigenous preservation and 47.7 acres of restoration consistent with the MCP.

Deviation #18 from LDC Sec. 10-418(a)(2)b, which requires a minimum number of native wetland herbaceous plants per linear foot of lake shoreline; to allow required plants in compliance with the Lake Management Plan and Lake Shoreline Planting Plan approved by Zoning Resolution No. Z-99-029, provided that herbaceous plant requirements per LDC Sec. 10-418 are calculated on the entire length of the lake shoreline, including bulkhead portions. The developer may substitute wetland trees and shrubs for up to 50 percent of the total number of herbaceous plants required, at a ratio of 1 tree or 2 shrubs for 10 herbaceous plants.

Deviation #20 from LDC Sec. 34-2194(c)(1)(a) revised and approved, but limited to 5,527 linear feet of lake frontage within the areas delineated on the MCP. In addition, a compensatory littoral zone must be provided as pocket marshes instead of a 5-foot-wide linear littoral shelf, per Sec. 10-418(3)(a). The compensatory pocket marsh area must be a minimum 0.50 acres of marsh planted with a minimum of our native wetland plants and providing a 50 percent coverage at time of planting (herbaceous plants must be a minimum 2-inch linear; shrubs and grasses must be a minimum 1-gallon container size; trees must be a minimum 3-gallon size). The compensatory pocket marsh area must be provided along the shoreline of Tract C-2. Additionally, the total amount of linear feet of lake frontage that utilizes the zero-foot setback, plus any rip-rap installed for shoreline erosion control cannot exceed 20 percent or 11,504 linear feet of shoreline.

Deviation #24 from LDC Sec. 10-416(d)(3), which requires commercial developments adjoining existing residential development to provide a buffer including a fence or wall between the uses; to allow commercial developments to provide alternative means of separation that may include no buffers, fencing or walls. This deviation is APPROVED to allow alternative means of separation, while protecting internal project compatibility in accordance with Lee Plan Policy 18.1.7. in the following areas:

- a. Between residential and non-residential uses internal to the C-1, C-2 and MU tracts, so as to create a "town center" design.
- b. Between the Miromar Lakes Sales Center and the abutting Miromar Lakes residential "R" tracts.
- c. Between the Miromar Lakes "C-1" areas and abutting "R" tracts.
- d. Between the "C-1", "C-S" and "MU" areas and the abutting "R-2" tracts south and east of FGCU to allow pedestrian access and encourage walkability.

Deviation #28 from the LDC §34-935(f)(3)(e), which is a requirement that limits building heights in the University Community future land use category to 45 feet above minimum flood elevation with no more than 3 habitable stories. This Deviation was approved for the following three areas depicted on the 1999 MCP; specifically:

- 1) The "R" residential area in the northerly portion of the project lying westerly of Ben Hill Griffin Parkway (BHGP).

- 2) The "R" residential areas associated with the "Beach Club", and
- 3) The "C2" area in the northerly portion of the project lying easterly of BHGP and south of Alico Road.

Deviation #30 from LDC Sec. 34-1263 (e) and 34-1264(b), which prohibits a package store or other establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises from locating within 500 feet of any dwelling unit, to allow a bar, cocktail lounge, or package store to locate within 500 feet of dwelling units on a C-1 Tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway and west of the conservation area depicted on the Master Concept Plan. This deviation was approved with the following conditions:

- a. Any establishment primarily engaged in the sale of alcoholic beverages for consumption, on or off the premises, must be located a minimum of 500 feet from the Florida Gulf Coast University property line (except as permitted by Deviation #3) and a minimum of 500 feet from Grandezza residential units. Distances will be measured as set forth in LDC Sec. 34-1264(b). This deviation does not apply to consumption on premises in conjunction with uses outlined in LDC Sec. 34-1264(b)(2).
- b. The MPD is limited to one (1) establishment primarily engaged in the sale of alcoholic beverages, specifically a bar, cocktail lounge, or package store. The establishment must be located as depicted on the Master Concept Plan, either within the C-1 tract located on the west side of Ben Hill Griffin Parkway as described in Deviation 3, OR within a C-1 tract located south of Florida Gulf Coast University, east of Ben Hill Griffin Parkway, and west of the conservation area, as described in Deviation 30.

Proposed Deviations

1. **Deviation from LDC Section 10-329(d)(4), which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table; to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed, and a minimum ratio of 2:1 where bulkhead shoreline is proposed.**

JUSTIFICATION: The proposed 4:1 lake bank slope is vested for this development, and will comply with previous approvals. Similarly, bulkhead shoreline has been permitted in previous phases of the development as proposed.

Staff has opined that the 4:1 slope will be permitted in non-residential developments and where site constraints exist, such as existing development footprints, conservation areas, etc. The proposed development is a compact, mixed-use village, and is not a single-family residential community. The development portions of the Miromar Lakes MPD/DRI have 4:1 lake bank slopes and is vested pursuant to existing MPD and DRI approvals. Therefore, continuation of the 4:1 lake bank slope within University Village is consistent with Staff's

implementation of this deviation on other projects, and is integral to upholding the design established prior to the LDC amendment.

Additionally, the Applicant has deed restrictions and a lake management plan in place to ensure the proper function and maintenance of the lakes. As shown on the enclosed final plan, turf reinforcement mats and plantings are proposed to mitigate lake bank erosion.

The Applicant is proposing Turf Reinforcement Mat (TRM) along all 4:1 lake bank slopes in combination with 6,500 +/- herbaceous plants. These enhanced plantings are proposed in addition to the code minimum littoral planting requirements, and the increased littorals to offset the bulkhead shoreline.

Therefore, the requested deviation will not negatively impact public health, safety or welfare, and will uphold the intent of the LDC and the overall Miromar Lakes master plan.

2. Deviation from LDC Section 34-2021(D), which requires restaurant stacking lanes to accommodate ten (10) cars per service lane, to allow vehicle stacking for seven (7) cars.

JUSTIFICATION: This deviation will support the compact, mixed-use form of development within the proposed village, while allowing sufficient space for vehicle stacking based upon the intended end-users and parking lot layout. The reduced vehicle stacking is appropriate based upon the pedestrian orientation provided for in the site plan, and the proximity between residential and commercial uses, which facilitates multi-modal access between on-site uses.

STAFF REPORT
FROM
DEPARTMENT OF COMMUNITY DEVELOPMENT
DIVISION OF ENVIRONMENTAL SCIENCES
Attachment "C"

Date: April 15, 2015

To: Tony Palermo, Senior Planner

From: Susie Derheimer, Environmental Planner 
Phone: (239) 533-8158
E-mail: sderheimer@leegov.com

Project: University Village

Case: ADD2014-00213

STRAP: 23-46-25-00-00001.0030 & others (see approved legal description)

The Division of Environmental Sciences (ES) staff has reviewed the University Village Final Plan Approval (FPA) with proposed Administrative Deviations and offer the following analysis and recommended conditions:

PARCEL HISTORY:

Miromar Lakes is an 1,800± acre parcel, zoned MPD (mixed use planned development), and is in a DRI (development of regional impact) located east of I-75, south of Alico Road and north of Corkscrew Road. The proposed University Village development, a 118.09 acre portion of the Miromar Lakes development, is located south of Florida Gulf Coast University between Ben Hill Griffin Parkway and the large central flowway conservation area.

FINAL PLAN APPROVAL:

Zoning Resolution Z-13-020 Section B. Conditions: 1.c. indicates that "the developer must obtain Final Plan Approval (FPA) when parcel development includes vertical (structural) development or when additional deviations are requested. If a FPA is required, then the developer must file an application prior to, or simultaneous with, a local development order that proposes vertical development. The purpose of this process is to ensure that vertical development is generally in compliance with the approved zoning resolution, MCP and DRI Development Order, while at the same time allowing flexibility in response to changing development practices".

In the case of University Village, the developer is requesting vertical construction of residential multi-family buildings and commercial retail buildings with associated parking, amenities and water management within 47.09 acres of the 118.09 acre area. Therefore, a final plan has been

provided for the 47.09 acre area and two new deviations have been requested to seek relief from current Land Development Code (LDC) requirements. The deviations are requesting relief from LDC Section 10-329(d)(4) lake bank slope requirements to go from 6:1 to 4:1 where turf reinforcement mats are provided; And LDC Section 34-2021(d) restaurant vehicle stacking lanes to allow for seven (7) cars.

Zoning Resolution Z-13-020 Section B. Conditions: 1.d. further identifies the requirements to be provided in the FPA application. Per the condition the applicant has provided the following relevant ES requirements: vii. buffers and landscape strips required or proposed; and viii. open space, including an ongoing tabulation of required open space; and ix. detailed drawing showing the location and application of deviations.

Buffers and Landscape Strips:

The final plan depicts the LDC required Type D buffers where the FPA Development Boundary abuts the (Future) South Village Blvd. to the north and Ben Hill Griffin Pkwy to the west. The zoning resolution and LDC do not require and the final plan does not depict any buffers to Florida Gulf Coast University or buffers internal to the mixed use development. In addition, the final plan does depict the vehicle use area and building perimeter planting areas as required by the LDC.

Open Space:

Zoning Resolution Z-13-020 B. Conditions: 15. Requires open space provided per Exhibit H which indicates residential uses must provide 40% common open space and commercial uses will provide 30% open space except to allow a minimum of 10% open space in each commercial tract with the remaining open space provided within the Miromar Lakes Development. The University Village Phase One Open Space Summary table indicates the open space requirement as required by the zoning condition and the table and final plan depicts the common open space to exceed the condition requirements.

Exhibit H also indicates that indigenous preservation (open space) must be provided in compliance with the areas delineated on the Master Concept Plan. The University Village Phase One Open Space Summary table indicates that 8.98 acre of indigenous preserve is required (based on LDC Section 10-415b1a.). The summary then indicates that 5.27 acres of Indigenous Preserve will be provided within Phase One including Note 3 stating the developer will provide the remaining minimum 153.43 (158.7-5.27) acres of Indigenous Restored/Enhanced Planted Communities within the 534-acres portion of the MPD/DRI to the south of FGCU in accordance with Deviation 16 of Z-13-020 with future phases. Given the location of the FPA Development Boundary area and that the conservation areas are located throughout the development, ES staff will agree to allow a minimum of 5.27 acres of indigenous preserve for this FPA phase with the condition that the next FPA (Phase 2) to be located within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

ES staff recommends the following condition to ensure that open space as required by Z-13-020 is provided:

Open space must be provided in substantial compliance with the approved Phase 1 FPA Open Space Table Summary and the first FPA for any development within the 63.33 acres FPA Area (labeled future development) will include at minimum the 110.08 acre central Conservation Area.

Proposed New Deviations:

Deviation #1 requests to deviate from LDC Section 10-329(d)(4) requiring lake banks to be sloped at 6:1 ratio from the top of bank to a water depth of two feet below dry season water table: to allow for a minimum ratio of 4:1 where turf reinforcement mat is proposed.

The FPA depicts turf reinforcement mats proposed along the entire shoreline of the two lakes except where bulkhead is proposed for a total of 4,020± linear feet (4,440-420). The lake bank cross sections indicate that the enhanced littorals, used in combination with appropriate turf reinforcement mat as required by LDC Section 329(d)(4) and install a minimum 6,500 littorals at a minimum 2-feet below control to 2-feet above control for a total of 6,500 enhanced littorals. ES staff does not object to the deviation requests and defers to Development Services staff for final recommendation.

If the deviation moves forward with an approval ES staff recommends the following condition to ensure that enhanced littorals as proposed by the applicant are provided:

Development order landscape plans must depict a total of 6,500 enhanced littorals provided in combination with the turf reinforcement mats. These enhanced littoral plantings are required in addition to the code minimum littoral plantings and the increased littorals to offset the bulkhead shoreline.

Palermo, Anthony

From: Morgan, Ross
Sent: Monday, April 13, 2015 9:03 AM
To: Palermo, Anthony; Dickson, Benjamin
Subject: RE: 3820103 (2015-04-07).pdf

DS substantive comments:

Regarding requested deviation no. 1 (from the required 6:1 bank sideslope to allow a 4:1 sideslope): Staff supports this deviation with the condition that turf reinforcement be provided to mitigate bank erosion and the bank sideslopes are maintained by the appropriate entity in perpetuity.

Regarding requested deviation no. 2 (from the requirement to provide fast food restaurant lane stacking for a minimum of 10 vehicles to allow stacking for 7 vehicles): Staff supports this deviation due to the proximity of the residential use to the commercial use and the extensive pedestrian/bicycle access provisions being provided.

End of comments.

Ross Morgan
Development Review Representative
Lee County Department of Community
Development
Phone: (239) 533-8894
Fax: (239) 485-8344

Attachment "D"

From: Palermo, Anthony
Sent: Thursday, April 09, 2015 12:04 PM
To: Morgan, Ross; Dickson, Benjamin
Subject: 3820103 (2015-04-07).pdf

FYI. I'll be drafting the FPA amendment soon, and will need substantive comments/conditions please. 4/7/15 is the latest FPA plan. Two deviations including bank slopes.

Thank you.

Tony

Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

ADMINISTRATIVE AMENDMENT (FPA) ADD2017-00079(b)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

NOTE: THIS AMENDED ZONING ACTION IS TO PERMIT A DEVIATION FROM THE LUMINAIRE MOUNT STANDARDS AS REQUESTED IN THE INITIAL APPLICATION SUBMISSION AND TO PROVIDE ADDITIONAL DETAIL REGARDING THE HISTORY OF APPROVALS AFFECTING THE SUBJECT PROPERTY. FOUR ADDITIONAL EXHIBITS ARE INCLUDED. NEW LANGUAGE IS UNDERLINED.

WHEREAS, Miromar Lakes LLC c/o Michael Elgin, filed an application for Final Plan Approval for a portion of a Mixed Use Planned Development within the Miromar Lakes MPD/DRI known as University Village to permit outdoor seating with Consumption on Premises (COP) and associated deviations, a deviation from the maximum freestanding luminaire height within 50 feet of a residentially zoned property or use, and a five percent (5%) reduction in required off-street parking on property located at 19901 Ben Hill Griffin Parkway, described more particularly as:

LEGAL DESCRIPTION: In Sections 23 & 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

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

WHEREAS, the property was originally rezoned in 1999 by Resolution Z-99-029; and

WHEREAS, a number of zoning resolutions amending the original resolution were adopted subsequent to the original rezoning of the property; and

WHEREAS, Resolution Z-13-020, adopted in 2014, further amended the original approval and superseded the previously adopted zoning resolutions affecting the subject property (see Exhibit "B"); and

WHEREAS, Resolution Z-13-020 requires a Final Plan Approval (FPA) that specifies the type, intensity and configuration of development for a particular site as a prerequisite to approval of any local Development Order; and

WHEREAS, the objective of a Final Plan Approval is to ensure compliance with the approved zoning resolution, Master Concept Plan (MCP), and DRI Development Order while simultaneously allowing for development flexibility to respond to changing conditions; and

WHEREAS, ADD2014-00213 granted Final Plan Approval (FPA) for a 118.09-acre tract of land containing 47.09 acres of mixed use development, 63.33 acres of future development, and 7.67 acres for South Village Boulevard known as University Village (see Exhibit "C"); and

WHEREAS, the approved 47.09-acre mixed use development (University Village, Phase I) provided for 168 multi-family units and 75,000 square feet of commercial floor area and associated infrastructure; and

WHEREAS, University Village Phase I was amended by ADD2017-00036 to add 7.56 acres of development area to permit the development of 96 additional multi-family dwelling units and alter the shape of an approved lake (see Exhibit "D"); and

WHEREAS, the applicant has submitted an application for Final Plan Approval to permit two outdoor seating areas with COPs on the subject property and has requested a deviation from the maximum height of freestanding luminaires within 50 feet of a residentially zoned property or use, as well as a five percent (5%) parking reduction in required off-street parking; and

WHEREAS, the proposed outdoor seating areas with COPs, luminaire height deviation, and off-street parking reduction are proposed on C1 (Commercial 1) parcels as depicted on the adopted MCP (see Exhibit "E"); and

WHEREAS, Condition 21 of Resolution Z-13-020 requires establishments containing outdoor seating with COP located less than 800 feet from the southern boundary of Miromar Lakes to obtain an Administrative Amendment to establish the proposed location and square footage of outdoor seating area(s), hours of operation for any outdoor entertainment, and noise direction and mitigation measures; and

WHEREAS, the proposed outdoor seating areas with COPs are located within 800 feet of the southern boundary of Miromar Lakes (see Exhibit "F"); and

WHEREAS, the proposed outdoor seating areas with COP will consist of one +/- 1,000-square-foot area on the westerly façade of a commercial building fronting on Ben Hill Griffin Parkway and one +/- 1,115-square-foot area on the easterly façade of a commercial building fronting on Village Center Drive (see Exhibit "F"); and

WHEREAS, the applicant has indicated that the proposed outdoor seating areas with COPs will mitigate noise associated with the proposed use through building orientation, buffering, and existing right-of-way easements (see Exhibit "F"); and

WHEREAS, the orientation of the proposed outdoor seating areas with COPs will direct noise toward Village Center Drive to the east and Ben Hill Griffin Parkway to the west; and

WHEREAS, the applicant has requested a deviation from Condition 21.a.iii of Resolution Z-13-020, which requires noise associated with outdoor seating areas with COPs to be directed to the north and west of the subject property, to permit noise to be directed to the east of the subject property; and

WHEREAS, staff has reviewed the deviation request and finds that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served; and

WHEREAS, the applicant has also requested a deviation from Section 34-625(d)(4)a. of the Land Development Code, which establishes a maximum height of 15 feet for freestanding luminaires located within 50 feet of a residentially-zoned property or use to permit a freestanding luminaire height of 25 feet for certain freestanding luminaires within University Village (see Exhibit "G"); and

WHEREAS, University Village is designed to be a mixed-use development that will accommodate an active, student-oriented nightlife; and

WHEREAS, the requested deviation is necessary to provide lighting intensity levels that will ensure the protection of public health, safety, and welfare; and

WHEREAS, the proposed luminaires will feature full cutoff fixtures to direct light to the surfaces directly beneath the pole in order to prevent light pollution; and

WHEREAS, staff has reviewed the deviation request and finds that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served; and

WHEREAS, the applicant has also requested a five percent (5%) reduction in required off-street parking as permitted in Section 34-2020 of the LDC (see Exhibit "H"); and

WHEREAS, a five percent (5%) reduction in required off-street parking may be permitted if bicycle and pedestrian facilities identified in the Lee Plan are located in the right-of-way adjacent to a property and continuous bicycle and pedestrian facilities are provided from the public bicycle/pedestrian facility to the primary entrance of buildings and bicycle racks are provided on-site; and

WHEREAS, Ben Hill Griffin Parkway is identified as an existing bicycle and pedestrian facility on Map 3D-2 (Unincorporated Lee County, State/County Maintained Facilities, Bikeways/Walkways Facility Plan, Existing Facilities) of the Lee Plan; and

WHEREAS, continuous bicycle and pedestrian facilities, including bicycle racks, are proposed to be provided throughout the subject property from Ben Hill Griffin Parkway (see Exhibit "F"); and

WHEREAS, the requested parking reduction will not have any apparent deleterious effect on surrounding property or the immediate neighborhood and will not have an adverse impact on public health, safety and welfare; and

WHEREAS, the proposed uses are not solely dependent on vehicular traffic; and

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

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

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020, as subsequently amended; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval to the Planned Development known as Miromar Lakes MPD/DRI for two (2) outdoor

seating areas with COPs and associated deviations, a deviation from the maximum freestanding luminaire height within 50 feet of a residentially zoned property or use, and a five percent (5%) reduction in required off-street parking is **APPROVED with the following conditions:**

1. **Outdoor seating with Consumption on Premises is limited to the areas depicted on the Exhibit entitled Outdoor Seating with COP Exhibit, University Village, dated May 23, 2017, last revised June 22, 2017, attached hereto as Exhibit "F".**
2. **The hours of operation for the outdoor seating areas with COPs are limited to 11:00 a.m. to 12:00 a.m. (midnight).**
3. **The deviation from the maximum freestanding luminaire height applies only within the 47.09-acre portion of University Village, Phase I approved by ADD2014-00213, attached hereto as Exhibit "G". Subsequent Final Plan Approvals remain subject to the requirements of the Land Development Code and conditions of Resolution Z-13-020.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 8/24/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

EXHIBITS

Exhibit A: Legal Description
Exhibit B: Resolution Z-13-020
Exhibit C: ADD2014-00213
Exhibit D: ADD2017-00036
Exhibit E: Master Concept Plan
Exhibit F: Outdoor Seating with COP Exhibit
Exhibit G: FPA, University Village Phase I
Exhibit H: Parking Reduction Table

REVIEWED
ADD2017-00079
Daniel Munt, Planning
Technician (GIS)
Lee County DCD
6/27/2017

EXHIBIT A



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
11/11/2014
REF. DWG. B-7032
Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET; THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 3106.93 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 1706.06 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET ; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET ; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET ; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET ; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET ; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2704.05 FEET; THENCE RUN S.21°47'19"E., FOR A DISTANCE OF 90.40 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; WHOSE RADIUS POINT BEARS S.16°22'46"E., THEREFROM; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF S.67°54'34"W., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN S.62°11'53"W., FOR A



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
11/11/2014
REF. DWG. B-7032
Page 2 of 2

DISTANCE OF 1702.31 FEET; THENCE RUN S.09°28'37"E., FOR A DISTANCE OF 237.10 FEET;
THENCE RUN S.37°03'08"W., FOR A DISTANCE OF 549.34 FEET; THENCE RUN S.33°44'20"E., FOR
A DISTANCE OF 265.34 FEET; THENCE RUN S.11°50'46"E., FOR A DISTANCE OF 376.96 FEET;
THENCE RUN S.12°31'18"W., FOR A DISTANCE OF 143.56 FEET; THENCE RUN S.44°05'12"W., FOR
A DISTANCE OF 159.55 FEET; THENCE RUN S.43°43'24"W., FOR A DISTANCE OF 344.32 FEET;
THENCE RUN S.35°34'43"W., FOR A DISTANCE OF 155.70 FEET; THENCE RUN S.86°27'01"E., FOR
A DISTANCE OF 516.40 FEET; THENCE RUN S.86°18'36"E., FOR A DISTANCE OF 142.88 FEET;
THENCE RUN N.87°55'21"E., FOR A DISTANCE OF 395.41 FEET; THENCE RUN S.67°15'23"E., FOR
A DISTANCE OF 157.97 FEET; THENCE RUN S.22°29'12"E., FOR A DISTANCE OF 152.13 FEET;
THENCE RUN S.23°33'35"E., FOR A DISTANCE OF 209.05 FEET; THENCE RUN S.24°08'50"W., FOR
A DISTANCE OF 199.34 FEET, TO THE POINT OF BEGINNING.

CONTAINING 118.090 ACRES, MORE OR LESS.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

H:\B200\S-Survey\Projects by Name of Location\Gromar\2014553\DWG\Sketch and Descriptions\14553_Sketch W118.dwg To: Layout1 Nov 11, 2014 - 11:54am Plotted by: RickKornell

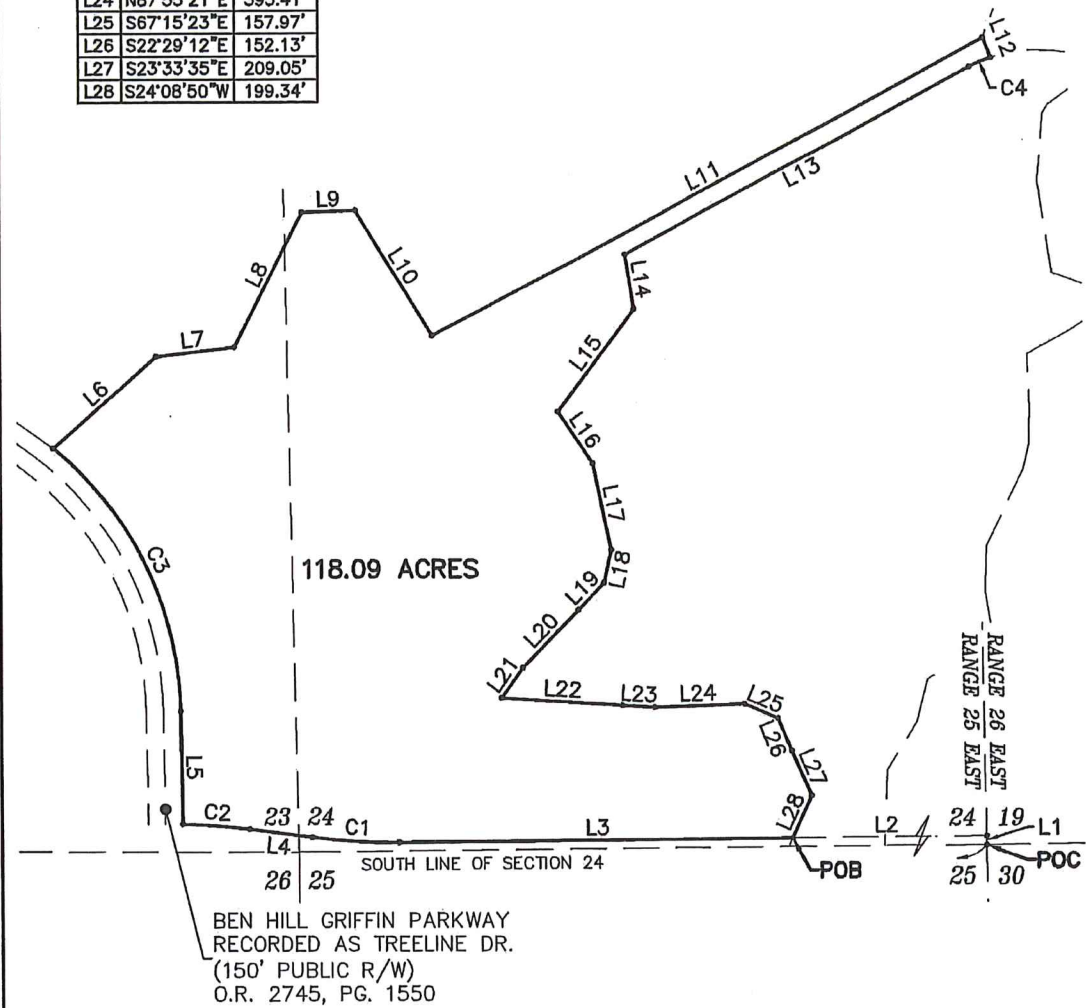
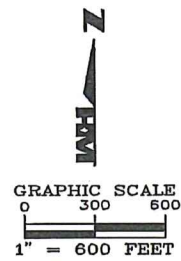
THIS IS NOT A SURVEY

LINE	BEARING	DISTANCE
L1	N00°48'26"W	37.50'
L2	S89°28'32"W	3106.93'
L3	S89°28'32"W	1706.06'
L4	N82°43'46"W	275.20'
L5	N00°49'43"W	484.10'
L6	N48°52'47"E	591.95'
L7	N83°15'50"E	340.40'
L8	N27°22'23"E	649.51'
L9	N88°17'12"E	233.73'
L10	S31°47'37"E	631.21'
L11	N62°11'53"E	2704.05'
L12	S21°47'19"E	90.40'
L13	S62°11'53"W	1702.31'
L14	S09°28'37"E	237.10'
L15	S37°03'08"W	549.34'
L16	S33°44'20"E	265.34'
L17	S11°50'46"E	376.96'
L18	S12°31'18"W	143.56'
L19	S44°05'12"W	159.55'
L20	S43°43'24"W	344.32'
L21	S35°34'43"W	155.70'
L22	S86°27'01"E	516.40'
L23	S86°18'36"E	142.88'
L24	N87°55'21"E	395.41'
L25	S67°15'23"E	157.97'
L26	S22°29'12"E	152.13'
L27	S23°33'35"E	209.05'
L28	S24°08'50"W	199.34'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	2800.92'	7°47'42"	380.77'	N86°37'37"W	381.06'
C2	2950.00'	5°34'48"	287.19'	N85°31'11"W	287.30'
C3	1475.00'	50°05'25"	1248.83'	N25°52'25"W	1289.50'
C4	500.00'	11°25'22"	99.52'	S67°54'34"W	99.68'

ABBREVIATIONS

C1 = SEE CURVE TABLE
 DR. = DRIVE
 L1 = SEE LINE TABLE
 POB = POINT OF BEGINNING
 POC = POINT OF COMMENCEMENT
 PG. = PAGE
 O.R. = OFFICIAL RECORDS BOOK
 R/W = RIGHT-OF-WAY



HOLE MONTES, INC.
 CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
 THOMAS M. MURPHY

P.S.M. #5628
 STATE OF FLORIDA

SEC--TWN--RGE: 23.24--46S--25E	H.M. HOLE MONTES ENGINEERS PLANNERS SURVEYORS	950 Encore Way Naples, FL 34110 Phone: (239) 254-2000 Florida Certificate of Authorization No.1772	SKETCH OF LEGAL DESCRIPTION MIROMAR - UNIVERSITY VILLAGE - WEST 118 AC	PROJECT NO. 2014553 REFERENCE NO. 14553_Sketch W118.dwg
DRAWN BY: R.A.K.	DATE 11/11/14			
CHECKED BY: T.M.M.	DRAWING NO. B-7032			

ADMINISTRATIVE AMENDMENT (FPA) ADD2017-00079(b)

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

NOTE: THIS AMENDED ZONING ACTION IS TO PERMIT A DEVIATION FROM THE LUMINAIRE MOUNT STANDARDS AS REQUESTED IN THE INITIAL APPLICATION SUBMISSION AND TO PROVIDE ADDITIONAL DETAIL REGARDING THE HISTORY OF APPROVALS AFFECTING THE SUBJECT PROPERTY. FOUR ADDITIONAL EXHIBITS ARE INCLUDED. NEW LANGUAGE IS UNDERLINED.

WHEREAS, Miromar Lakes LLC c/o Michael Elgin, filed an application for Final Plan Approval for a portion of a Mixed Use Planned Development within the Miromar Lakes MPD/DRI known as University Village to permit outdoor seating with Consumption on Premises (COP) and associated deviations, a deviation from the maximum freestanding luminaire height within 50 feet of a residentially zoned property or use, and a five percent (5%) reduction in required off-street parking on property located at 19901 Ben Hill Griffin Parkway, described more particularly as:

LEGAL DESCRIPTION: In Sections 23 & 24, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

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

WHEREAS, the property was originally rezoned in 1999 by Resolution Z-99-029; and

WHEREAS, a number of zoning resolutions amending the original resolution were adopted subsequent to the original rezoning of the property; and

WHEREAS, Resolution Z-13-020, adopted in 2014, further amended the original approval and superseded the previously adopted zoning resolutions affecting the subject property (see Exhibit "B"); and

WHEREAS, Resolution Z-13-020 requires a Final Plan Approval (FPA) that specifies the type, intensity and configuration of development for a particular site as a prerequisite to approval of any local Development Order; and

WHEREAS, the objective of a Final Plan Approval is to ensure compliance with the approved zoning resolution, Master Concept Plan (MCP), and DRI Development Order while simultaneously allowing for development flexibility to respond to changing conditions; and

WHEREAS, ADD2014-00213 granted Final Plan Approval (FPA) for a 118.09-acre tract of land containing 47.09 acres of mixed use development, 63.33 acres of future development, and 7.67 acres for South Village Boulevard known as University Village (see Exhibit "C"); and

WHEREAS, the approved 47.09-acre mixed use development (University Village, Phase I) provided for 168 multi-family units and 75,000 square feet of commercial floor area and associated infrastructure; and

WHEREAS, University Village Phase I was amended by ADD2017-00036 to add 7.56 acres of development area to permit the development of 96 additional multi-family dwelling units and alter the shape of an approved lake (see Exhibit "D"); and

WHEREAS, the applicant has submitted an application for Final Plan Approval to permit two outdoor seating areas with COPs on the subject property and has requested a deviation from the maximum height of freestanding luminaires within 50 feet of a residentially zoned property or use, as well as a five percent (5%) parking reduction in required off-street parking; and

WHEREAS, the proposed outdoor seating areas with COPs, luminaire height deviation, and off-street parking reduction are proposed on C1 (Commercial 1) parcels as depicted on the adopted MCP (see Exhibit "E"); and

WHEREAS, Condition 21 of Resolution Z-13-020 requires establishments containing outdoor seating with COP located less than 800 feet from the southern boundary of Miromar Lakes to obtain an Administrative Amendment to establish the proposed location and square footage of outdoor seating area(s), hours of operation for any outdoor entertainment, and noise direction and mitigation measures; and

WHEREAS, the proposed outdoor seating areas with COPs are located within 800 feet of the southern boundary of Miromar Lakes (see Exhibit "F"); and

WHEREAS, the proposed outdoor seating areas with COP will consist of one +/- 1,000-square-foot area on the westerly façade of a commercial building fronting on Ben Hill Griffin Parkway and one +/- 1,115-square-foot area on the easterly façade of a commercial building fronting on Village Center Drive (see Exhibit "F"); and

WHEREAS, the applicant has indicated that the proposed outdoor seating areas with COPs will mitigate noise associated with the proposed use through building orientation, buffering, and existing right-of-way easements (see Exhibit "F"); and

WHEREAS, the orientation of the proposed outdoor seating areas with COPs will direct noise toward Village Center Drive to the east and Ben Hill Griffin Parkway to the west; and

WHEREAS, the applicant has requested a deviation from Condition 21.a.iii of Resolution Z-13-020, which requires noise associated with outdoor seating areas with COPs to be directed to the north and west of the subject property, to permit noise to be directed to the east of the subject property; and

WHEREAS, staff has reviewed the deviation request and finds that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served; and

WHEREAS, the applicant has also requested a deviation from Section 34-625(d)(4)a. of the Land Development Code, which establishes a maximum height of 15 feet for freestanding luminaires located within 50 feet of a residentially-zoned property or use to permit a freestanding luminaire height of 25 feet for certain freestanding luminaires within University Village (see Exhibit "G"); and

WHEREAS, University Village is designed to be a mixed-use development that will accommodate an active, student-oriented nightlife; and

WHEREAS, the requested deviation is necessary to provide lighting intensity levels that will ensure the protection of public health, safety, and welfare; and

WHEREAS, the proposed luminaires will feature full cutoff fixtures to direct light to the surfaces directly beneath the pole in order to prevent light pollution; and

WHEREAS, staff has reviewed the deviation request and finds that the planned development will be enhanced and that the intent of such regulations to protect health, safety and welfare will be served; and

WHEREAS, the applicant has also requested a five percent (5%) reduction in required off-street parking as permitted in Section 34-2020 of the LDC (see Exhibit "H"); and

WHEREAS, a five percent (5%) reduction in required off-street parking may permitted if bicycle and pedestrian facilities identified in the Lee Plan are located in the right-of-way adjacent to a property and continuous bicycle and pedestrian facilities are provided from the public bicycle/pedestrian facility to the primary entrance of buildings and bicycle racks are provided on-site; and

WHEREAS, Ben Hill Griffin Parkway is identified as an existing bicycle and pedestrian facility on Map 3D-2 (Unincorporated Lee County, State/County Maintained Facilities, Bikeways/Walkways Facility Plan, Existing Facilities) of the Lee Plan; and

WHEREAS, continuous bicycle and pedestrian facilities, including bicycle racks, are proposed to be provided throughout the subject property from Ben Hill Griffin Parkway (see Exhibit "F"); and

WHEREAS, the requested parking reduction will not have any apparent deleterious effect on surrounding property or the immediate neighborhood and will not have an adverse impact on public health, safety and welfare; and

WHEREAS, the proposed uses are not solely dependent on vehicular traffic; and

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

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

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020, as subsequently amended; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Final Plan Approval to the Planned Development known as Miromar Lakes MPD/DRI for two (2) outdoor

seating areas with COPs and associated deviations, a deviation from the maximum freestanding luminaire height within 50 feet of a residentially zoned property or use, and a five percent (5%) reduction in required off-street parking is **APPROVED with the following conditions:**

1. **Outdoor seating with Consumption on Premises is limited to the areas depicted on the Exhibit entitled Outdoor Seating with COP Exhibit, University Village, dated May 23, 2017, last revised June 22, 2017, attached hereto as Exhibit "F".**
2. **The hours of operation for the outdoor seating areas with COPs are limited to 11:00 a.m. to 12:00 a.m. (midnight).**
3. **The deviation from the maximum freestanding luminaire height applies only within the 47.09-acre portion of University Village, Phase I approved by ADD2014-00213, attached hereto as Exhibit "G". Subsequent Final Plan Approvals remain subject to the requirements of the Land Development Code and conditions of Resolution Z-13-020.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 8/24/2017 by

Audra Ennis, Zoning Manager
Lee County Community Development

EXHIBITS

Exhibit A: Legal Description

Exhibit B: Resolution Z-13-020

Exhibit C: ADD2014-00213

Exhibit D: ADD2017-00036

Exhibit E: Master Concept Plan

Exhibit F: Outdoor Seating with COP Exhibit

Exhibit G: FPA, University Village Phase I

Exhibit H: Parking Reduction Table

EXHIBIT A

REVIEWED
ADD2017-00079
Daniel Munt, Planning
Technician (GIS)
Lee County DCD
6/27/2017



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
 11/11/2014
 REF. DWG. B-7032
 Page 1 of 2

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 23 AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.00°48'26"W. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 37.50 FEET; THE SAME BEING A POINT 37.50 FEET AS MEASURED AT RIGHT ANGLES TO THE SOUTH LINE OF SAID SECTION 24; THENCE RUN S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 3106.93 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE S.89°28'32"W., PARALLEL WITH THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 1706.06 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2800.92 FEET, THROUGH A CENTRAL ANGLE OF 07°47'42", SUBTENDED BY A CHORD OF 380.77 FEET AT A BEARING OF N.86°37'37"W., FOR A DISTANCE OF 381.06 FEET TO THE END OF SAID CURVE; THENCE RUN N.82°43'46"W., FOR A DISTANCE OF 275.20 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHERLY; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2950.00 FEET, THROUGH A CENTRAL ANGLE OF 05°34'48", SUBTENDED BY A CHORD OF 287.19 FEET AT A BEARING OF N.85°31'11"W., FOR A DISTANCE OF 287.30 FEET TO THE END OF SAID CURVE, THE SAME BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 484.10 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 50°05'25", SUBTENDED BY A CHORD OF 1248.83 FEET AT A BEARING OF N.25°52'25"W., FOR A DISTANCE OF 1289.50 FEET TO THE END OF SAID CURVE; THENCE RUN N.48°52'47"E., FOR A DISTANCE OF 591.95 FEET; THENCE RUN N.83°15'50"E., FOR A DISTANCE OF 340.40 FEET; THENCE RUN N.27°22'23"E., FOR A DISTANCE OF 649.51 FEET; THENCE RUN N.88°17'12"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2704.05 FEET; THENCE RUN S.21°47'19"E., FOR A DISTANCE OF 90.40 FEET, TO A POINT ON A CIRCULAR CURVE, CONCAVE SOUTHERLY; WHOSE RADIUS POINT BEARS S.16°22'46"E., THEREFROM; THENCE RUN WESTERLY, ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 11°25'22", SUBTENDED BY A CHORD OF 99.52 FEET AT A BEARING OF S.67°54'34"W., FOR A DISTANCE OF 99.68 FEET TO THE END OF SAID CURVE; THENCE RUN S.62°11'53"W., FOR A



950 Encore Way • Naples, Florida 34110 • Phone 239.254.2000 • Fax: 239.254.2099

HM PROJECT #2014553
11/11/2014
REF. DWG. B-7032
Page 2 of 2

DISTANCE OF 1702.31 FEET; THENCE RUN S.09°28'37"E., FOR A DISTANCE OF 237.10 FEET;
THENCE RUN S.37°03'08"W., FOR A DISTANCE OF 549.34 FEET; THENCE RUN S.33°44'20"E., FOR
A DISTANCE OF 265.34 FEET; THENCE RUN S.11°50'46"E., FOR A DISTANCE OF 376.96 FEET;
THENCE RUN S.12°31'18"W., FOR A DISTANCE OF 143.56 FEET; THENCE RUN S.44°05'12"W., FOR
A DISTANCE OF 159.55 FEET; THENCE RUN S.43°43'24"W., FOR A DISTANCE OF 344.32 FEET;
THENCE RUN S.35°34'43"W., FOR A DISTANCE OF 155.70 FEET; THENCE RUN S.86°27'01"E., FOR
A DISTANCE OF 516.40 FEET; THENCE RUN S.86°18'36"E., FOR A DISTANCE OF 142.88 FEET;
THENCE RUN N.87°55'21"E., FOR A DISTANCE OF 395.41 FEET; THENCE RUN S.67°15'23"E., FOR
A DISTANCE OF 157.97 FEET; THENCE RUN S.22°29'12"E., FOR A DISTANCE OF 152.13 FEET;
THENCE RUN S.23°33'35"E., FOR A DISTANCE OF 209.05 FEET; THENCE RUN S.24°08'50"W., FOR
A DISTANCE OF 199.34 FEET, TO THE POINT OF BEGINNING.

CONTAINING 118.090 ACRES, MORE OR LESS.

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA

H:\B200\S-Survey\Projects by Name of Location\Volume\2014553\DW\SU\Skelch and Descriptions\14553_Skelch W118.dwg To: Layout1 Nov 11, 2014 - 11:54am Plotted by: RickKernell

THIS IS NOT A SURVEY

LINE	BEARING	DISTANCE
L1	N00°48'26"W	37.50'
L2	S89°28'32"W	3106.93'
L3	S89°28'32"W	1706.06'
L4	N82°43'46"W	275.20'
L5	N00°49'43"W	484.10'
L6	N48°52'47"E	591.95'
L7	N83°15'50"E	340.40'
L8	N27°22'23"E	649.51'
L9	N88°17'12"E	233.73'
L10	S31°47'37"E	631.21'
L11	N62°11'53"E	2704.05'
L12	S21°47'19"E	90.40'
L13	S62°11'53"W	1702.31'
L14	S09°28'37"E	237.10'
L15	S37°03'08"W	549.34'
L16	S33°44'20"E	265.34'
L17	S11°50'48"E	376.96'
L18	S12°31'18"W	143.56'
L19	S44°05'12"W	159.55'
L20	S43°43'24"W	344.32'
L21	S35°34'43"W	155.70'
L22	S86°27'01"E	516.40'
L23	S86°18'36"E	142.88'
L24	N87°55'21"E	395.41'
L25	S67°15'23"E	157.97'
L26	S22°29'12"E	152.13'
L27	S23°33'35"E	209.05'
L28	S24°08'50"W	199.34'

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	2800.92'	7°47'42"	380.77'	N86°37'37"W	381.06'
C2	2950.00'	5°34'48"	287.19'	N85°31'11"W	287.30'
C3	1475.00'	50°05'25"	1248.83'	N25°52'25"W	1289.50'
C4	500.00'	11°25'22"	99.52'	S67°54'34"W	99.66'

ABBREVIATIONS

C1 = SEE CURVE TABLE

DR. = DRIVE

L1 = SEE LINE TABLE

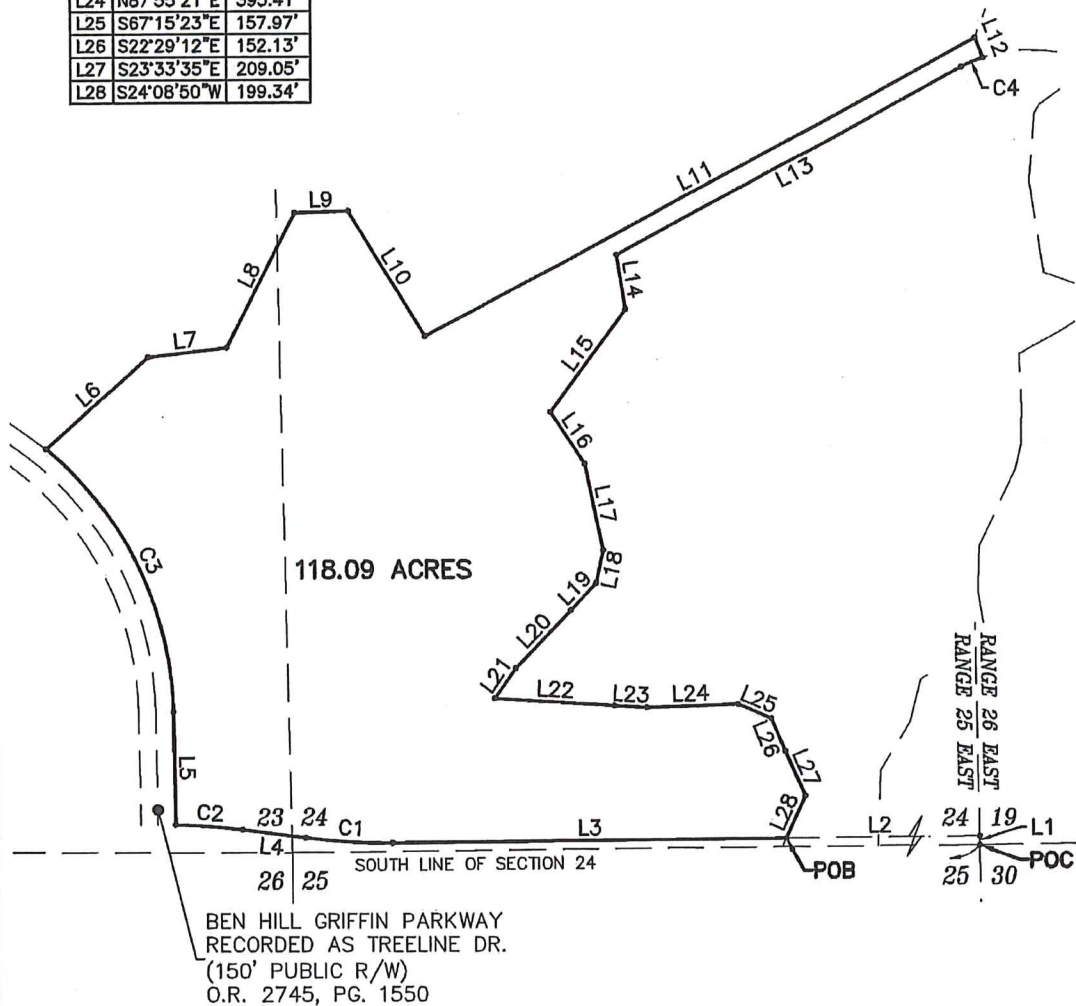
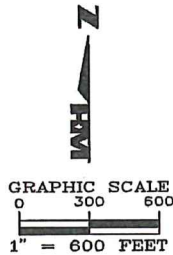
POB = POINT OF BEGINNING

POC = POINT OF COMMENCEMENT

PG. = PAGE

O.R. = OFFICIAL RECORDS BOOK

R/W = RIGHT-OF-WAY



HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY *Thomas M. Murphy*
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

SEC-TWN-RGE:
23.24-46S-25E

DRAWN BY:
R.A.K.
DATE
11/11/14
CHECKED BY:
T.M.M.
DRAWING NO.
B-7032



950 Encore Way
Naples, FL. 34110
Phone: (239) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH OF LEGAL DESCRIPTION

MIOMAR - UNIVERSITY VILLAGE - WEST 118 AC

PROJECT NO.
2014553

REFERENCE NO.
14553_Skelch W118.dwg

EXHIBIT B

RESOLUTION NUMBER Z-13-020

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

WHEREAS, Miromar Lakes, LLC, filed an application on behalf of the property owner, Florida Gulf Coast University, to amend the Miromar Lakes DRI Development Order and Mixed Use Planned Development (MPD); and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Laura B. Belflower, was advertised to be held on September 4, 2013. On September 4, 2013, the Hearing Examiner introduced herself and the case for the record. A mutual continuance request was discussed and everyone agreed to continue the subject case to October 16, 2013, with the 17th, 18th, and 30th being held as reserved dates for further testimony, if necessary; and

WHEREAS, on October 16, 2013, October 17, 2013, October 18, 2013, and October 30, 2013 the public hearing was held. At the conclusion of the hearing on October 30, 2013, it was agreed that continuing the hearing to November 8th, 13th and 21st was in the best interests of all concerned; and

WHEREAS, on November 8, 2013, November 13, 2013, and November 21, 2013 the public hearing was held. At the conclusion of the hearing on November 21, 2013, it was agreed that continuing the hearing to December 6, 2013 to allow additional time for the Applicant, the Staff, and the public to present additional evidence and testimony; and

WHEREAS, on December 6, 2013 the public hearing was held. At the conclusion of the hearing on December 6, 2013, the Hearing Examiner left the record open and requested Staff and the Applicant to submit written submissions to her Office on or before December 20, 2013, January 10, 2014, and January 24, 2014; and

WHEREAS, on January 22, 2014, the Hearing Examiner granted an extension of the written submittal date to February 14, 2014; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DRI2012-00021 and DCI2013-00008, and recommended APPROVAL of the Request; and

WHEREAS, a second public hearing was advertised and held on June 18, 2014 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to amend the Miromar Lakes DRI Development Order and MPD. The request includes:

Case No. DRI2012-00021 & DCI2013-00008

06-18-14 Z

ADMINISTRATIVE AMENDMENT (PD) ADD2017-00202

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, San Marino II at Miromar Lakes, LLC filed an application for an administrative amendment to a Mixed Use Planned Development on a project known as San Marino II seeking **a deviation from LDC Section 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table: to allow a minimum ratio of 4:1 slope** for property located within San Marino at Miromar Lakes, Ph 31-40, described more particularly as:

LEGAL DESCRIPTION: In Section 23, Township 46 South, Range 25 East, Lee County, Florida:

ATTACHED AS EXHIBIT "A"

WHEREAS, the property was originally rezoned with the adoption of Resolution Z-99-029; and

WHEREAS, Resolution Number Z-13-020 replaced the following actions:

- Resolution Number Z-99-029,
- Resolution Number Z-02-072,
- Resolution Number Z-10-019,
- Resolution Number Z-12-004, and
- ADD2012-00055.

WHEREAS, Resolution Number Z-13-020 also noted the following actions are still valid: ADD2013-00045, ADD2012-00110, ADD2010-00021, ADD2009-00026, ADD2008-00144, ADD2008-00144, ADD2008-00130, ADD2006-00009, ADD2006-00004, ADD2006-00002, ADD2005-00190, ADD2005-00134, ADD2005-00104, ADD2004-00253, ADD2004-00223, ADD2004-00177A, ADD2004-00176, ADD2004-00074, ADD2004-00070, ADD2004-00054, ADD2004-00045, ADD2004-00042, ADD2004-00033, ADD2003-00047, ADD2003-00028, ADD2002-00168, ADD2002-00077, ADD2002-00045, ADD2001-00142, ADD2001-00125, ADD2001-00113A, ADD2001-00085, ADD2001-00018, ADD2000-00191, ADD2000-00161, ADD2000-00117, ADD2000-00111, and ADD2000-00110; and

WHEREAS, the subject property is designated as University Community and Wetlands on the Future Land Use Map of the Lee County Comprehensive Plan (Lee Plan); and

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

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

WHEREAS, the Development Services Division found the request sufficient and offered no comments or conditions of approval; and

WHEREAS, Zoning Section - Environmental Review found the request sufficient and offered no objections or conditions of approval; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for administrative approval for an administrative amendment to the Mixed Use Planned Development zoning to add **a deviation from LDC Section 10-329(d)(4) which requires lake banks to be sloped at a 6:1 ratio from the top of bank to a water depth of two feet below the dry season water table: to allow a minimum ratio of 4:1 slope is APPROVED, subject to the following conditions:**

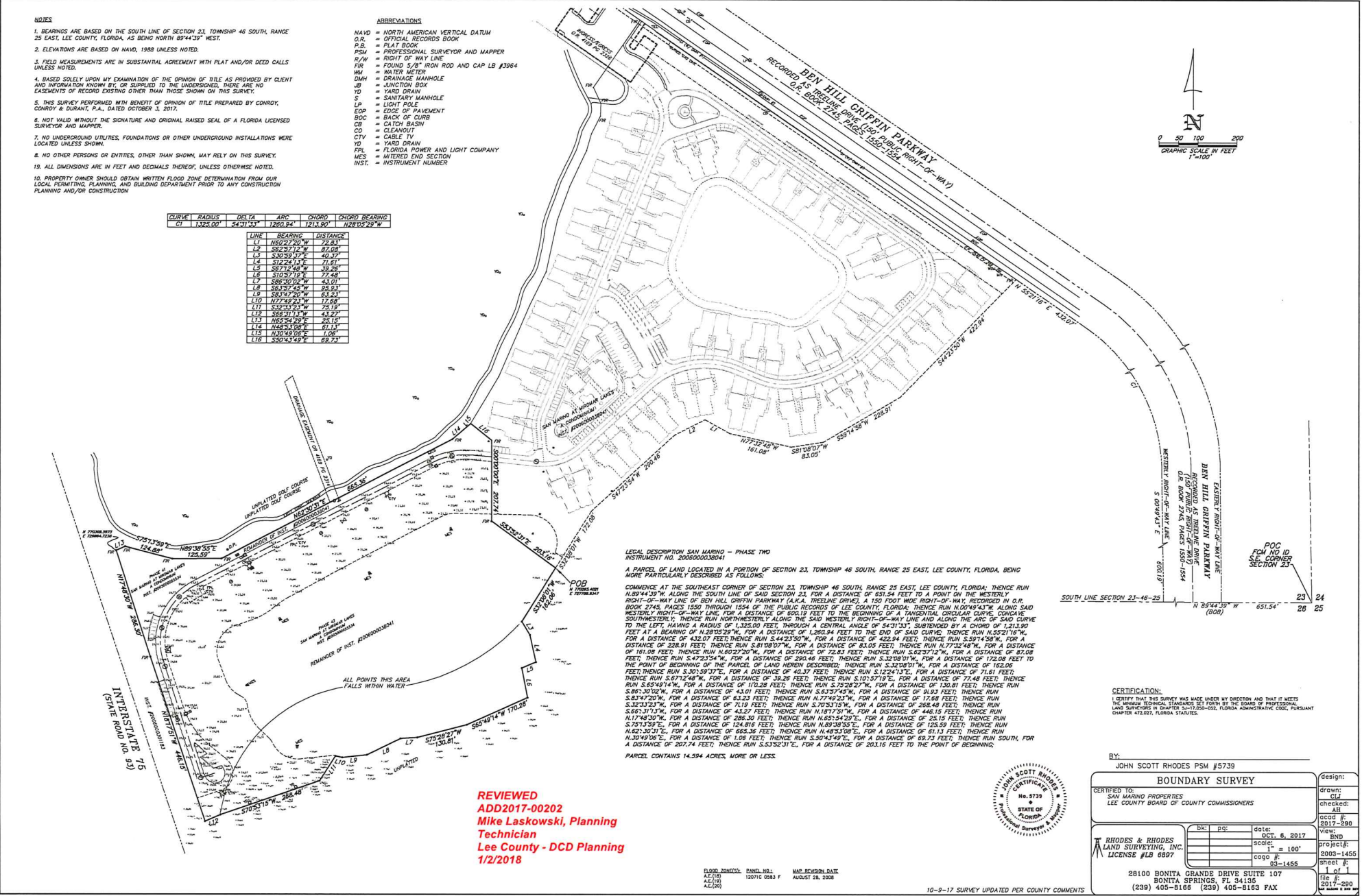
1. **The terms and conditions of the original zoning resolution, as amended, remain in full force and effect.**
2. **The Development must be in compliance with attached Exhibit B, Composite Plans for the requested deviation.**
3. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

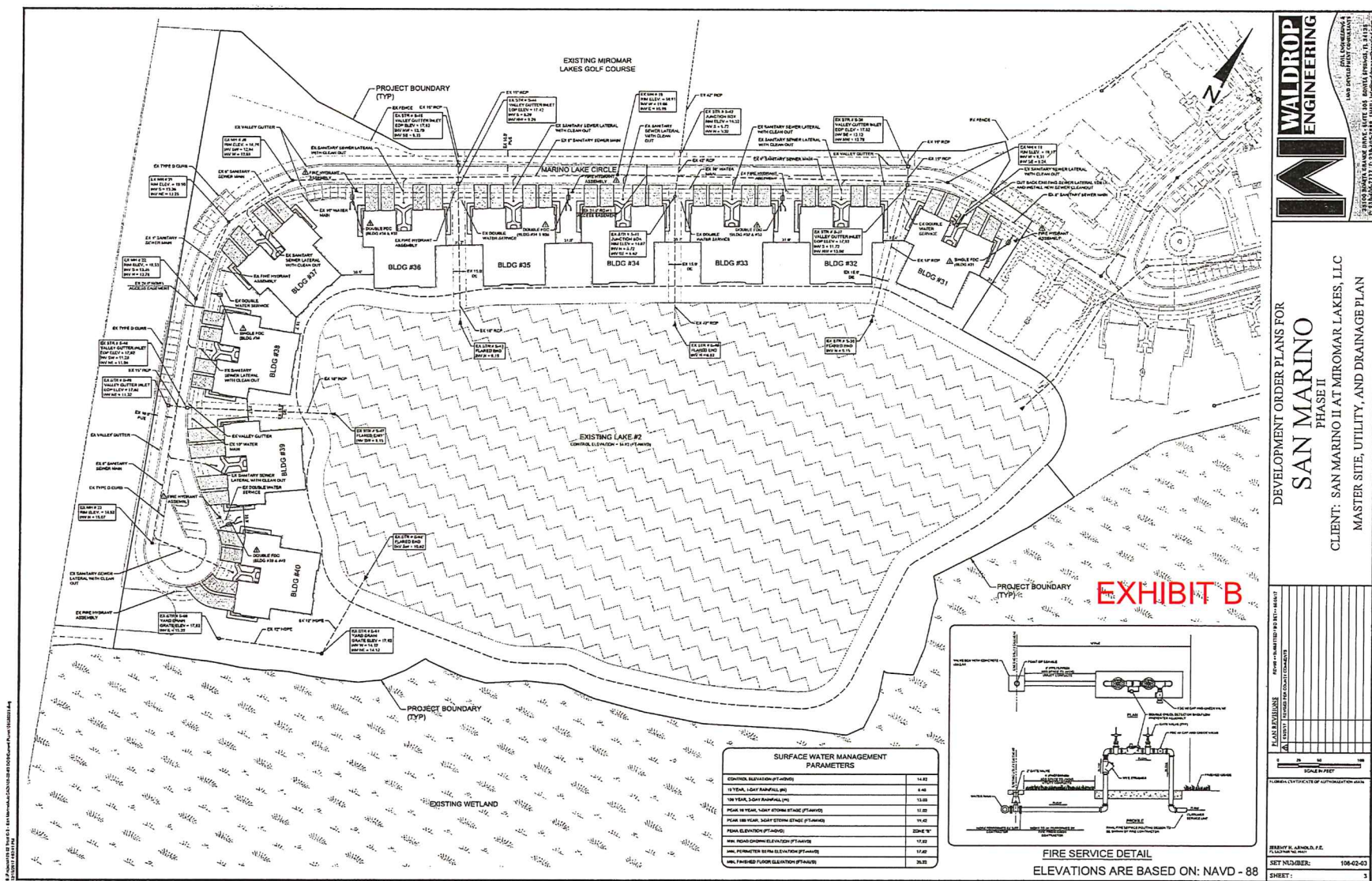
Duly passed, adopted, and electronically signed on 2/14/2018 by

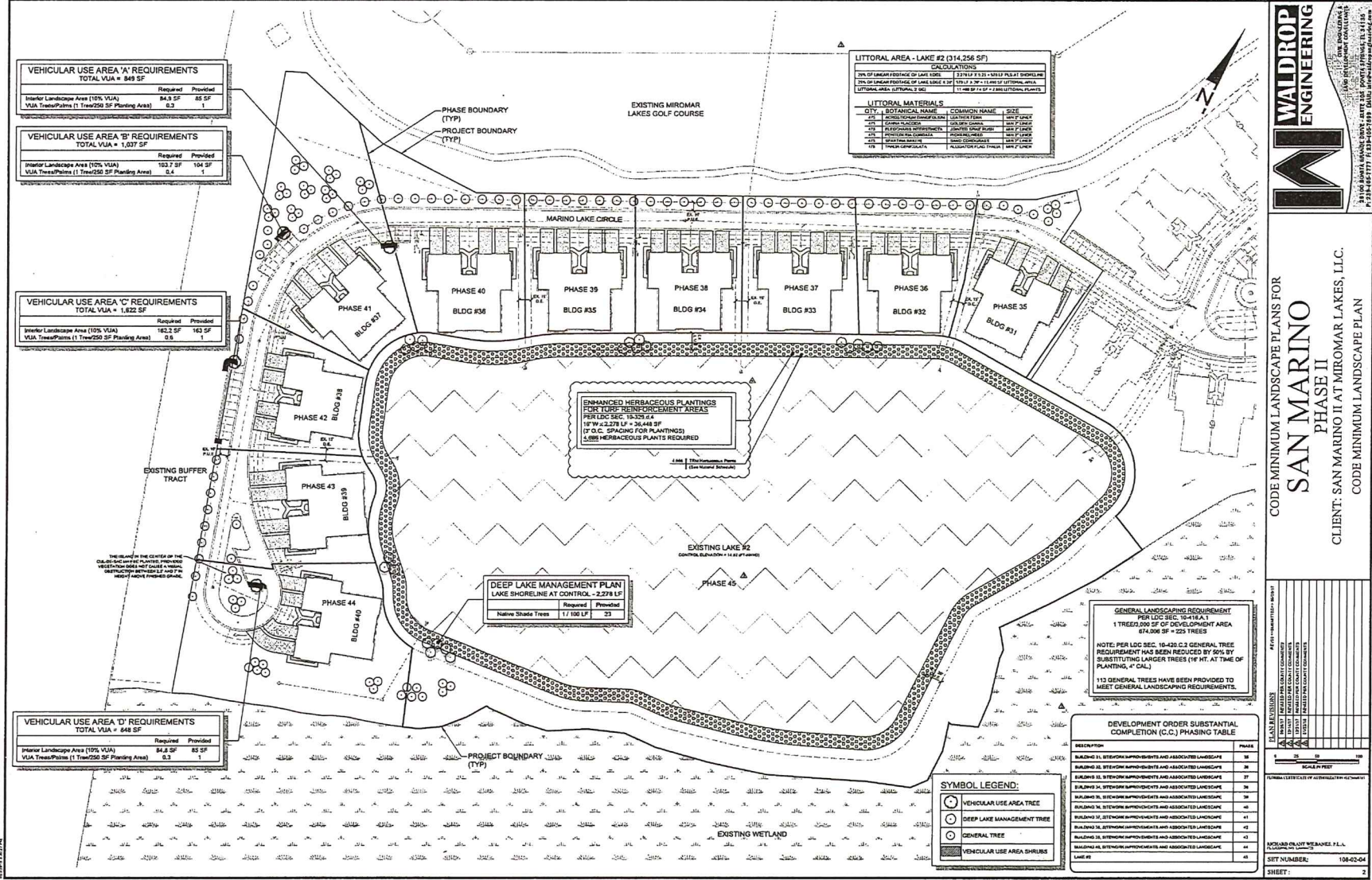
Audra Ennis, Zoning Manager
Lee County Community Development

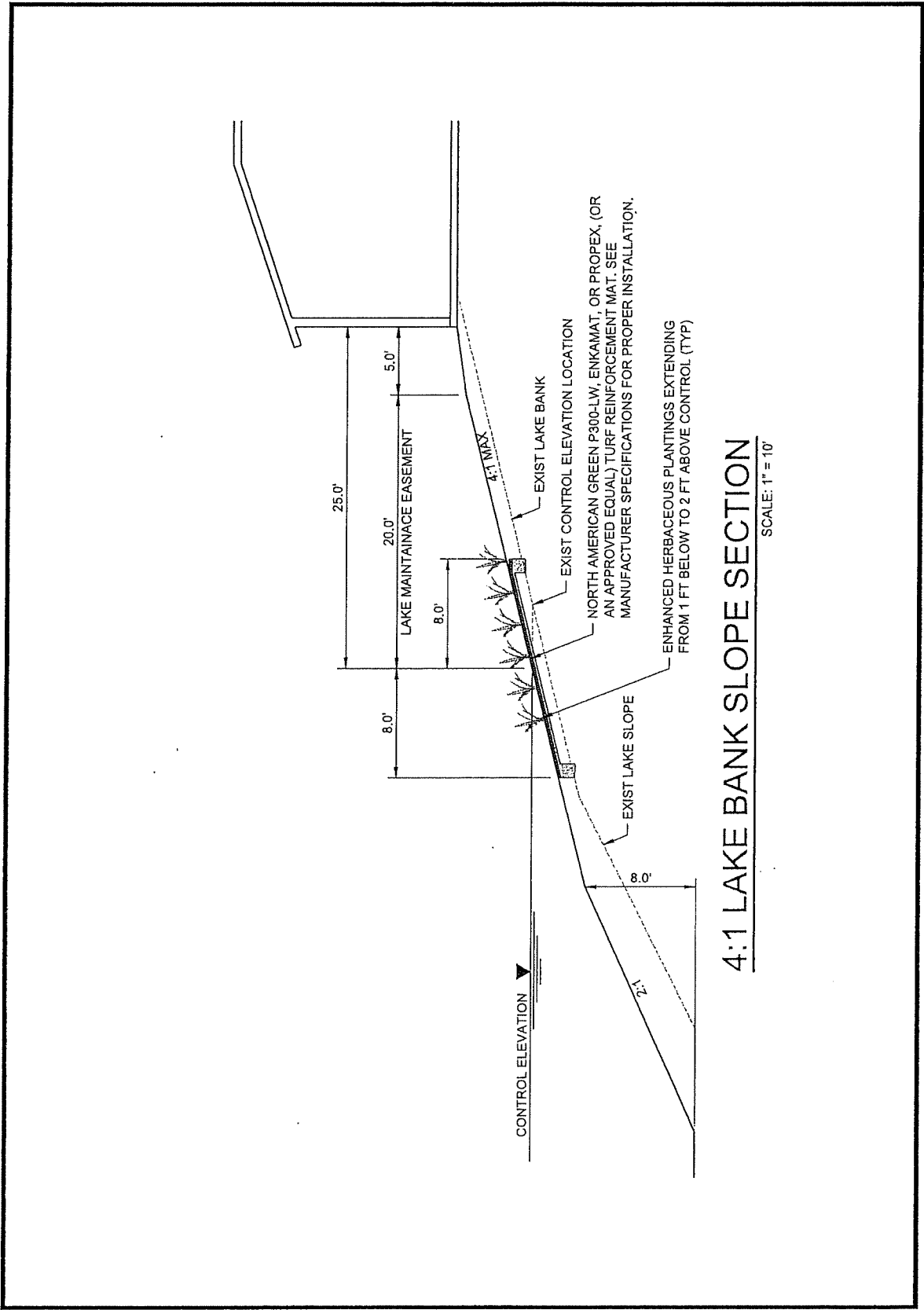
Exhibits:

- A. Legal
- B. Composite Plans









ADMINISTRATIVE AMENDMENT (FPA) ADD2020-00072

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Miromar Lakes, LLC, Mark W Geschwendt filed an application for Zoning Final Plan Approval to a Mixed Use Planned Development to build a boat ramp facility and request approval of the following new deviation:

A deviation from Land Development Code Section 34-2020(b), which requires boat ramp facilities to provide at a minimum 10 parking spaces, each measuring 12 feet wide by 40 feet long in order to accommodate both a vehicle and a boat trailer, to allow 4 such parking spaces.

on a project known as Miromar Lakes Boat Ramp Facility on property located at Miromar Lakes C/E, described more particularly as:

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

ATTACHED AS EXHIBIT "A"

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

WHEREAS, the property was originally rezoned in resolution number Z-99-029 [with subsequent amendments in resolution numbers Z-02-072, Z-06-064, Z-10-019, Z-12-004, Z-13-020, and ADD2019-00132]; and

WHEREAS, Condition 1.c of Resolution Z-13-020 requires, as a prerequisite to approval of any local Development Order, a Final Plan Approval that specifies the type, intensity and configuration of development for the particular site; and

WHEREAS, the objective of a Final Plan Approval is to ensure compliance with the DRI Development Order, Zoning Resolution, and the requirements of the LDC and to allow detailed review of deviations while allowing development flexibility to respond to changing conditions; and

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

WHEREAS, the applicant has requested a deviation from LDC Section 34-2020(b) that requires 10 spaces measuring 12 feet wide by 40 feet long in order to accommodate both a vehicle and a boat trailer to allow 4 such parking spaces; and

WHEREAS, the applicant stated that the boat ramp is only accessible to the residents of Miromar Lakes, and Miromar Lakes Master Association's Marine Services will provide concierge service by bringing their boat in and out of the water; and

WHEREAS, Environmental staff has reviewed the request and had no objection; and

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

WHEREAS, the subject application and plans have been reviewed for compliance with the MCP and all of the conditions approved by Resolution Z-13-020, as subsequently amended; and

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

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for Zoning Final Plan Approval in the Mixed-Use Planned Development, on a project known Miromar Lakes Boat Ramp Facility to allow a boat ramp facility, including a new deviation is APPROVED with the following conditions:

1. **The Development must be in substantial compliance with the Final Zoning Plan entitled “Miromar Lakes Boat Ramp Facility at Miromar Lakes Beach & Golf Club” prepared by Hole Montes, attached hereto as Exhibit “B”.**
2. **Any development which is not consistent with the final zoning plan approved herein and attached hereto will require an additional, amended final zoning plan approval.**
3. **This boat ramp facility is for the use of Miromar Lakes Beach & Golf Club residents only.**
4. **If it is determined that inaccurate or misleading information was provided to the County or if this decision does not comply with the LDC when rendered, then, at any time, the Zoning Manager may issue a modified decision that complies with the Code or revoke the decision. If the approval is revoked, the applicant may acquire the necessary approvals by filing an application for public hearing in accordance with Chapter 34.**

Duly passed, adopted, and electronically signed on 8/21/2020

Audra Ennis, Zoning Manager

Attachments: “A” Legal Description
“B” Site Plan (Final Zoning Plan Approval)

REVIEWED
ADD2020-00072
Daniel Munt, Planner
Lee County DCD
5/19/2020

EXHIBIT A

CASE NUMBER: ADD2020-00072

LEGAL DESCRIPTION

TRACT A OF MIROMAR LAKES UNIT XVIII COSTA MAGGIORE
PHASE 2, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN
INSTRUMENT 2020000096915, OF THE PUBLIC RECORDS OF LEE
COUNTY, FLORIDA

STRAP NUMBER

11-46-25-L1-2000A.00CE

APPROVAL HISTORY		TYPE	QUANTITY
LEE COUNTY NUMBER	TRACT		
2-99-029	MIROMAR LAKES	8/29/1999	RESOLUTION N/A
ADD0200-00010	PHASE 1	7/27/2000	SINGLE FAMILY 11 UNITS
ADD0200-00011	PHASE 1	7/27/2000	SINGLE FAMILY 30 UNITS
ADD0200-00017	PHASE 2	7/31/2000	SINGLE FAMILY 51 UNITS
ADD0200-00081	GOLF MAINT.	12/19/2000	COMMERCIAL 7500 S.F.
ADD0200-00091	TEMP CLUBHOUSE	1/8/2001	COMMERCIAL 6,500 S.F.
ADD0201-00018	VALENCIA	5/24/2001	MULTI-FAMILY 80 UNITS
ADD0201-00085	TRACT M & N	9/17/2001	SINGLE FAMILY 27 UNITS
ADD0201-0013A	BEACH CLUB	4/1/2002	RECREATION 4.77 ACRES
ADD0201-00125	TIVOLI	10/18/2001	SINGLE FAMILY 113 UNITS
ADD0201-00142	SALES CENTER	12/20/2001	COMMERCIAL 4,147 S.F.
ADD0202-00043	BELLAVISTA	6/28/2002	MULTI-FAMILY 80 UNITS
ADD0202-00077	MED. VILLAGE	8/5/2002	SINGLE FAMILY 33 UNITS
ADD0202-00188	CAPRINI GREENS	12/17/2002	SINGLE FAMILY 27 UNITS
ADD0203-00028	VAVALDI	4/14/2003	MULTI-FAMILY 80 UNITS
ADD0203-00047	GOLF CLUBHOUSE	5/14/2003	RECREATION 5.45 ACRES
2-02-072	MIROMAR LAKES	12/19/2003	RESOLUTION N/A
ADD0203-00191	CAPRINI GREENS MOD	12/19/2003	ADJUDG. TO ADD0202-00188
ADD0204-00033	SAN MARINO	7/31/2004	MULTI-FAMILY 180 UNITS
ADD0204-00042	MIRASOL ACCESS	4/2/2004	ACCESS 5.07 ACRES
ADD0204-00049	C1/C2 ACCESS	4/2/2004	ACCESS 1.02 ACRES
ADD0204-00054	PORTO ROMANO	5/11/2004	SINGLE FAMILY 55 UNITS
ADD0204-00070	MIRASOL RESIDENTIAL	7/27/2004	MULTI-FAMILY 110 UNITS*
ADD0204-00074	CAPRINI GREENS MOD	4/21/2004	ADJUDG. TO ADD0202-00188
ADD0204-00076	MIRASOL ACCESS MOD	11/17/2004	ADJUDG. TO ADD0204-00042
ADD0204-00077	CASTELLI & ANACAPRI	12/3/2004	SINGLE FAMILY 18 UNITS
ADD0204-00023	MONTEBELLO	01/10/2005	MULTI-FAMILY 40 UNITS
ADD0204-00033	VOLTERRA & BELLINI	4/25/2005	SINGLE FAMILY 12/80 UNITS
ADD0205-00134	MIRASOL PHASE 2	8/2/2005	MULTI-FAMILY 120 UNITS**
ADD0205-00190	RAVENNA	3/31/2005	MULTI-FAMILY 80 UNITS
ADD0206-00004	BEACH CLUB PH. 2	3/13/2006	RECREATION 7.67 ACRES
ADD0206-00002	MIROMAR LAKES PKWY EXTENSION	3/13/2006	ACCESS 133.08 ACRES
ADD0206-00009	EAST 100 AC.	4/18/2006	SINGLE FAMILY 30 UNITS*
2-06-064	MIROMAR LAKES	10/18/2006	RESOLUTION N/A
ADD0206-00130	BEACH COTTAGES	12/2/2006	SINGLE FAMILY 15 UNITS*
ADD0206-00144	SORRENTO LANE MOD.	4/1/2009	ADJUDG. TO ADD0206-00009
ADD0209-00028	COSTA AMALFI MOD.	4/18/2009	ADJUDG. TO ADD0206-00130
ADD0209-00028	COSTA AMALFI MOD	3/9/2010	ADJUDG. TO ADD0209-00028
2-10-019	MIROMAR LAKES	10/18/2006	RESOLUTION N/A
2-12-004	MIROMAR LAKES	10/18/2006	RESOLUTION N/A
ADD0213-00110	PENINSULA PHASE II	5/18/2012	SINGLE FAMILY 28 UNITS
ADD0214-00102	PENINSULA PHASE IV	8/15/2014	SINGLE FAMILY 56 UNITS
ADD0214-00175	COSTA AMALFI MOD.	10/27/2014	ADJUDG. TO ADD0206-00130
ADD0214-00213	UNIVERSITY VILLAGE PH. I	PENDING	MIXED USE 16.54 MBF 7,500 S.F.
ADD0215-00070	LAKE SHORELINE STABILIZATION	10/8/2015	RECREATIONAL 86 ACP TO 88A
ADD0215-00079	TRACT M-W	07/14/2015	SINGLE FAMILY 12 UNITS
ADD0215-00029	POSTANO	01/12/2016	MULTI-FAMILY 40 UNITS**
ADD0216-00025	TEMP BOAT STORAGE	07/07/16	RECREATION N/A
ADD0216-00148	RESORT VILLAGE PH. I	11/29/16	SINGLE FAMILY 24 UNITS
ADD0216-00206	SARONNA	01/06/17	SINGLE FAMILY 8 UNITS
ADD0217-00013	RESORT VILLAGE PH. II	07/30/16	SINGLE FAMILY 29 UNITS
ADD0217-00038	UNIVERSITY VILLAGE PH. II	03/07/17	MULTI-FAMILY 88 UNITS
ADD0219-00183	POSTANO	11/21/2018	SINGLE FAMILY 18 UNITS
ADD0219-00178	RESORT VILLAGE PH. IIB	01/17/2020	ADJUDG. TO ADD0217-00013
ADD0220-00271	CAPRI	PENDING	MULTI-FAMILY 110 UNITS
ADD0220-00072	BOAT RAMP	PENDING	RECREATION N/A
	SINGLE FAMILY	MULTI-FAMILY	S.F. ACRES
TOTALS	917	1004	83,147 23.98

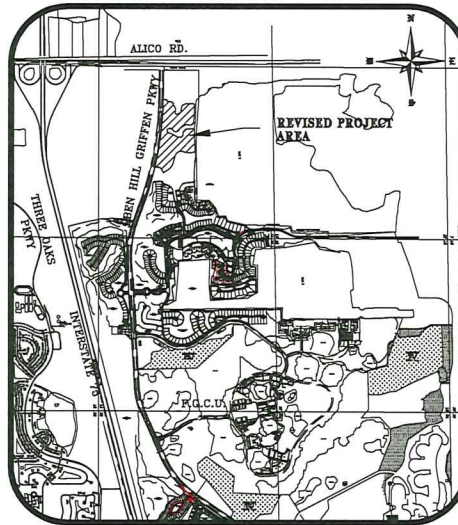
NOTES:
* DENOTES PROJECTS CONSTRUCTED FASTER THAN APPROVED, NUMBER REPRESENTS CONSTRUCTED NUMBER OF UNITS
** DENOTES ADD APPROVAL THAT IS VOTED BY LATER APPROVAL

PREPARED FOR:

MIROMAR LAKES, LLC

CONTACT PERSON: TIM BYAL-V.P.
10881 CORKSCREW ROAD - SUITE 305
FT. MYERS, FL 33928
PH (239) 398-5100

FINAL PLAN APPROVAL FOR MIROMAR LAKES BOAT RAMP FACILITY LEE COUNTY, FLORIDA DATE: MARCH 2020



PROPERTY LOCATION MAP
N.T.S.
STRAP NOS.
11-46-25-00-00001.0040

OPEN SPACE

OPEN SPACE	AREA (ACRES)
GOLF COURSE	218.99
PHASE I	61.72
PHASE II	13.10
GOLF MAINTENANCE	0.92
VALENCIA	8.08
TRACT M & N	4.77
BEACH CLUB	2.34
TIVOLI	0
BELLAVISTA	3.55
MEDITERRANEAN VILLAGE	6.71
CAPRINI GREENS	1.19
VAVALDI	0
GOLF CLUBHOUSE	2.51
SAN MARINO	13.40
MIRASOL ACCESS DRIVE	1.31
TRACT C1/C2 ENTRANCE	0.39
PORTO ROMANO	2.90
MIRASOL RESIDENTIAL	0
CASTELLI & ANACAPRI	0.92
VOLTERRA & BELLINI	5.89
RAVENNA	3.17
BEACH CLUB PH.2	2.73
MIROMAR LAKES PKWY. EXTENSION	0
EAST 100 AC.	0
BEACH COTTAGES	3.31
PENINSULA PHASE II	6.16
PENINSULA PHASE IV	16.33
UNIVERSITY VILLAGE PH I	24.74
LAKE SHORE STABILIZATION	0
TRACT M-W	1.90
POSTANO	0**
TEMPORARY BOAT STORAGE FACILITY	0.92
RESORT VILLAGE PHASE 1	2.26
SARDINIA	1.27
RESORT VILLAGE PHASE 2	7.02
POSTANO	0.98
RESORT VILLAGE PHASE 2D	1.71
CAPRI	8.77
BOAT RAMP	0.39
TOTAL	430.32 AC.

BOAT DOCK HISTORY

SINGLE FAMILY SUBDIVISIONS	BOAT DOCKS APPROVED	BOAT DOCKS PROPOSED
VIKING LAGO	55	0
CAPRINI GREENS/BELLAVISTA	18	0
ISLA BELLA	13	0
CASTELLI & ANACAPRI	17	0
VOLTERRA	12	0
COSTA AMALFI (BEACH COTTAGES)	9	0
SORRENTO (EAST 100 AC.)	11	0
PORTOFINO (EAST 100 AC.)	20	0
MIRASOL (EAST 100 AC.)	18	0
NAVONA (PENINSULA PH II)	18	0
SALENTO (PENINSULA PH III)	22	0
ESTATE LOTS (PENINSULA PH IV)	0	0
VILLA LOTS (PENINSULA PH IV)	0	0
TRACT M-W	0	0
POSTANO	0	0
RESORT VILLAGE - PHASE 1	16	0
SARONNA	8	0
RESORT VILLAGE - PHASE 2	0	0
TOTAL	269	0
ANCILLARY (250 MAXIMUM)		
BEACH CLUB PH I	13	0
BEACH CLUB PH II	13	0
BEACH CLUB PH III	13	0
MIRASOL BEACH PH 1&2	18	0
BELLINI	18	0
RAVENNA	60	0
THE PENINSULA PH IV	18	0
CAPRI	15	0
TOTAL	157	0
TOTAL PROPOSED & APPROVED ANCILLARY SLIPS		
BEACH CLUB PH I	13	0
BEACH CLUB PH II	13	0
BEACH CLUB PH III	13	0
MIRASOL BEACH PH 1&2	18	0
BELLINI	18	0
RAVENNA	60	0
THE PENINSULA PH IV	18	0
CAPRI	15	0
TOTAL	218	0

NOTES:
EACH SINGLE-FAMILY LANDSCAPE LOT IS ALLOWED TO HAVE ONE DOCK. SINGLE-FAMILY LANDSCAPE LOT DOCKS MAY BE CONVERTED TO MULTIPLE-FAMILY SLIPS FOR NET BOAT STORAGE ON A ONE FOR ONE (1:1) BASIS.
AN ADDITIONAL 250 (MAXIMUM) ANCILLARY SLIPS FOR NET BOAT STORAGE ARE ALLOWED ON THE LAKE.

PREPARED BY:

H.M.
HOLE MONTES
ENGINEERS-PLANNERS-SURVEYORS

6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No.1772

MIROMAR LAKES
RESORT VILLAGE PHASE 2D
LEE COUNTY, FLORIDA

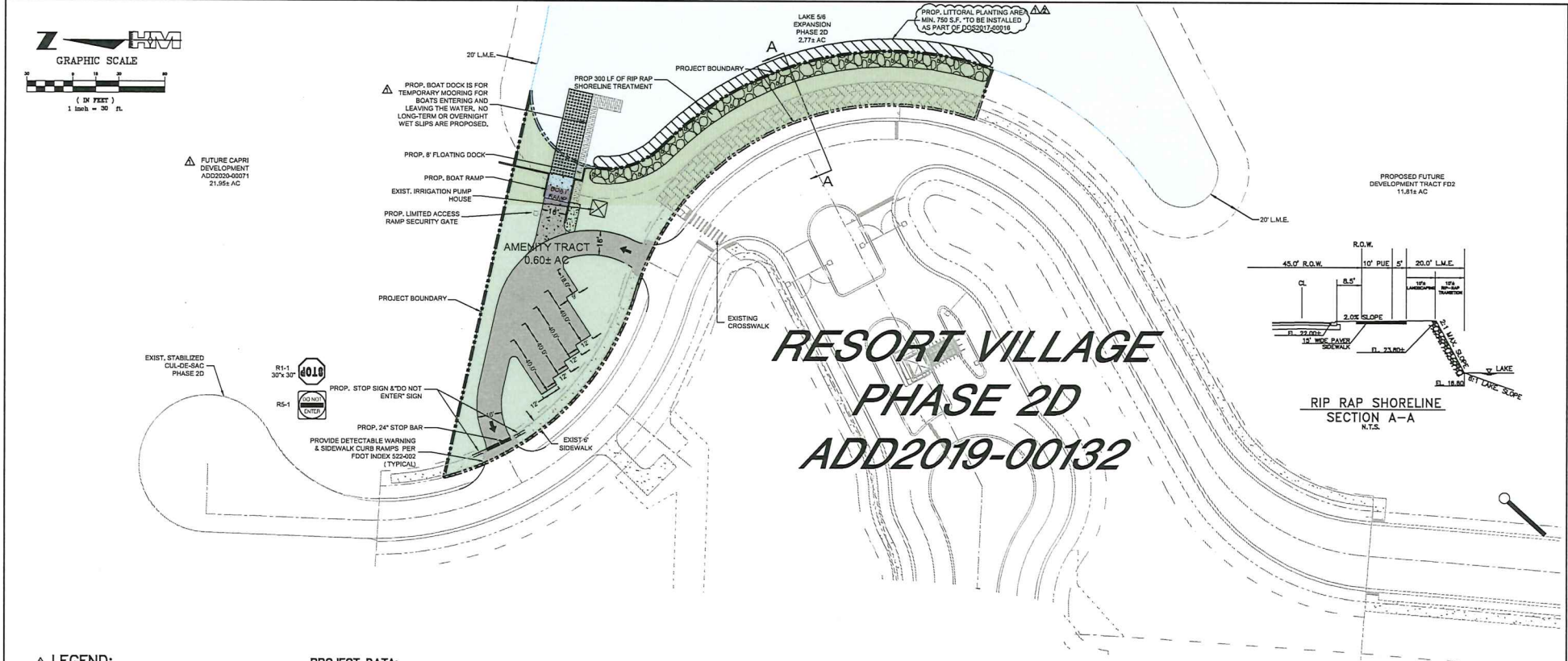
DRAWING NO.
1-407
PROJECT NO.
16.045

REVISIONS
DATE
REVISIONS

REVIEWED FOR LEE COUNTY COMMENTS
DATE
REVISIONS

APPROVED FOR LEE COUNTY COMMENTS
DATE
REVISIONS

APPROVED FOR LEE COUNTY COMMENTS
DATE
REVISIONS



LEGEND:

- EXIST. CONCRETE SIDEWALK
- BRICK PAVEMENT SIDEWALK
- PROP. LITTORAL PLANTING AREA (750 Sqft)
- PROP. ASPHALT (8,255.44 Sqft)
- PROP. OPEN SPACE AREA (16,819.87 Sqft)
- PROP. LAKE AREA (968.36 Sqft)
- BOAT RAMP FPA LIMITS

GENERAL DEVELOPMENT NOTE:

1) BASED ON THE SFMD GENERAL PERMIT #36-03568-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA, IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNDUE DANGER FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO, SITE FILL, DRAINAGE WATER MANAGEMENT AND SEWAGE DISPOSAL FACILITIES.

PROJECT DATA:

PROP. BOAT RAMP FACILITY		
ASPHALT PAVEMENT	8,255.44 Sqft.	0.19 AC.
LAKE EXPANSION	968.36 Sqft.	0.02 AC.
OPEN SPACE	16,819.87 Sqft.	0.38 AC.
OVERALL PROJECT	26,043.68 Sqft.	0.60 AC.

PARKING CALCULATIONS

34-2020 REQUIRED PARKING
COMMERCIAL BOAT RAMP = REQUIRED 10 TRUCK & TRAILER PARKING SPACES
TOTAL PROVIDED = 4 TRUCK & TRAILER PARKING SPACES - 1 STANDARD SPACE

*DEVIATION REQUEST AS PART OF FPA APPROVAL

TOTAL REFUSE/SOLID WASTE DISPOSAL AREA REQ'D:
(per Lee County Land Development Code Sec. 10-261(a))
N/A

**MIROMAR LAKES
RES #Z-13-020**

PROPOSED LAND USE: RECREATIONAL / BOAT RAMP
MIN. SETBACKS:
FRONT: 20 FT. FRONT LOADING / 12 FT. SIDE LOADING
SIDE: 5 FT.
REAR: 10 FT.
LAKE: 20 FT.
MINIMUM BUILDING SEPARATION = 10 FT.
MAX. LOT COVER: 50%
MINIMUM LOT AREA = 6,500 S.F.
MINIMUM LOT WIDTH = 50 FT.
MINIMUM LOT DEPTH = 70 FT.
MAX. BUILDING HEIGHT 3 STORES / 45 FT.

OPEN SPACE

PER ZONING RES. Z-13-020
REQUIRED OPEN SPACE
N/A - DEVIATION 14

DEVIATIONS PER RES #Z-13-020

REQUESTED DEVIATION:

1) Deviation from LDC Section 34-2020(b) Commercial Marinas and other water oriented uses. Request a deviation from Section 34-2020(b) to allow for only 4 truck and trailer parking spaces for the proposed private boat ramp from the required 10 truck and trailer spaces for a commercial boat ramp. The proposed boat ramp is not open to the public and is for the express use of the residents of Miromar Lakes. Access to the ramp is controlled by gates that will be locked. Access will be granted by the Miromar Lakes Marine Services by appointment only or through their concierge service to their residents.

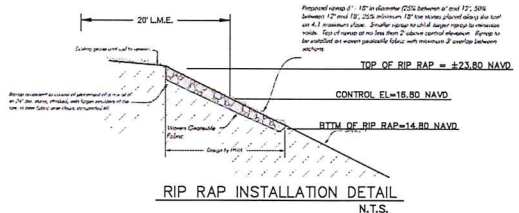
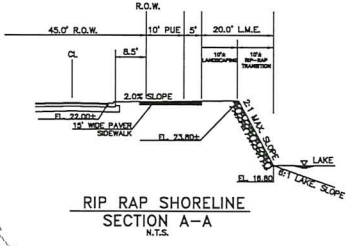
LANDSCAPE NOTES:

- No buffer is required for internal right of way
- No buffer is required along lake shoreline
- No buffer is required for internal uses

LITTORAL PLANTING CALCULATION:

COMPENSATORY LITTORALS FOR RIP RAP SHORELINE
• 300 LF x 5 FT = 1500 S.F. + 50% COVERAGE = 750 S.F.
• W/ PLANTINGS 2 FT O.C. = 375 PLANTS

COMPENSATORY LITTORAL PLANTS REQUIRED FOR PROPOSED RIP RAP TO BE INSTALLED AND CERTIFIED AS PART OF DOS2017-00016, RESORT VILLAGE PHASE 2D.



**MIROMAR LAKES
BOAT RAMP FACILITY
LEE COUNTY, FL.**

DESIGNED BY	C.L.K.	DATE	02/04/2020
DRAWN BY	J.C.B.	DATE	02/04/2020
CHECKED BY	C.L.K.	DATE	02/04/2020
VERTICAL SCALE	N/A	HORIZONTAL SCALE	1" = 30'



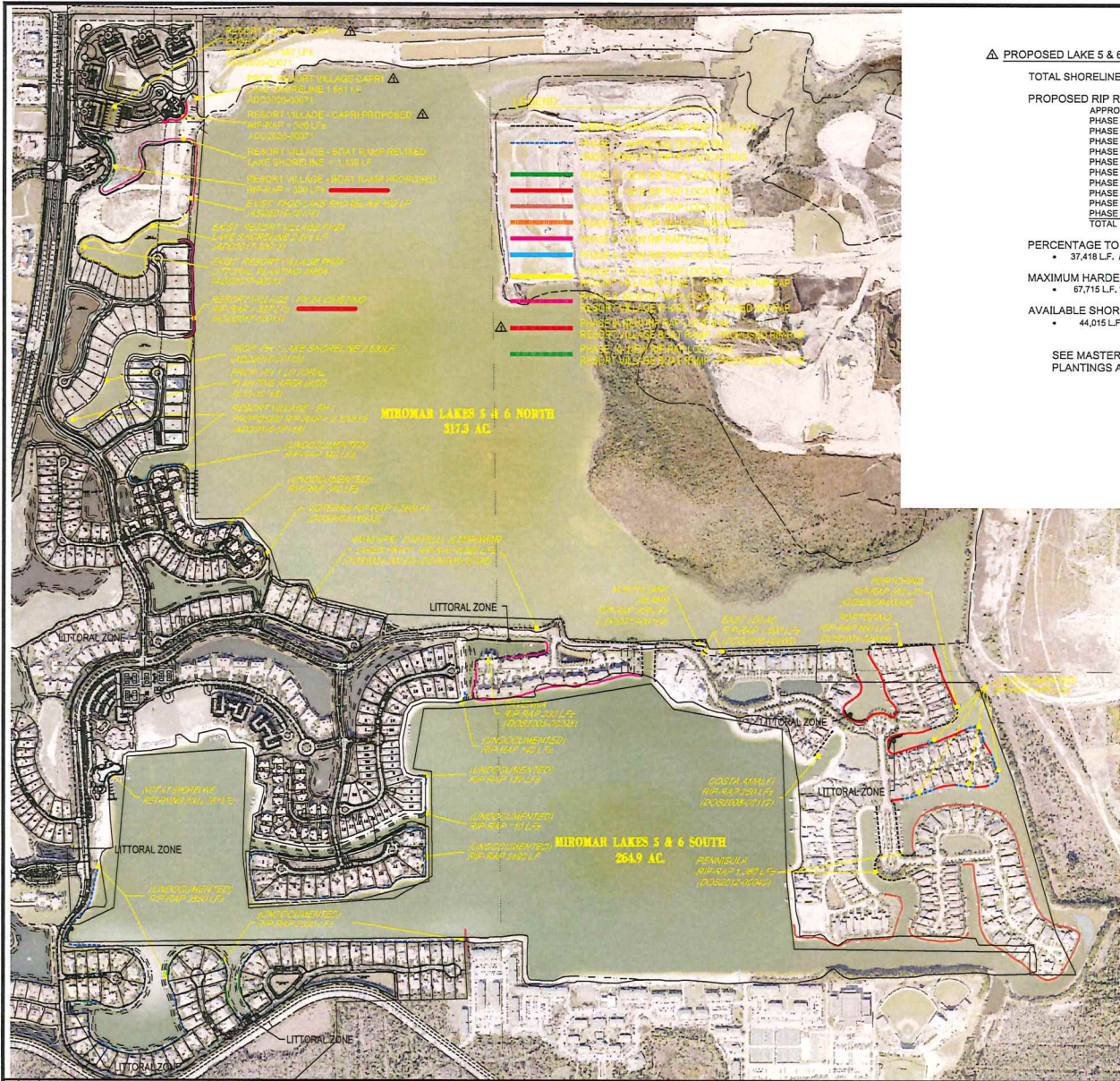
6200 Whiskey Creek Drive
Fort Myers, FL. 33919
Phone: (239) 985-1200
Florida Certificate of
Authorization No.1772

**MASTER CONCEPT PLAN
BOAT RAMP**

THESE DRAWINGS ARE NOT
APPROVED UNLESS SIGNED
AND SEALED BELOW:
SHARON L. KREBS, P.E.
FLORIDA PROFESSIONAL ENGINEER
REGISTRATION #55830
DATE

**ALL STREETS TO BE
PRIVATELY MAINTAINED**

CAD FILE NAME	DRAWING NO.
02-MCP	1468-02
PROJECT NO.	SHEET NO.
2020014	2 OF 3



PROPOSED LAKE 5 & 6 SHORELINE:

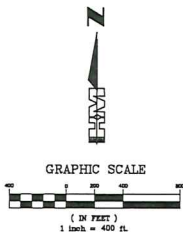
TOTAL SHORELINE	66,820 L.F.
PROPOSED RIP RAP	
APPROVED	11,130 L.F.
PHASE 1	10,750 L.F.
PHASE 2	1,140 L.F.
PHASE 3	2,810 L.F.
PHASE 4	5,795 L.F.
PHASE 5	2,100 L.F.
PHASE 6	900 L.F.
PHASE 7 RESORT VILLAGE PH1	900 L.F.
PHASE 8 RESORT VILLAGE PH2	900 L.F.
PHASE 9 CAPRI	893 L.F.
PHASE 10 BOAT RAMP	300 L.F.
TOTAL	37,418 L.F.

PERCENTAGE TO COVER PROPOSED SHORELINE TREATMENT
• 37,418 L.F. / 67,715 L.F. * 100 = 55.26%

MAXIMUM HARDENED SHORELINE TREATMENT (65%)
• 67,715 L.F. * 65.0% = 44,015 L.F.

AVAILABLE SHORELINE TREATMENT FOR STABILIZATION
• 44,015 L.F. - 37,418 L.F. = 6,597 L.F.

SEE MASTER CONCEPT PLAN FOR AVELLINO FOR REQUIRED LITTORAL PLANTINGS AND LOCATION



GENERAL NOTES

1. IT IS THE CONTRACTOR'S RESPONSIBILITY TO FIELD LOCATE AND VERIFY ANY EXISTING UTILITIES.
2. EXTREME CAUTION IS TO BE USED WHEN EXCAVATING, AS THE NUMBER AND LOCATION OF EXISTING UTILITIES HAVE BEEN NOTED BASED ON THE BEST INFORMATION AVAILABLE.
3. THE CONTRACTOR SHALL SAFEGUARD AND AVOID PENETRATION OF SPECIAL WETLAND PRESERVATION AREAS SHOWN ON THE DRAWINGS AND FENCED AT THE SITE.
4. IF IS THE CONTRACTOR'S RESPONSIBILITY TO REPLACE ANY EXISTING LANDSCAPING (E.G. SOIL, BUSHES, TREES, ETC.) SPRAWLER TYPE, SPRAWLER HEADS AND FENCING THAT MAY HAVE TO BE REMOVED DURING CONSTRUCTION.
5. ANY DAMAGE TO EXISTING UTILITIES AND PROPERTY DURING CONSTRUCTION SHALL BE REPAIRED AND/OR REPLACED AT THE CONTRACTOR'S EXPENSE.

GENERAL DEVELOPMENT NOTE:

- 1) BASED ON THE SPWMD GENERAL POINT #24-03588-P AND THE U.S.D.A. SOIL CONSERVATION SERVICE SOIL SURVEY OF LEE COUNTY, FLORIDA, IT IS ANTICIPATED THAT THIS SITE MAY BE USED SAFELY FOR BUILDING PURPOSES, WITHOUT UNLESS DAMAGED FROM FLOOD OR ADVERSE SOIL OR FOUNDATION CONDITIONS. SUBJECT TO PROPERLY ENGINEERED AND CONSTRUCTED CORRECTIVE MEASURES, INCLUDING BUT NOT LIMITED TO SITE FILL, DRAINAGE WATER MANAGEMENT AND SOLID WASTE DISPOSAL FACILITIES.

REVISIONS	DATE
REVISED PER LEE COUNTY COMMENTS	06/12/20

MIROMAR LAKES
BOAT RAMP FACILITY
LEE COUNTY, FLORIDA

DESIGNED BY: CLK	DATE: 9/16
DRAWN BY: JKH	DATE: 9/16
CHECKED BY: CLK	DATE: 9/16
VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1" = 400'



6200 Whiskey Creek Drive
Fort Myers, FL 33919
Phone : (239) 985-1200
Florida Certificate of
Authorization No.1772

MASTER STABILIZATION PLAN

THESE DRAWINGS ARE NOT APPROVED UNLESS SIGNED AND SEALED BELOW !	REFERENCE NO.	DRAWING NO.
CHARLES L. KORDS FLORIDA PROFESSIONAL ENGINEER REGISTRATION #58835	03-MSP	1468-02
DATE	PROJECT NO.	SHEET NO.
	2020.014	3 OF 3



DEPARTMENT OF COMMUNITY DEVELOPMENT

Memo

To: Chahram Badamtchian, Planner, Senior

From: Md Rakibul Alam, Senior Transportation Planner

Date: March 06, 2023

Subject: Miromar Lakes MPD/DRI (DRI2022-00004 & DCI2022-00052) Transportation-Related Analysis

This application requests approval for a conversion of a portion of the approved commercial intensity (Z-13-020) to the residential density that will result in the reduction of 125,000 sq. ft. of retail floor area, 315,000 sq. ft. of office, 40,000 sq. ft. of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units. The developable areas delineated in the approved Master Concept Plan will remain the same and will be consistent with all other parameters under the zoning and DRI approvals

The trip generation for the project, as currently approved and as proposed with this amendment, was computed by utilizing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition to demonstrate that the change in uses will not increase the weekday P.M. peak hour trip generation of the overall project (Table 1 and 2).

Table 1: Trip Generation (Approved)

Land Use	Weekday P.M Peak Hour			Daily (2-Way)
	In	Out	Total	
Single-Family Detached (700 units)	390	229	619	6,045
Multi-Family (Low-Rise) (1900 units)	528	310	838	12,254
Shopping Center (250,000 sq. ft.)	524	568	1,092	12,391
General Office (340,000 sq. ft.)	78	381	459	3,365
Research and Development (40,000 sq. ft.)	9	50	59	636
Hotel (450 rooms)	156	149	305	4,454
Less 17% (Internal Capture)	-286	-287	-573	-6,655
Less 30% Pass-By Trips	-131	-141	-272	-3,086
Total Trips	1,268	1,259	2,527	29,404

Table 2: Trip Generation (Proposed)

Land Use	Weekday P.M Peak Hour			Daily
	In	Out	Total	(2-Way)
Single-Family Detached (1,592 units)	844	496	1,340	12,874
Multi-Family (Low-Rise) (1,474 units)	412	242	654	9,524
Shopping Center (125,000 sq. ft.)	517	561	1,078	11,033
General Office (25,000 sq. ft.)	9	44	53	347
Research and Development (0 sq. ft.)	-	-	-	-
Hotel (150 rooms)	42	41	83	1,202
Less 13% (Internal Capture)	-237	-180	-417	-4,547
Less 30% Pass-By Trips	-135	-146	-281	-2,880
Total Trips	1,452	1,058	2,510	27,553

As the proposed changes in the uses will not increase the weekday P.M. peak hour trip generation of the overall project, information on the link level of service analysis and intersections level of service analysis are not required.

The proposed project will not have a detrimental impact on the surrounding roadway system. However, per past, codified development orders related to the planned development, the overall traffic at the project entrances must be verified to not exceed 3,931 PM peak hour trips by periodic traffic monitoring reports.



APPLICATION FOR PLANNED DEVELOPMENT PUBLIC HEARING UNINCORPORATED AREAS ONLY

Project Name: Miromar Lakes MPD

Request: Rezone from: MPD To: MPD

Type: ☐ Major PD ☐ Minor PD ☒ DRI w/Rezoning ☐ PRFPD
☒ Major PD Amendment ☐ Minor PD Amendment

Bonus Density included? ☒ NO ☐ YES¹ for: _____ Bonus Units

¹ If **YES**, submit additional fee required by LDC 2-147(A)(3)

Summary of Project:

The proposed amendment requests a conversion of a portion of the existing commercial intensity to residential density. The amendment will result in the reduction of 125,000 sq. ft. of retail floor area, 315,000 sq. ft. of office, 40,000 sq. ft. of Research and Development and 300 hotel rooms, and an increase in residential development by 466 units.

PART 1 APPLICANT/AGENT INFORMATION

A. Name of Applicant: Miromar Lakes, LLC
Address: 10801 Corkscrew Road, Suite 305
City, State, Zip: Esteros, FL 33928
Phone Number: 239-390-5100
E-mail Address: mgeschwendt@miromar.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: DeLisi, Inc.
Contact Person: Daniel DeLisi, AICP
Address: 520 27th Street
City, State, Zip: West Palm Beach, FL 33407
Phone Number: 239-913-7159 Email: dan@delisi-inc.com

2. **[Additional Agent\(s\)](#):** Provide the names of other agents that the County may contact concerning this application. [34-202(a)(4)]

LEE COUNTY COMMUNITY DEVELOPMENT
PO BOX 398 (1500 MONROE STREET), FORT MYERS, FL 33902
PHONE (239) 533-8585

**PART 2
PROPERTY OWNERSHIP**

- A. **Property owner(s):** If multiple owners (corporation, partnership, trust, association), provide a list with owner interest. [34-202(a)(2)]

Name: See applicant information above.

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): Multiple – 7/14/200 and earlier

**PART 3
PROPERTY INFORMATION**

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

See attached list

- B. **Street Address of Property:** _____

- 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:** MPD (Mixed Use Planned Development)

☐ Provide a list of all Zoning Resolutions and Zoning Approvals applicable to the subject property.

- F. **Use(s) of Property:**

1. Current uses of property are: Residential, commercial, vacant

2. Intended uses of property are: Residential, commercial

G. Future Land Use Classification (Lee Plan):

University Community	<u>1,466</u>	Acres	<u>81</u>	% of Total
Westlands	<u>338</u>	Acres	<u>19</u>	% of Total
		Acres		% of Total

H. Property Dimensions:

1. Width (average if irregular parcel): N/A 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)** 1,804 Acres
1. Submerged land subject to tidal influence 0 Acres
 2.
 - a. Preserved freshwater wetlands 0 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.) 0 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.).** 0 Acres
- C. Gross residential acres. (A minus B) ⁽³⁾** 1,804 Acres
- D. Gross residential acres (by Land Use Category)**
1.
 - a. Intensive Development – upland Acres
 - b. Intensive Development – preserved freshwater wetlands Acres
 - c. Intensive Development – impacted wetlands Acres
 2.
 - a. Central Urban – upland Acres
 - b. Central Urban – preserved freshwater wetlands Acres
 - c. Central Urban – impacted wetlands Acres
 3.
 - a. Urban Community or Suburban – upland Acres
 - b. Urban Community or Suburban – preserved freshwater wetlands Acres
 - c. Urban Community or Suburban – impacted wetlands Acres

4.	a.	Suburban – upland	_____	Acres
	b.	Suburban – preserved freshwater wetlands	_____	Acres
	c.	Suburban – impacted wetlands	_____	Acres
5.	a.	Outlying Suburban – upland	_____	Acres
	b.	Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Outlying Suburban – impacted wetlands	_____	Acres
6.	a.	Sub-Outlying Suburban – upland	_____	Acres
	b.	Sub-Outlying Suburban – preserved freshwater wetlands	_____	Acres
	c.	Sub-Outlying Suburban – impacted wetlands	_____	Acres
7.	a.	Rural, Outer Island, Rural Community Preserve – upland	_____	Acres
	b.	Rural, Outer Island, Rural Community Preserve – wetlands	_____	Acres
8.	a.	Open Lands – upland	_____	Acres
	b.	Open Lands – wetlands	_____	Acres
9.	a.	Resource – upland	_____	Acres
	b.	Resource – wetlands	_____	Acres
10.	a.	Wetlands	_____	Acres
11.	a.	New Community – upland	_____	Acres
	b.	New Community – wetlands	_____	Acres
12.	a.	University Community – upland	1,466	Acres
	b.	University Community – wetlands	338	Acres
13.	a.	Coastal Rural – upland	_____	Acres
	b.	Coastal Rural – wetlands	_____	Acres
TOTAL (should equal "C" above)			1,804	Acres

Notes:

- (1) Lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses must not be included except within the Mixed Use Overlay {see Note (2) below}.
- (2) Within the Mixed Use Overlay, lands for commercial, office, industrial uses, natural water bodies, and other non-residential uses may be included in density calculations {see Lee Plan Objective 4.3}.
- (3) Lands to be used for residential uses including land within the development proposed to be used for streets & street rights of way, utility rights-of-way, public & private parks, recreation & open space, schools, community centers, & facilities such as police, fire & emergency services, sewage & water, drainage, and existing man-made waterbodies.

PART 5 RESIDENTIAL DEVELOPMENT - PRELIMINARY DENSITY CALCULATIONS

- i. Complete only if living units are proposed in a Future Land Use Category.
- ii. If more than one classification, calculations for each classification must be submitted. Attach extra sheets as necessary.
- iii. If wetlands are located on the property, density calculations are considered preliminary pending a wetlands jurisdictional determination.

A. Future Land Use Category: University Community

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

Note:

- (1) Subject to revision if wetlands jurisdictional determination indicates a different acreage of wetlands.

PART 6
COMMERCIAL, INDUSTRIAL, MINING, ASSISTED LIVING FACILITIES, HOTELS & MOTELS
PRELIMINARY INTENSITY CALCUATIONS

A. Commercial 1. Medical 2. General Office 3. Retail 4. Other: _____ 5. TOTAL FLOOR AREA	Height _____ _____ _____ _____ _____	Total Floor Area (Square Feet) _____ 25,000 125,000 _____ 150,000
B. Industrial 1. Under Roof 2. Not Under Roof 3. TOTAL FLOOR AREA	Height _____ _____ _____	Total Floor Area (Square Feet) _____ _____ _____
C. Mining 1. Area to be excavated	Depth _____ _____	Total Acres _____ _____
D. Assisted Living Facilities 1. Dependent Living Units 2. Independent Living Units 3. TOTAL BEDS/UNITS	Height _____ _____ _____	Total Beds/Units _____ _____ _____
E. Hotels/Motels (Room Size) 1. < 425 sq. ft. 2. 426-725 sq. ft. 3. 725 < sq. ft. 4. TOTAL UNITS	Height _____ _____ _____ _____	Total Rental Units 0-150 0-150 0-150 0-150

PART 7
ACTION REQUESTED

- A. Request Statement:** Provide a single narrative explaining the nature of the request and how the property qualifies for the rezoning to a planned development. This narrative should include how the proposed development complies with the Lee Plan, the Land Development Code, and the applicable findings/review criteria set forth in LDC section 34-145(d)(4). This narrative may be utilized by the Board of County Commissioners, Hearing Examiner and staff in establishing a factual basis for the granting or denial of the rezoning. **[34-373(a)(5)]**
- B. Traffic Impact Statement.** A traffic impact statement in a format and to the degree of detail required by the County and in conformance with the adopted Lee County Administrative Code. TIS is not required for an existing development. **[34-373(a)(7)]**
- C. Master Concept Plan:**
1. **Master Concept Plan, Non-PRFPD:** A graphic illustration (Master Concept Plan) of the proposed development, showing and identifying the information required by LCLDC Section 34-373(a)(6)a. Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. In addition to the Master Concept Plan, an open space design plan delineating the indigenous preserves and/or native tree preservation areas as required by LDC Section 10-415(b) must be submitted. **[34-373(a)(6)]**
 2. **Schedule of Uses:** A schedule of uses keyed to the Master Concept Plan as well as a summary for the entire property including the information required by LCLDC Section 34-373(a)(8)]. **[34-373(a)(8)]**

3. **Schedule of Deviations and Written Justification:** A schedule of deviations and a written justification for each deviation requested as part of the Master Concept Plan accompanied by documentation including sample detail drawings illustrating how each deviation would enhance the achievement of the objectives of the planned development and will not cause a detriment to public interests. The location of each requested deviation must be located/shown on the Master Concept Plan. [34-373(a)(9)]

D. **Bonus Density:** [34-202(a)(11)]

- ☐ Not Applicable
☐ Bonus Density will be used. Provide the number of Bonus Density units being requested and a narrative of how the request meets the requirements of LDC Section 2-146.

**PART 8
ENVIRONMENTAL REQUIREMENTS**

- A. **Topography:** Describe the range of surface elevations of the property. Attach a county topographic map (if available) or a USGS quadrangle map showing the subject property. [34-373(a)(4)b.iv.]
N/A
-
- 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)].
N/A
-
- C. **Preservation/Conservation of Natural Features:** Describe how the lands listed in PART 6.B. above will be protected by the completed project:
N/A
-
- 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:
N/A
 2. Quality of the effluent:
N/A

3. Expected life of the facility:
N/A

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

5. Receiving bodies or other means of effluent disposal:
N/A

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

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

2. Current water table conditions:
N/A

3. Proposed rate of application:
N/A

4. Back-up system capacity:
N/A

**PART 10
ADDITIONAL REQUIREMENTS**

A. Major Planned Developments:

1. **Surface Water Management Plan.** A written description of the surface water management plan as required by LCLDC Section 34-373(b)(1). **[34-373(b)(1)]**
2. **Phasing Program.** If the development is to be constructed in phases or if the Traffic Impact Statement utilized phasing, then a description of the phasing program must be submitted. **[34-373(b)(3)]**
3. **Protected Species Survey.** A protected species survey is required for large developments (as defined in LCLDC Section 10-1) as specified in LCLDC Section 10-473. **[34-373(b)(2)]**

B. Amendments to Built Planned Developments: The consent of the owners of the remainder of the original planned development is not required, but these owners must be given notice of the application and other proceedings as if they were owners of property abutting the subject property regardless of their actual proximity to the subject property. **[34-373(c)]**

C. Development of Regional Impact: Binding letter of interpretation from DCA or a complete and sufficient ADA. (See also Application for Public Hearing for DRI Form.) **[34-373(d)(9)]**

D. Private Recreational Facility Planned Developments (PRFPDs):

1. **Master Concept Plan, PRFPD.** Master Concept Plan showing and identifying information required by LDC Section 34-941(g)(1). Copies of the Master Concept Plan must be provided in two sizes, 24"x36" and 11"x17", and must be clearly legible and drawn at a scale sufficient to adequately show and identify the required information. **[34-941(g)(1)]**
2. **Conceptual Surface Water Management Plan.** A Conceptual Surface Water Management Plan must be submitted. The plan must be viable and take into consideration any natural flowway corridors, cypress heads, natural lakes, and the restoration of impacted natural flowway corridors. **[34-941(d)(3)b.i.1)]**
3. **Well Drawdown Information.** If within an area identified as an anticipated drawdown area for existing or future well development, demonstration of compliance with LCLDC Section 34-941(d)(3)d.i & ii. must be provided. **[34-941(d)(3)d.]**
4. **Preliminary Indigenous Restoration Plan.** A Preliminary Indigenous Restoration Plan must be provided if on-site indigenous restoration is being used to meet the indigenous native plant community preservation requirement. **[34-941(e)(5)f.iii.]**

5. **Environmental Assessment.** An Environmental Assessment must be provided which includes, at a minimum, an analysis of the environment, historical and natural resources. **[34-941(g)(2)]**
 6. **Demonstration of Compatibility.** Written statements concerning how the applicant will assure the compatibility of the proposed development with nearby land uses (by addressing such things as noise, odor, lighting and visual impacts), and the adequate provision of drainage, fire and safety, transportation, sewage disposal and solid waste disposal must be provided. **[34-941(g)(4)]**
- E. **Potable Water & Central Sewer.** Will the project be connected to potable water and central sewer as part of any development of the property?
- ☒ **YES** (Provide a letter from the appropriate Utility to which the connection(s) are proposed confirming availability of service.) **[34-202(a)(10)]**
- ☐ **NO** (Provide a narrative explaining why the connection is not planned and how the water and sewer needs of the project will be met.) **[34-202(a)(10)]**
- F. **Existing Agricultural Use:** If the property owner intends to continue an existing agricultural use on the property subsequent to the zoning approval, an Existing Agricultural Use Affidavit must be provided. Entitle as "Existing Agricultural Uses at Time of Zoning Application." **[34-202(a)(12)]**
- G. **Flood Hazard:**
- ☒ Not applicable
- ☐ The property is within an Area of Special Flood Hazard as indicated in the Flood Insurance Rate Maps (FIRM)s.
- ☐ The minimum elevation required for the first habitable floor is _____ NAVD (MSL)
- H. **Excavations/Blasting:**
- ☒ No blasting will be used in the excavation of lakes or other site elements.
- ☐ If blasting is proposed, provide Information Regarding Proposed Blasting (including soil borings, a map indicating the location of the proposed blasting, and other required information).
- I. **Hazardous Materials Emergency Plan for Port Facilities: [12-110(a)(16)]**
- ☒ Not Applicable
- ☐ Provide a Hazardous materials emergency plan.
- J. **Mobile Home Park: [34-174(h)]**
- ☒ Not Applicable
- ☐ Request includes rezoning of a Mobile Home Park. Provide facts related to the relocation of dislocated owners that meets the requirements of F.S. § 723.083 (1995).
- K. **Airport Zones & Lee County Port Authority (LCPA) Requirements:**
- ☒ Not Applicable
- ☐ Property is located within _____ Airport Noise Zone: **[34-1104]**
- ☐ Property is located within Airport Runway Protection Zone. Indicate which Zone below. **[34-1105]**
- ☐ Property is located within Airport Residential and Educational Protection Zone: **[34-1106]**
- ☐ Property is located in an Airport Obstruction Notification Zone and subject to LCPA regulations. **[34-1107]**
- ☐ A Tall Structures Permit is required. **[34-1108]**

**PART 5
SUBMITTAL REQUIREMENT CHECKLIST**

Clearly label your attachments as noted in bold below

Copies Required		SUBMITTAL ITEMS
3	☐	Completed application for Public Hearing [34-202(a)(1)]
1	☐	Filing Fee - [34-201(d)]
1	☐	Bonus Density Filing Fee - (if applicable) [34-202(a)(11)]
3	☐	<u>Affidavit of Authorization</u> (notarized) Form [34-202(a)(3)]
3	☐	<u>Additional Agents</u> [34-202(a)(4)]
3	☐	Multiple Owners List (if applicable) [34-202(a)(2)]
3	☐	<u>Disclosure of Interest</u> Form (multiple owners) [34-202(a)(2)]
3	☐	Legal description (must submit) [34-202(a)(5)]
	☐	Legal description (metes and bounds) and sealed sketch of legal description
		OR
	☐	Legal description (NO metes and bounds) if the property is located within a subdivision platted per F.S. Chapter 177, and is recorded in the Official Records of Lee County under Instruments or Plat Books. (Click here to see an example of a legal description with no metes and bounds.)
3	☐	Boundary Survey – not required if platted lot (2 originals required) [34-202(a)(6)]
3	☐	Property Owners list (if applicable) [34-202(a)(8)]
3	☐	Property Owners map (if applicable) [34-202(a)(8)]
3	☐	Confirmation of Ownership/Title Certification [34-202(a)(7)]
3	☐	STRAP Numbers (if additional sheet is required) [34-202(a)(5)]
1	☐	List of Surrounding Property Owners [34-202(a)(9)]
1	☐	Map of Surrounding Property Owners [34-202(a)(9)]
1	☐	Mailing labels [34-202(a)(9)]
3	☐	List of Zoning Resolutions and Approvals
3	☐	Summary of Public Informational Session (if applicable)
3	☐	Waivers from Application Submission Requirements (if applicable) [34-201(c)]
3	☐	Preliminary Density Calculations (if applicable)
3	☐	Request Statement [34-373(a)(5)]
3	☐	Traffic Impact Statement (TIS) (not required for existing development) [34-373(a)(7)]
3	☐	Master Concept Plan (MCP), Non-PRFPD [34-373(a)(6)]
3	☐	Schedule of Uses [34-373(a)(8)]
3	☐	Schedule of Deviations and Written Justification [34-373(a)(9)]
3	☐	Topography (if available) [34-373(a)(4)b.iv.]
3	☐	Soils Map [34-373(a)(4)b.9.]
3	☐	FLUCCS Map [34-373(a)(4)c.]
3	☐	Rare & Unique Upland Habitat Map [34-373(a)(4)b.iii.]
3	☐	Existing and Historic Flow-Ways Map [34-373(a)(4)b.v.]
3	☐	Surface Water Management Plan (if applicable) [34-373(b)(1)]
3	☐	Phasing Program (if applicable) [34-373(b)(3)]
3	☐	Protected Species Survey (if applicable) [34-373(b)(2)]
3	☐	Proof of Notice (if applicable) [34-373(c)]

3	☐	Binding Letter from DCA (if applicable) [34-373(d)(9)]
3	☐	Master Concept Plan (MCP), PRFPD (if applicable) [34-941(g)(1)]
3	☐	Conceptual Surface Water Management Plan (if applicable) [34-941(d)(3)b.i.1)]
3	☐	Well Drawdown Information (if applicable) [34-941(d)(3)d.]
3	☐	Preliminary Indigenous Restoration Plan (if applicable) [34-941(e)(5)f.iii.]
3	☐	Environmental Assessment (if applicable) [34-941(g)(2)]
3	☐	Demonstration of Compatibility (if applicable) [34-941(g)(4)]
3	☐	Potable Water & Sanitary Sewer. Letter from the appropriate utility entity indicating the utility entity or explanation of how water and sewer needs will be met if connection will not be made. [34-202(a)(10)]
3	☐	Existing Agricultural Use Affidavit (if applicable) [34-202(a)(12)]
3	☐	Information Regarding Proposed Blasting (if applicable).
3	☐	Hazardous Materials Emergency Plan (if applicable)
3	☐	Mobile Home Park Dislocated Owners Information (if applicable) [34-202(b)(4)]
3	☐	Tall Structures Permit (if applicable) [34-1108]



MIROMAR LAKES MPD/DRI CPD AMENDMENT REQUEST STATEMENT

Introduction/ Entitlement History

The proposed MPD/DRI amendment application requests the conversion of commercial uses within the DRI to additional residential units. The developable areas delineated in the approved Master Concept Plan will remain the same and will be consistent with all other parameters under the zoning and DRI approvals. The most recent amendment to the MPD/DRI, which was approved in 2013, allows for the following overall development parameters in accordance with Condition 1b of Resolution Z-13-020:

USE	PARAMETERS OF DEVELOPMENT	TOTAL UNITS	ACRES
Single-family Residential Multiple-family Residential	700 du 1,900 du	2,600	
Retail Commercial	250,000 sq ft (GFA)		
Office	340,000 sq ft (GFA)		
Research & Development	40,000 sq ft (GFA)		
Hotel	450 rooms		
Lakes/Miscellaneous Recreation/Buffers	N/A		312
Conservation Areas	N/A		344.7

The expected intensity of commercial uses has not been realized, but the number of single-family residential units is expected to exceed prior estimates. The zoning and the DRI allowed for the conversion of multi-family units to single family units but did not specifically provide for the conversion of commercial intensity to residential density. The total number of single-family units to be developed is anticipated to exceed the DRI approved number of units while the number of multi-family units and the allowable floor area of commercial are both anticipated to be less than expected and approved.

The proposed amendment requests a conversion of a portion of the existing commercial intensity to residential density as outlined in the table below. This request will simply convert some of the existing commercial intensity to residential density to be used within the already approved residential areas on the Master Concept Plan. Therefore, there are no changes needed or requested with respect to the Master Concept Plan.

Land Use	Approved	Proposed
Single Family Residential	700 units	1,592 units
Multi-family Residential	1,900 units	1,474 units
Retail	250,000 sq. ft.	125,000 sq. ft.
Office	340,000 sq. ft.	25,000 sq. ft.
Research and Development	40,000 sq. ft.	0 sq. ft.
Hotel	450 rooms	150 rooms

Adjacent Uses:

The subject property is in an area of existing development and infrastructure that supports the proposed amendment. The Miromar Lakes MPD/DRI extends over the north and south sides of Florida Gulf Coast University (FGCU) and on both the east and west sides of Ben Hill Griffin Parkway. The property borders Alico Road and Center Place on the north, Grandezza and the Estero Parkway Extension to the South, Wild Blue to the east and I-75 to the west, with FGCU in the middle of the DRI.

The property has direct access to Ben Hill Griffin Parkway and the Estero Parkway Extension.

Zoning Justification:

The subject property was originally zoned MPD (Mixed Use Planned Development) in 1999 under Z-99-029 and subsequently has been amended several times. The proposed zoning amendment seeks to convert some of the existing commercial entitlement to residential units to be built on areas already designated for residential development. The design of the master concept plan, compliance with the land development code and the overall impacts to transportation infrastructure have already been evaluated and found to be consistent with both the Lee Plan and the Land Development Code.

Planned Development Design and Decision-Making Criteria

Land Development Code Section 34-411 outlines the general standards for approval of planned developments.

(a) Consistency with the Lee Plan

*The proposed zoning amendment is consistent with the comprehensive plan. The subject property is located in the **University Community** future land use category, which allows for up to 6,510 total residential units. All of the land area within the University Community land use category has been zoned. The proposed amendment requests an increase of 466 single-family dwelling units to the total number of residential units within the University Community future land use category.*

Currently the following residential developments have been permitted:

<i>Project</i>	<i># of Units</i>
<i>Miromar Lakes</i>	<i>2,600</i>
<i>Centerplace</i>	<i>1,654</i>
<i>Gulfcoast Town Center</i>	<i>600</i>
<i>Total</i>	<i>4,854</i>
<i>Remaining Units</i>	<i>1,656</i>

Within the University Community future land use category there are still 1,360 units remaining that are not included within any planned development. The proposed request does not increase the total number of residential units above the number of units allowed in the future land use category.

The subject property has been found to be consistent with the Lee Plan and Goal 15 specifically on several occasions. The proposed amendment does not affect any other requirements of the Lee Plan because it has no impact on natural resources and is located in an urban area where public services already exist. Public Services have sufficient capacity to meet the demands of an additional 466 residential units offset by a commensurate reduction in commercial uses. There are no new areas of development being approved by this action.

The proposed amendment is consistent with Goal 15 and specifically Policy 15.1.2, which requires the provision of a mix of housing types in the University Community land use category. The subject property has been developed and will continue to be developed with a mix of single and multi-family products that include a variety of price points. The proposed amendment, while increasing the number of single-family units, does not eliminate the existing or future multi-family development. There are apartments recently approved for GCTC as well as other multi-family developments that have been built and will continue to be built in the University Community, including Miromar Lakes. In accordance with 15.1.7 there is and will continue to be a diverse mix of uses in the university community and within the Miromar Lakes MPD, which includes single family, multi-family and commercial development. This diverse mix of uses has been facilitated by the provision of the connection road within the Miromar Lakes MPD south of the University to the Mixed Use, multi-family and commercial University Village portion of the Miromar Lakes MPD. The connection road is consistent with Policy 15.1.11.

(b) Compliance with the Land Development Code

Any proposed development will be required to comply with the Land Development Code regulations in effect at the time of the application, except as otherwise described in the Planned Development or requested as a deviation in the Planned Development.

The subject property is designed to comply with the provisions of the Land Development Code and has previously been found consistent with the Code. The proposed amendment does not

request any new deviations from the Land Development Code nor does the amendment request any change to the design or layout of the development as set forth in the master concept plan. The site plan has already been evaluated as to consistency with the Land Development Code and no changes are proposed.

(c) Minimize the negative effects of the resulting land uses on surrounding properties

The additional residential units will be located within the existing residential tracts on the east side of Ben Hill Griffin Parkway on the north and south sides of the FGCU campus, within unbuilt areas of the MPD/DRI. The residential properties are well separated from surrounding land uses and will be of consistent character with the existing development. The proposed amendment requests a decrease in the number of multi-family units and an increase in single family units. Therefore, there will not be any changes to the internal compatibility that has previously been assumed or evaluated.

(d) The tract or parcel shall have access to existing or proposed roads:

(1) In accordance with chapter 10 and as specified in the Lee Plan transportation element;

(2) That have either sufficient existing capacity or the potential for expanded capacity to accommodate both the traffic generated by the proposed land use and that traffic expected from the background (through traffic plus that generated by surrounding land uses) at a level of service D or better on an annual average basis and level of service E or better during the peak season, except where higher levels of service on specific roads have been established in the Lee Plan; and

(3) That provide ingress and egress without requiring site-related industrial traffic to move through predominantly residential areas.

The proposed development has direct access to Ben Hill Griffin Parkway, an arterial road in Lee County, as well as the Estero Parkway Extension. In accordance with the attached transportation memo, the proposed amendment will not increase the total traffic assumed in the DRI or MPD applications. Furthermore, the proposed amendment seeks to continue the development of residential units on properties that have already been designated for residential development. There are no proposed changes to land uses and no industrial areas located within the MPD.

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

The subject property is within the Lee Tran public transit service area. The #60 bus serves the subject property along Ben Hill Griffin Parkway.

(f) Development and subsequent use of the planned development shall not create or increase hazards to persons or property, whether on or off the site, by increasing flooding, erosion or other danger, nor shall it impose a nuisance on surrounding land uses.

The proposed development will not increase flooding or cause nuisance on surrounding land uses. The development areas have already been approved for development. Therefore, the proposed amendment will have no impact on the existing and projected impervious surface area for the site, the water management system or the existing environmental resource permit approved by the South Florida Water Management District.

(g) Preserve natural, historic or archaeological features of the site, particularly mature native trees and other threatened or endangered native vegetation.

The proposed amendment does not seek to change any of the approved development or conservation areas on the Master Concept Plan. Therefore, there will be no impact on indigenous preservation areas or any historic or archeological features on site.

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

The proposed amendment does not change the existing approved Master Concept Plan or any designated open space areas. The design of the development remains consistent with these criteria.

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

The proposed amendment will increase the total amount of single-family product within the existing designated residential areas and decrease the total number of multi-family units. The proposed amendment will lessen any impact on internal land uses and external land uses on the FGCU campus and surrounding developments.

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

The Miromar Lakes MPD is surrounded by existing and planned residential development as well as the FGCU campus. Miromar has worked closely with FGCU to provide a roadway interconnect with University Village where there are complimentary uses. In other areas, development is separated by existing lakes and conservation areas. The proposed amendment does not seek to change this project design.

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

The existing and proposed development is surrounded by compatible uses.

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

The Miromar Lakes Community is divided into small neighborhoods and designed to be pedestrian friendly. The community is well amenitized and provides for community interaction on a scale that is exceptional even among large, planned developments elsewhere in Lee County. The proposed amendment will simply provide more housing opportunities in this unique community.

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

The existing and approved development does not have any uses that are internally incompatible. The proposed amendment does not change this.

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

The existing and approved development does not have any uses that are internally or externally incompatible with adjacent uses. The proposed amendment does not change this.

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

No deviations from parking requirements are being requested.

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

In accordance with Chapter 10 of the Land Development Code, landscape design and architecture will comply with County design guidelines.

Summary:

As detailed in the Lee County Land Development Code, the attached application demonstrates the following:

1. The applicant is compliant with the Land Development Code and other applicable codes or regulations;
2. The request will meet or exceed all performance and location standards;
3. The requested plan is consistent with the intensities and general uses set forth in the Lee Plan;
4. The request is compatible with the existing uses in the surrounding areas;
5. Adequate infrastructure exists to accommodate this development; and
6. The request will not adversely affect environmentally critical areas and natural resources.

Based on compliance with Lee County Land Development Code and other applicable regulations, we respectfully submit that this zoning amendment application will not place an undue burden upon existing transportation or planned infrastructure facilities. Similarly, the proposed use is appropriate at the subject location, and is compatible with existing uses in the surrounding area. For these reasons, the requested amendment should be approved.

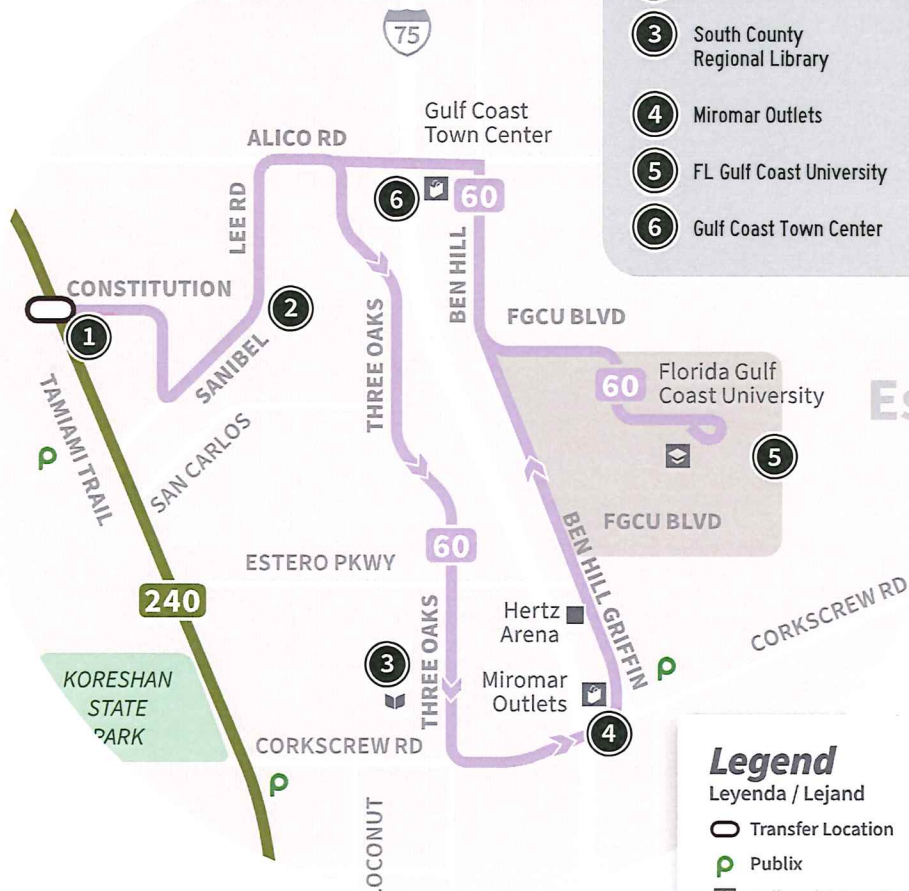
Route

Rutas / Wout yo

60



- 1 US 41 & Constitution
- 2 Drews Community Center
- 3 South County Regional Library
- 4 Miromar Outlets
- 5 FL Gulf Coast University
- 6 Gulf Coast Town Center



Legend

Legenda / Lejand

- Transfer Location
- Publix
- College/University
- Shopping Center
- Library
- Place of Interest

4 WAYS TO PAY

4 MANERAS DE PAGAR / 4 FASON POU PEYE



The **TropiCard** is a durable card that can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran Ticket Vending Machine. Manage your TropiCard account at **MyTropiCard.com**

La **TropiCard** es una tarjeta duradera que se puede comprar en la sede de LeeTran, el centro de transporte Rosa Parks o en cualquier máquina expendedora de boletos de LeeTran. Administre su cuenta de TropiCard en **MyTropiCard.com**

TropiCard la se yon kat ki dirab ou ka achte nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran. Ou ka jere kont TropiCard ou a nan **MyTropiCard.com**

The **LeeFare app** can be downloaded through the Apple or Android stores. The app is a standalone payment option that requires only a mobile device for use.

La aplikasyon **LeeFare** se puede descargar a través de las tiendas de Apple o Android. La aplicación es una opción de pago independiente que solo requiere un dispositivo móvil para su uso.

Ou ka telechaje **aplikasyon LeeFare** la nan app store Apple oswa Android. Aplikasyon an se yon opsyon pou pèman otònòm kote ou senpleman bezwen yon aparèy mobil pou itilize l.



Limited Use Passes are available in single or multi-trip/day options. They can be purchased at LeeTran Headquarters, Rosa Parks Transportation Center or any LeeTran Ticket Vending Machine.

Limited Use Passes están disponibles en opciones de uno o varios viajes/día. Se pueden comprar en las oficinas centrales de LeeTran, en el centro de transporte de Rosa Parks o en cualquier máquina expendedora de boletos de LeeTran.

Limited Use Passes disponib nan opsyon vwayaj sen oswa plizyè vwayaj nan yon jounen. Ou ka achte yo nan biwo jeneral LeeTran, Rosa Parks Transportation Center oswa nan nenpòt lòt distribitè otomatik tikè LeeTran.



Cash is still accepted on all buses. Remember, the fare box does not provide change so make sure you have the exact fare amount.

Todavía se acepta **efectivo** en todos los autobuses. Recuerde, el cuadro de tarifa no proporciona cambio, así que asegúrese de tener el monto exacto de la tarifa.

Yo toujou aksepte **lajan kach** nan tout otobis yo. Sonje bwat kote w depoze lajan an apa bay monnen kidonk asire w ou gen montan egzat pou wwayaj la.



(239) 533-8726 (LEE-TRAN)

RideLeeTran.com

LT2108RT060

Route

Rutas / Wout yo

60

US 41 & Constitution • Gulf Coast Town Ctr.

Monday - Saturday

Lunes - Sábado

Serving the following areas

Sirviendo las areas siguientes

- US 41 & Constitution
- Drews Community Center
- South County Library
- Miromar Outlets
- FGCU
- Gulf Coast Town Center

Transfer Points
Puntos de Transferencia

Adjoining Routes
Lineas Colindantes

US 41 & Constitution

240



Suggested Apps

Planning your trip • Managing your fare account
Tracking buses in real-time



MEMORANDUM

TO: Mr. Mark Geschwendt
Miromar Development Corporation

FROM: Ted B. Treesh
President

DATE: February 28, 2022

RE: Trip Conversion Analysis
Miromar Lakes
Lee County, Florida

TR Transportation Consultants, Inc. has completed a trip generation analysis to convert uses within the Miromar Lakes Mixed Use Planned Development. The site was originally zoned under Z-99-029 and has been amended several times through Public Hearings and Administrative amendments. This Amendment is intended to reduce the intensity of several of the approved uses commercial and increase the intensity of the residential uses while not increasing the amount of external weekday P.M. peak hour trip generation from the overall project. The trip generation for the project, as currently approved and as proposed with this amendment, was computed by utilizing the latest version of the ITE ***Trip Generation Report*** (11th Edition) to demonstrate that the change in uses will not increase the weekday P.M. peak hour trip generation of the overall project. Internal capture of trips and pass-by trip reductions, consistent with previous traffic studies conducted for the project, were applied in order to determine the number of Net New P.M. peak hour trips that would be added to the external roadway network from the project as approved and as proposed.

Table 1 identifies the uses that are currently approved as part of the last Zoning Resolution adopted by the County (Z-13-020) as well as the adjustment to the uses that are being proposed in with this amendment. **Table 2** then identifies the estimated Net New external vehicle trip generation of the site during the weekday P.M. peak hour based on the approved uses. **Table 3** identifies the trip generation of the uses as currently proposed with this amendment. A copy of the trip generation equations for each of the land uses is attached to this memo for reference. The trips shown in these tables have already been reduced for internal capture consistent with the guidelines contained in the ITE Trip Generation Handbook, 3rd Edition as well as the retail uses were reduced for pass-by trips (30%) consistent with routine practice in Lee County for this land use. The

calculation of the external trips for both the approved uses and proposed uses are attached to this memorandum for reference.

Table 1
Land Uses
Miromar Lakes

Land Use	Approved	Proposed
Retail (LUC 820/821)	250,000 Sq. Ft.	125,000 Sq. Ft.
General Office (LUC 710)	340,000 Sq. Ft.	25,000 Sq. Ft.
Research & Development (LUC 760)	40,000 Sq. Ft.	0
Single Family (LUC 210)	700 Dwelling Units	1,592 Dwelling Units
Multi-Family (LUC 220)	1,900 Dwelling Units	1,474 Dwelling Units
Hotel (LUC 310)	450 Rooms	150 Rooms

Table 2
Trip Generation- Approved Uses
Miromar Lakes

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	1,268	1,259	2,527

Table 3
Trip Generation – Proposed Uses
Miromar Lakes

Land Use	Weekday P.M. Peak Hour		
	In	Out	Total
External Trips	1,452	1,058	2,510

As can be seen from Table 3, the number of external P.M. peak hour trips under the proposed land use scenario is less than the number of P.M. peak hour external trips the project could generate based on the approved uses shown in Table 2.

Attachments

Land Use Intensity - As APPROVED		
Land Use	Unit Count	Unit Type
Shopping Center	250,000	square feet
General Office	340,000	square feet
R & D	40,000	square feet
Single-Family	700	dwelling units
Multifamily (Low-Rise)	1,900	dwelling units
Hotel	450	occupied rooms

Land Use	Unit Count	Unit Type
Shopping Center	250,000	square feet
General Office	340,000	square feet
R & D	40,000	square feet
Single-Family	700	dwelling units
Multifamily (Low-Rise)	1,900	dwelling units
Hotel	450	occupied rooms

MIROMAR LAKES

Total Trip Generation of the Approved Development (ITE, 11th Edition)

Land Use	Land Use Code	PM Peak Hour			Daily
		In	Out	Total	(2-Way)
Shopping Center	LUC 820	524	568	1,092	12,391
General Office	LUC 710	78	381	459	3,365
R & D	LUC 760	9	50	59	636
Single-Family	LUC 210	390	229	619	6,045
Multifamily (Low-Rise)	LUC 220	528	310	838	12,254
Hotel	LUC 310	156	149	305	4,454
Total Trips		1,685	1,687	3,372	39,145

Total Trips to the Surrounding Roadway Network

Trips	PM Peak Hour			Daily
	In	Out	Total	(2-Way)
Total Trips	1,685	1,687	3,372	39,145
Less 17% IC	-286	-287	-573	-6655
Total Trips	1,399	1,400	2,799	32,490

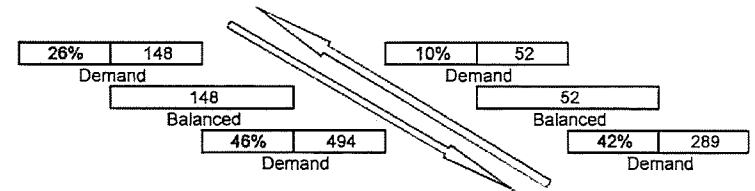
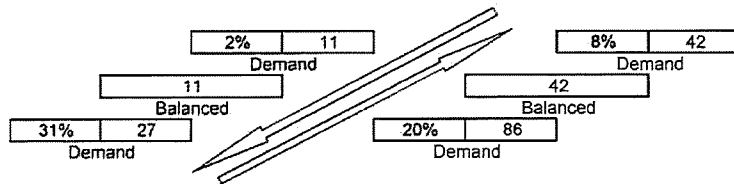
APPROVED LAND USES

New Trips to the Surrounding Roadway Network

Trips	PM Peak Hour			Daily
	In	Out	Total	(2-Way)
Total Trips	1,399	1,400	2,799	32,490
Total Retail Trips	435	471	906	10,285
Less 30% Pass-by	-131	-141	-272	-3086
Total Trips	1,268	1,259	2,527	29,404

Internal Capture Calculation Summary Sheet
WEEKDAY PM PEAK HOUR - AS APPROVED

Exit to External		Land Use A - Retail Uses		
409		Total	Internal	External
←	Enter	524	94	430
→	Exit	568	159	409
430	Total	1,092	253	839
Enter from External	%	100%	23%	77%



Exit to External		Land Use B - Office Uses		
380		Total	Internal	External
←	Enter	87	39	48
→	Exit	431	51	380
48	Total	518	90	428
Enter from External	%	100%	17%	83%

	Demand	Balance	Demand	
←	57% 50	28	4% 28	→
	2% 9	9	4% 43	

		Land Use C - Residential Uses			Exit to External
		Total	Internal	External	608
Enter	1,074	157	917	←	
Exit	688	80	608	→	
Total	1,762	237	1,525		
%	100%	13%	87%		917
				Enter from External	

Net External Trips for Multi-Use Development

	Land Use A	Land Use B	Land Use C	Total	
Enter	430	48	917	1,395	
Exit	409	380	608	1,397	
Total	839	428	1,525	2,792	
Single-Use Trip Gen. Est	1,092	518	1,762	3,372	Internal Capture Rate
					17%

Land Use Intensity - As PROPOSED

Land Use	Unit Count	Unit Type
Shopping Center	125,000	square feet
General Office	25,000	square feet
R & D	0	square feet
Single-Family	1,592	dwelling units
Multifamily (Low-Rise)	1,474	dwelling units
Hotel	150	occupied rooms

MIROMAR LAKES

Total Trip Generation of the Proposed Development (ITE Trip 11th Edition)

Land Use	Land Use Code	PM Peak Hour			Daily
		In	Out	Total	(2-Way)
Shopping Center	LUC 821	517	561	1,078	11,033
General Office	LUC 710	9	44	53	347
R & D	LUC 760	0	0	0	0
Single-Family	LUC 210	844	496	1,340	12,874
Multifamily (Low-Rise)	LUC 220	412	242	654	9,524
Hotel	LUC 310	42	41	83	1,202
Total Trips		1,824	1,384	3,208	34,980

Total Trips to the Surrounding Roadway Network

Trips	PM Peak Hour			Daily
	In	Out	Total	(2-Way)
Total Trips	1,824	1,384	3,208	34,980
Less 13% IC	-237	-180	-417	-4547
Total Trips	1,587	1,204	2,791	30,433

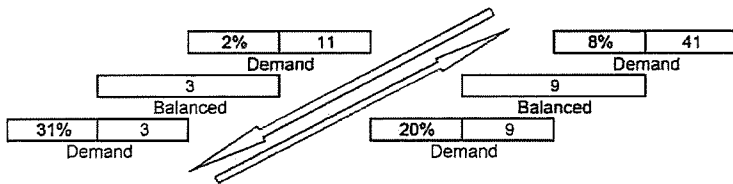
BASED ON PROPOSED AMENDED LAND USES

New Trips to the Surrounding Roadway Network

Trips	PM Peak Hour			Daily
	In	Out	Total	(2-Way)
Total Trips	1,587	1,204	2,791	30,433
Total Retail Trips	450	488	938	9,599
Less 30% Pass-by	-135	-146	-281	-2880
Total Trips	1,452	1,058	2,510	27,553

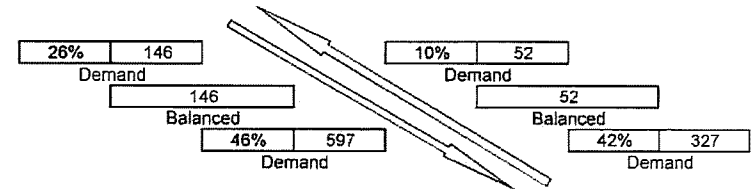
Internal Capture Calculation Summary Sheet
WEEKDAY PM PEAK HOUR - AS PROPOSED

Exit to External		Land Use A - Retail Uses		
412		Total	Internal	External
←	Enter	517	61	456
→	Exit	561	149	412
456	Total	1,078	210	868
Enter from External	%	100%	19%	81%



Exit to External		Land Use B - Office Uses		
34		Total	Internal	External
←	Enter	9	8	1
→	Exit	44	10	34
1	Total	53	18	35
Enter from External	%	100%	34%	66%

	Demand	Balance	Demand	
←	57%	5	4%	31
	2%	1	4%	52
				→



		Land Use C - Residential Uses			Exit to External
		Total	Internal	External	722
Enter	1,298	147	1,151	←	
Exit	779	57	722	→	
Total	2,077	204	1,873		1,151
%	100%	10%	90%		Enter from External

Net External Trips for Multi-Use Development				
	Land Use A	Land Use B	Land Use C	Total
Enter	456	1	1,151	1,608
Exit	412	34	722	1,168
Total	868	35	1,873	2,776
Single-Use Trip Gen. Est.	1,078	53	2,077	3,208
			Internal Capture Rate	13%

Single-Family Detached Housing (210)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 208

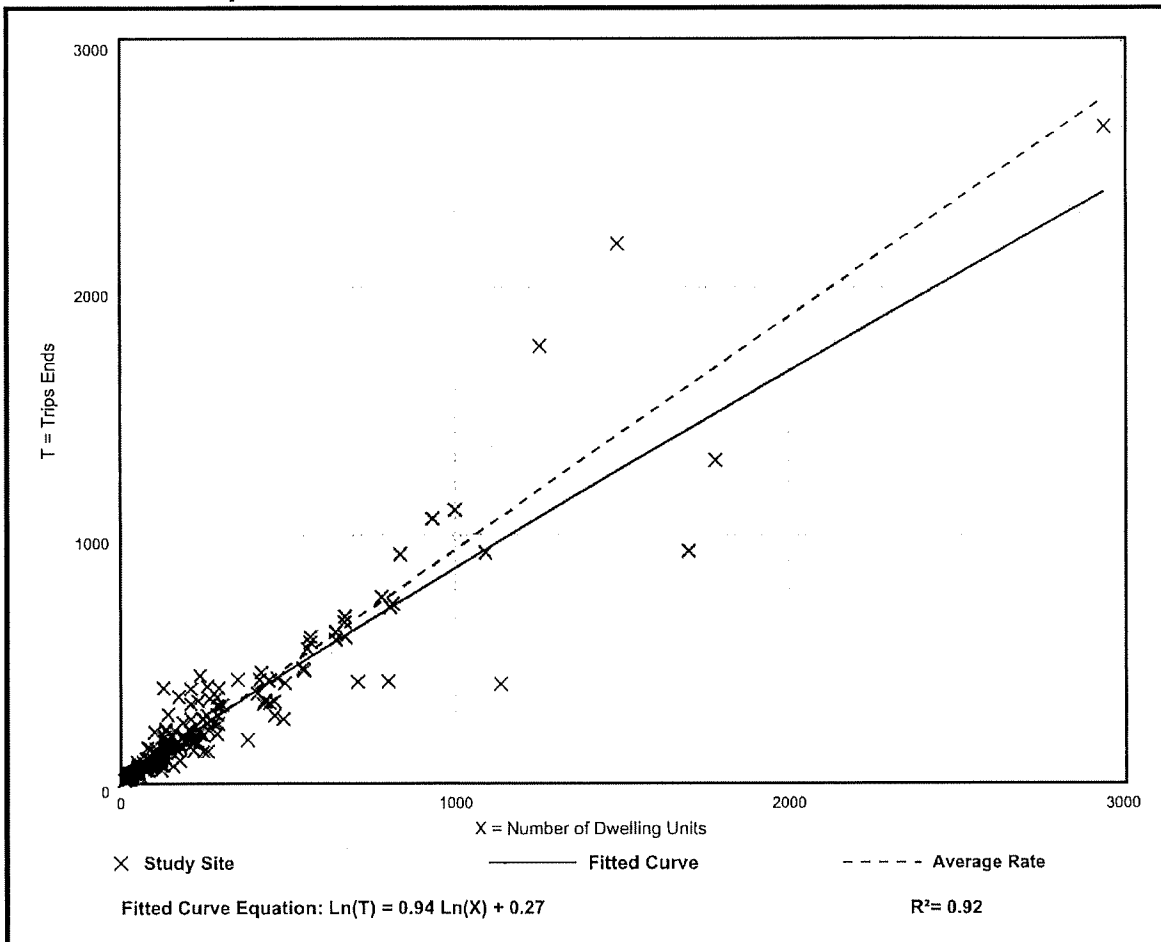
Avg. Num. of Dwelling Units: 248

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Multifamily Housing (Low-Rise) Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 59

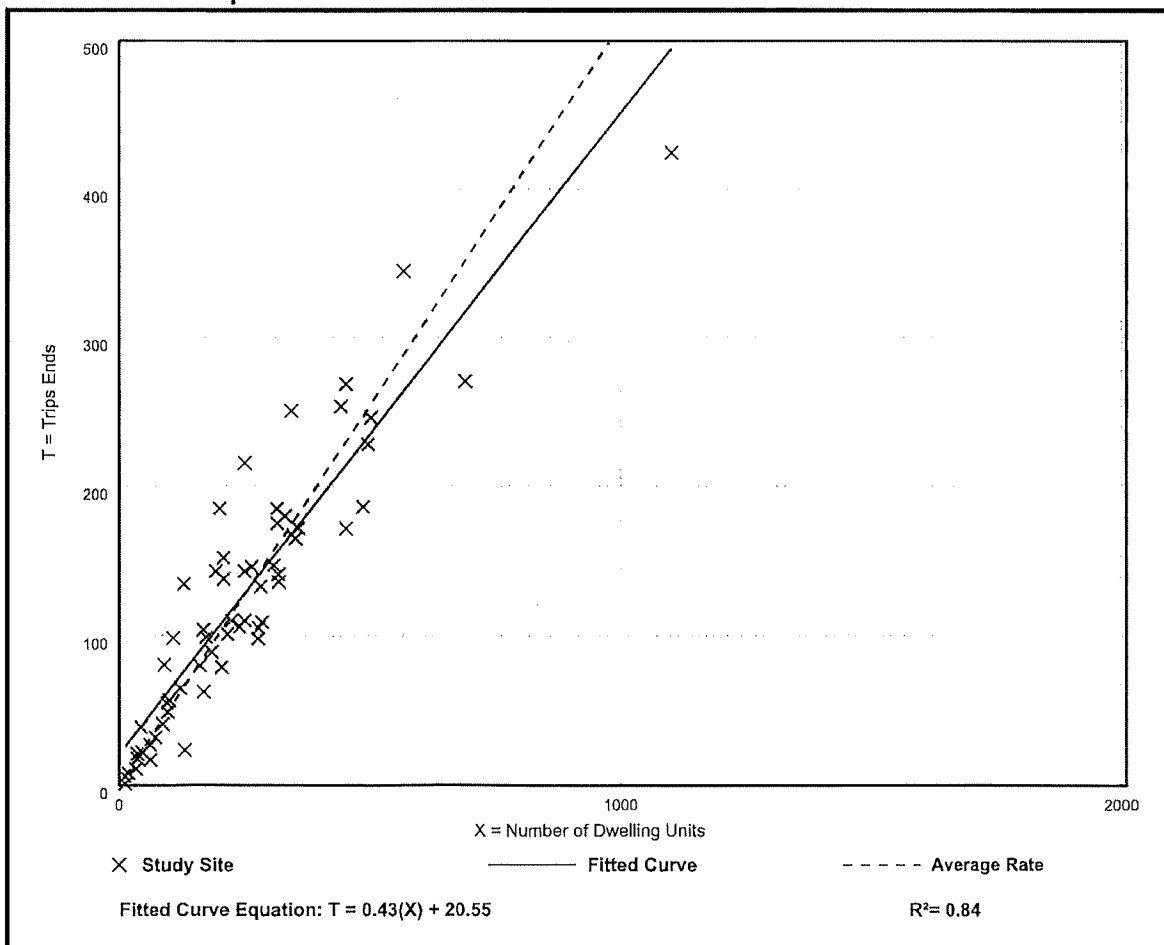
Avg. Num. of Dwelling Units: 241

Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.51	0.08 - 1.04	0.15

Data Plot and Equation



Hotel (310)

Vehicle Trip Ends vs: Rooms

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 31

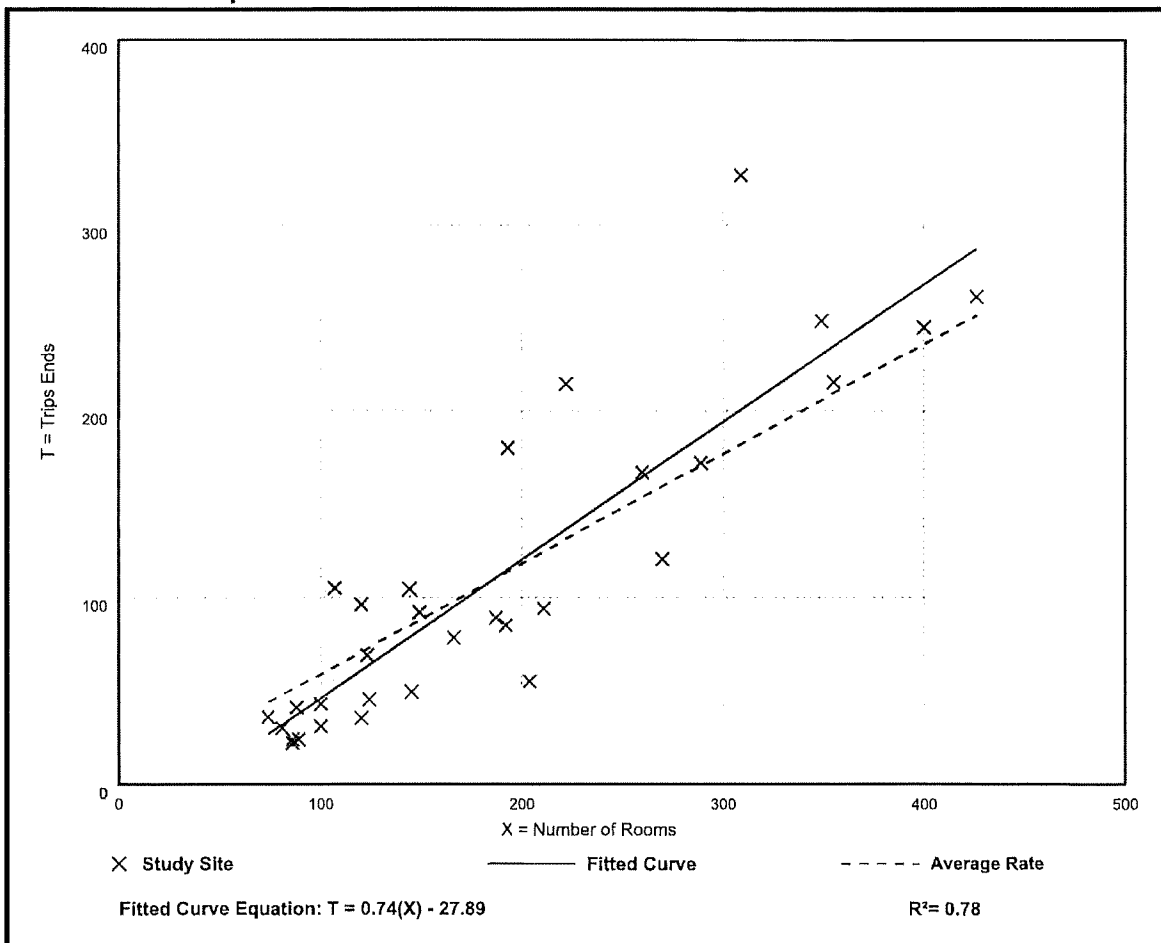
Avg. Num. of Rooms: 186

Directional Distribution: 51% entering, 49% exiting

Vehicle Trip Generation per Room

Average Rate	Range of Rates	Standard Deviation
0.59	0.26 - 1.06	0.22

Data Plot and Equation



General Office Building (710)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 232

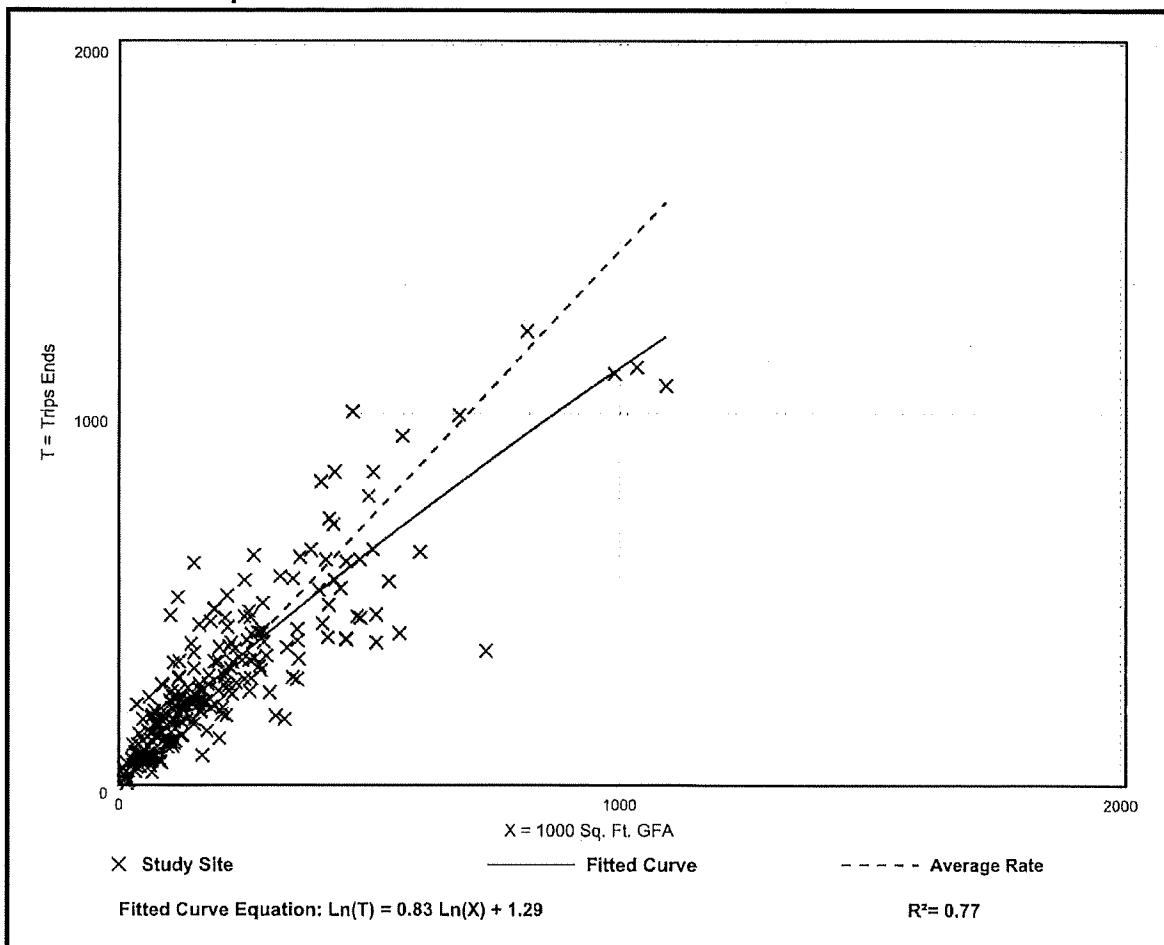
Avg. 1000 Sq. Ft. GFA: 199

Directional Distribution: 17% entering, 83% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
1.44	0.26 - 6.20	0.60

Data Plot and Equation



Research and Development Center (760)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 39

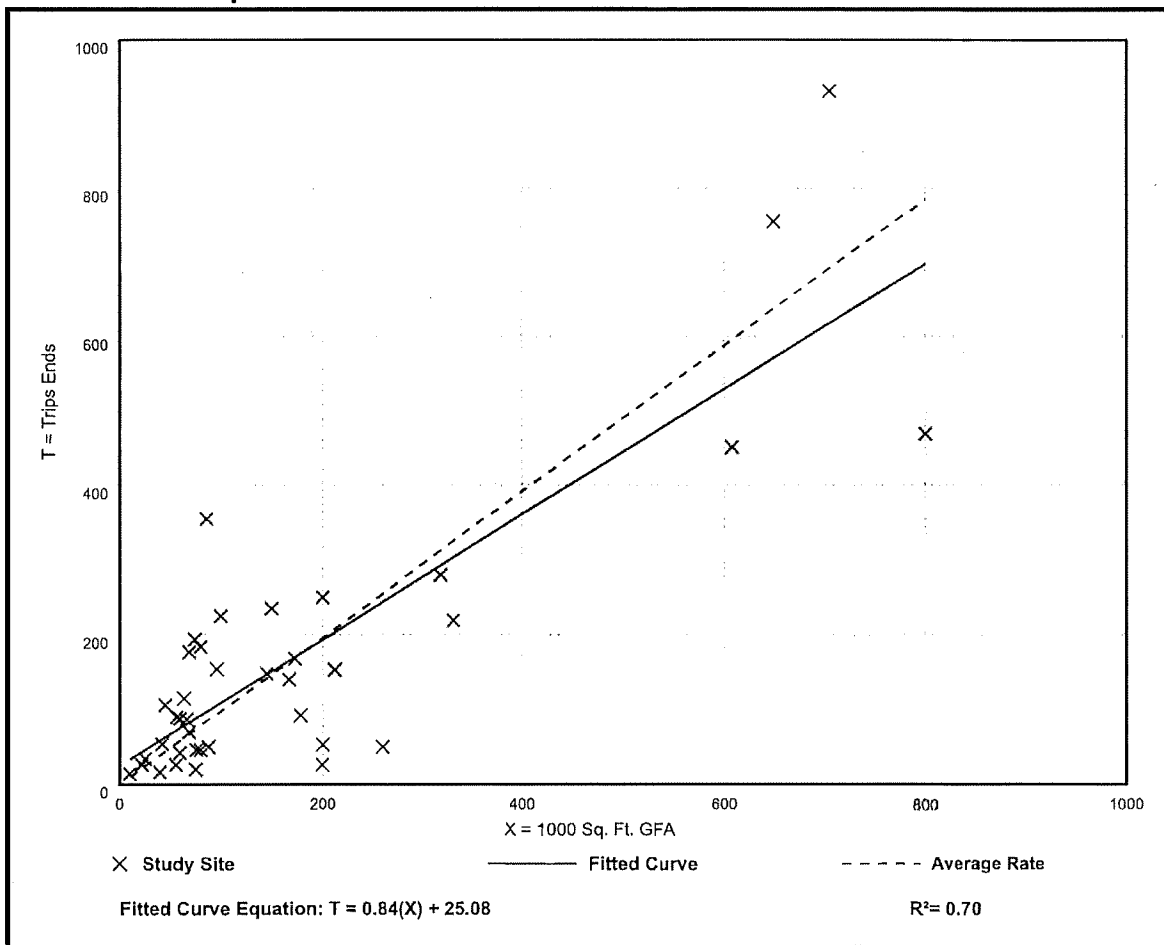
Avg. 1000 Sq. Ft. GFA: 173

Directional Distribution: 16% entering, 84% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
0.98	0.13 - 4.13	0.64

Data Plot and Equation



Shopping Center (>150k) (820)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 126

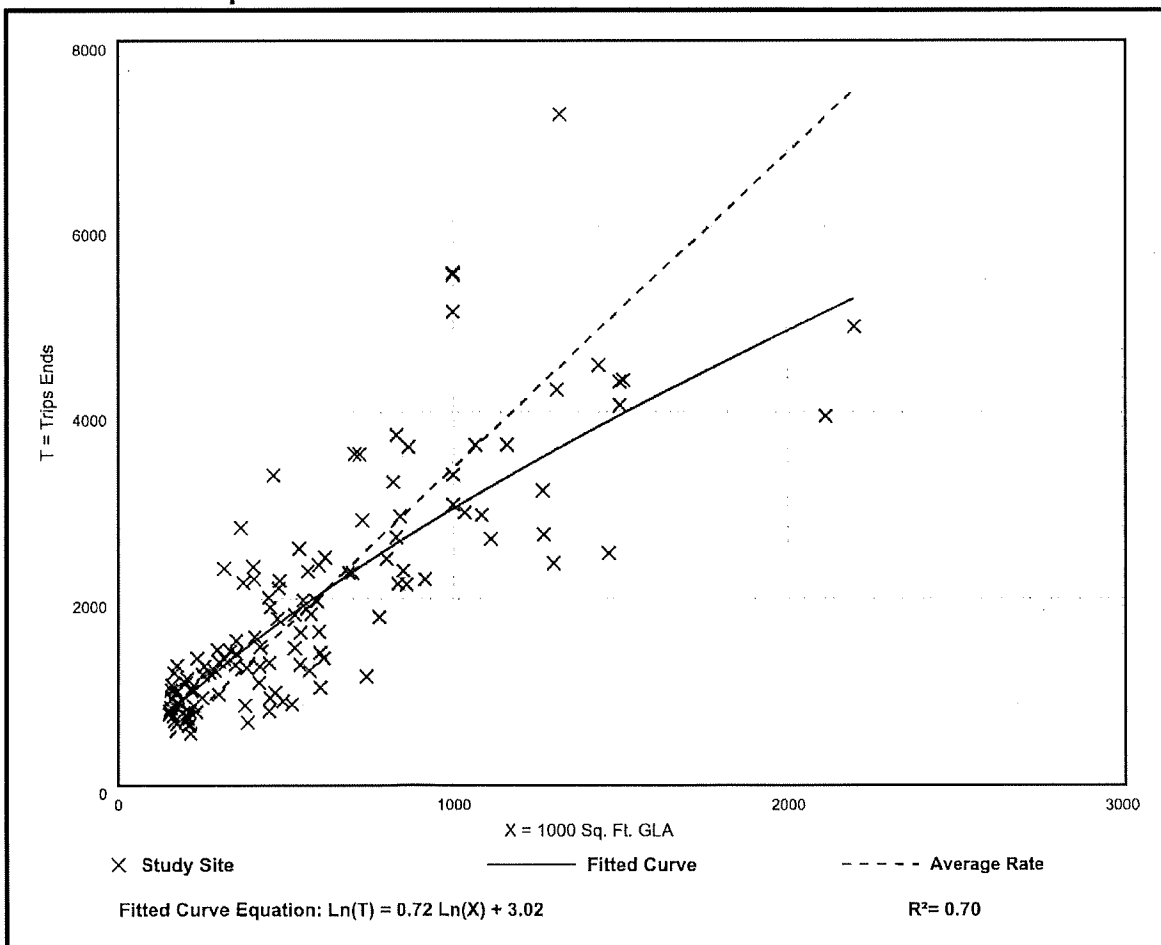
Avg. 1000 Sq. Ft. GLA: 581

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
3.40	1.57 - 7.58	1.26

Data Plot and Equation



Shopping Plaza (40-150k) - Supermarket - Yes (821)

Vehicle Trip Ends vs: 1000 Sq. Ft. GLA

On a: Weekday,

Peak Hour of Adjacent Street Traffic,

One Hour Between 4 and 6 p.m.

Setting/Location: General Urban/Suburban

Number of Studies: 51

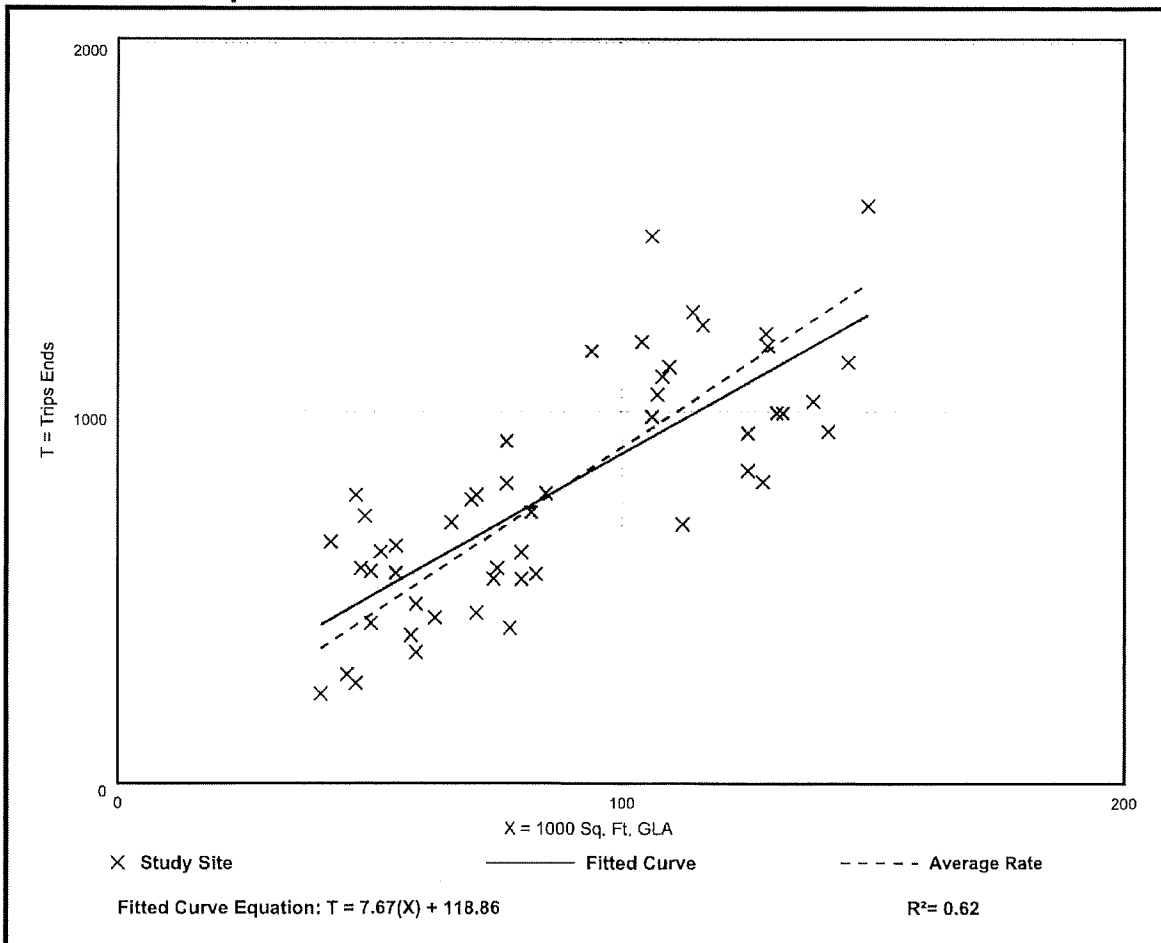
Avg. 1000 Sq. Ft. GLA: 87

Directional Distribution: 48% entering, 52% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GLA

Average Rate	Range of Rates	Standard Deviation
9.03	5.35 - 16.45	2.37

Data Plot and Equation





REVIEWED
DCI2022-00052
Hunter Searson, GIS
Planner
Lee County Government
12/29/2022

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 10, 11, 14, 15 AND 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W., ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 651.54 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150.00 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE CONTINUE N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 2,921.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75; THENCE RUN N.18°17'51"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 955.62 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75 AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 17,026.80 FEET, THROUGH A CENTRAL ANGLE OF 04°04'42", SUBTENDED BY A CHORD OF 1,211.72 FEET AT A BEARING OF N.16°15'30"W., FOR A DISTANCE OF 1,211.97 FEET TO THE END OF SAID CURVE; THENCE RUN N.14°13'09"W. ALONG THE EASTERLY RIGHT-OF-WAY LINE OF INTERSTATE 75, FOR A DISTANCE OF 9,126.68 FEET; THENCE RUN N.76°08'54"E., FOR A DISTANCE OF 527.61 FEET; THENCE RUN N.79°14'37"E., FOR A DISTANCE OF 501.77 FEET; THENCE RUN N.84°36'26"E., FOR A DISTANCE OF 384.54 FEET; THENCE RUN S.85°27'53"E., FOR A DISTANCE OF 381.51 FEET; THENCE RUN S.74°31'06"E., FOR A DISTANCE OF 209.92 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND A POINT ON A CIRCULAR CURVE, CONCAVE EASTERLY, WHOSE RADIUS POINT BEARS S.69°47'11"E., A DISTANCE OF 3,075.00 FEET THEREFROM; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 3,075.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'14", SUBTENDED BY A CHORD OF 1,264.85 FEET AT A BEARING OF S.08°20'42"W., FOR A DISTANCE OF 1,273.94 FEET TO THE END OF SAID CURVE; THENCE RUN S.03°31'24"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 3,887.79 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN SOUTHERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,000.00 FEET, THROUGH A CENTRAL ANGLE OF 20°33'03", SUBTENDED BY A CHORD OF 713.52 FEET AT A BEARING OF S.13°47'56"E., FOR A DISTANCE OF 717.36 FEET TO THE END OF SAID CURVE; THENCE RUN S.24°04'27"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 1,593.09 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE NORTHEASTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 2,875.00 FEET, THROUGH A CENTRAL ANGLE OF 31°16'49", SUBTENDED BY A CHORD OF 1,550.16 FEET AT A BEARING OF S.39°42'52"E., FOR A DISTANCE OF 1,569.58 FEET TO THE END OF SAID CURVE; THENCE RUN S.55°21'16"E. ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF

ATTACHMENT H

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1583-1
PAGE 2 OF 2

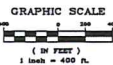
1,684.71 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 1,325.00 FEET, THROUGH A CENTRAL ANGLE OF $54^{\circ}31'33''$, SUBTENDED BY A CHORD OF 1,213.90 FEET AT A BEARING OF $S.28^{\circ}05'29''E.$, FOR A DISTANCE OF 1,260.94 FEET TO THE END OF SAID CURVE; THENCE RUN $S.00^{\circ}49'43''E.$ ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID BEN HILL GRIFFIN PARKWAY, FOR A DISTANCE OF 600.19 FEET TO THE POINT OF BEGINNING; CONTAINING 396.652 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING $N.89^{\circ}44'39''W.$

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000

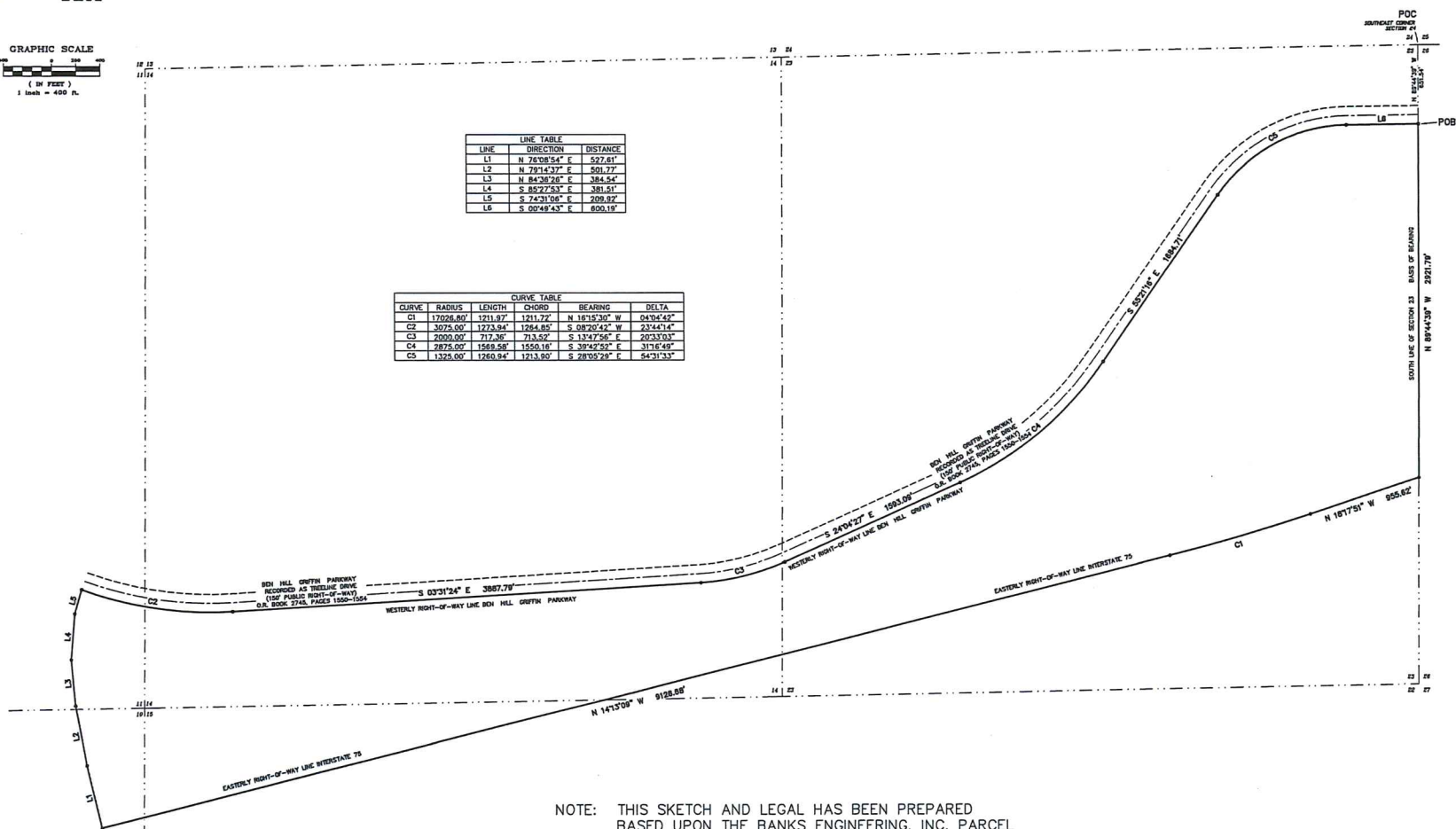
HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy P.S.M. #5628
THOMAS M. MURPHY STATE OF FLORIDA



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 76°08'54" E	527.61'
L2	N 79°14'37" E	501.77'
L3	N 84°26'26" E	384.54'
L4	S 85°27'53" E	381.51'
L5	S 74°31'06" E	209.92'
L6	S 00°48'43" E	800.18'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	17026.80'	1211.87'	1211.72'	N 16°15'30" W	04°04'42"
C2	3075.00'	1273.94'	1264.85'	S 08°20'42" E	23°44'14"
C3	2090.00'	177.36'	713.52'	S 13°47'56" E	23°03'33"
C4	2875.00'	1569.58'	1550.16'	S 39°42'52" E	31°16'49"
C5	1325.00'	1260.84'	1213.90'	S 28°05'28" E	54°31'33"



NOTE: THIS SKETCH AND LEGAL HAS BEEN PREPARED
BASED UPON THE BANKS ENGINEERING, INC. PARCEL
DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR,
SHEETS 1 THROUGH 4, DATED 4/10/2000

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Murphy
THOMAS M. MURPHY

P.S.M. #5628
STATE OF FLORIDA

* NOT A SURVEY *

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING

FIELD BOOK		
		
		
		
		
LETTER	REVISIONS	DATE

MIROMAR LAKES

NOT VALID WITHOUT
THE SIGNATURE AND
THE ORIGINAL RAISE
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

PARTY CHIEF:	DATE:
DRAWN BY: TH	DATE: 7/03
CHECKED BY: TMM	DATE: 7/03
VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1" = 400'



950 Encore Way
Naples, FL 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

DRAWING NO.	A-1583-1
PROJECT NO.	00.106X
REFERENCE NO.	MIR-WEST-1

HM PROJECT #2000106X
7/25/2011
REF. DWG. #A-1582-1
Page 1 of 3

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN A PORTION OF SECTIONS 11, 12, 13, 14, 23, AND 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, AND SECTION 18, TOWNSHIP 46 SOUTH, RANGE 26 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; THENCE RUN N.89°44'39"W. ALONG THE SOUTH LINE OF SAID SECTION 23, FOR A DISTANCE OF 501.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF BEN HILL GRIFFIN PARKWAY (A.K.A. TREELINE DRIVE), A 150 FOOT WIDE RIGHT-OF-WAY, RECORDED IN O.R. BOOK 2745, PAGES 1550 THROUGH 1554 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE RUN N.00°49'43"W. ALONG SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 603.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN NORTHWESTERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 1,475.00 FEET, THROUGH A CENTRAL ANGLE OF 54°31'33", SUBTENDED BY A CHORD OF 1,351.32 FEET AT A BEARING OF N.28°05'29"W., FOR A DISTANCE OF 1,403.69 FEET TO THE END OF SAID CURVE; THENCE RUN N.55°21'16"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 423.96 FEET; THENCE RUN N.38°37'17"E., FOR A DISTANCE OF 180.44 FEET; THENCE RUN N.40°45'20"W., FOR A DISTANCE OF 1,287.06 FEET; THENCE RUN N.51°22'43"W., FOR A DISTANCE OF 275.00 FEET; THENCE RUN N.20°50'23"W., FOR A DISTANCE OF 170.61 FEET; THENCE RUN N.03°26'59"W., FOR A DISTANCE OF 196.02 FEET; THENCE RUN N.49°19'44"E., FOR A DISTANCE OF 344.71 FEET; THENCE RUN S.54°09'13"E., FOR A DISTANCE OF 1,057.59 FEET; THENCE RUN S.05°08'14"W., FOR A DISTANCE OF 497.67 FEET; THENCE RUN S.87°48'55"E., FOR A DISTANCE OF 1,464.61 FEET; THENCE RUN N.88°17'13"E., FOR A DISTANCE OF 233.73 FEET; THENCE RUN S.31°47'37"E., FOR A DISTANCE OF 631.21 FEET; THENCE RUN N.62°11'53"E., FOR A DISTANCE OF 2,704.05 FEET; THENCE RUN N.21°20'50"E., FOR A DISTANCE OF 1,025.79 FEET; THENCE RUN N.02°13'31"W., FOR A DISTANCE OF 339.05 FEET; THENCE RUN N.73°40'08"E., FOR A DISTANCE OF 497.73 FEET; THENCE RUN N.84°27'10"E., FOR A DISTANCE OF 648.96 FEET; THENCE RUN N.20°19'20"W., FOR A DISTANCE OF 155.37 FEET; THENCE RUN N.04°47'10"W., FOR A DISTANCE OF 137.24 FEET; THENCE RUN N.10°20'25"E., FOR A DISTANCE OF 89.58 FEET; THENCE RUN N.88°40'48"W., FOR A DISTANCE OF 108.51 FEET; THENCE RUN N.35°22'24"E., FOR A DISTANCE OF 61.49 FEET; THENCE RUN N.24°10'35"E., FOR A DISTANCE OF 16.58 FEET; THENCE RUN N.16°58'33"E., FOR A DISTANCE OF 22.30 FEET; THENCE RUN N.01°25'10"W., FOR A DISTANCE OF 17.20 FEET; THENCE RUN N.02°00'52"E., FOR A DISTANCE OF 22.73 FEET; THENCE RUN N.10°34'22"E., FOR A DISTANCE OF 27.69 FEET; THENCE RUN N.08°31'29"E., FOR A DISTANCE OF 27.56 FEET; THENCE RUN N.04°17'29"W., FOR A DISTANCE OF 27.54 FEET; THENCE RUN N.03°50'00"E., FOR A DISTANCE OF 32.88 FEET; THENCE RUN N.05°16'54"E., FOR A DISTANCE OF 34.74 FEET; THENCE RUN N.14°36'53"W., FOR A DISTANCE OF 12.71 FEET; THENCE RUN N.49°59'45"W., FOR A DISTANCE OF 15.95 FEET; THENCE RUN N.67°08'11"W., FOR A DISTANCE OF 67.75 FEET; THENCE RUN N.67°33'34"E., FOR A DISTANCE OF 68.16 FEET; THENCE RUN N.57°34'58"E., FOR A DISTANCE OF 15.64 FEET; THENCE RUN N.53°45'20"E., FOR A DISTANCE OF 13.61 FEET; THENCE RUN N.58°32'02"E., FOR A DISTANCE OF 11.22 FEET; THENCE RUN N.54°40'50"E., FOR A DISTANCE OF 13.85 FEET; THENCE RUN N.49°36'55"E., FOR A DISTANCE OF 19.09 FEET; THENCE RUN N.37°17'03"E., FOR A DISTANCE OF 14.40 FEET; THENCE RUN N.25°04'13"E., FOR A DISTANCE OF 22.74 FEET; THENCE RUN N.30°25'33"E., FOR A DISTANCE OF

40.77 FEET; THENCE RUN S.70°47'07"E., FOR A DISTANCE OF 50.50 FEET; THENCE RUN N.19°32'42"E., FOR A DISTANCE OF 63.26 FEET; THENCE RUN N.62°41'55"E., FOR A DISTANCE OF 33.33 FEET; THENCE RUN N.60°03'38"E., FOR A DISTANCE OF 27.79 FEET; THENCE RUN N.68°56'32"E., FOR A DISTANCE OF 33.67 FEET; THENCE RUN N.69°27'09"E., FOR A DISTANCE OF 39.32 FEET; THENCE RUN N.76°09'54"E., FOR A DISTANCE OF 38.69 FEET; THENCE RUN N.84°37'56"E., FOR A DISTANCE OF 35.30 FEET; THENCE RUN N.71°01'39"E., FOR A DISTANCE OF 36.05 FEET; THENCE RUN N.56°16'09"E., FOR A DISTANCE OF 22.32 FEET; THENCE RUN N.54°45'23"E., FOR A DISTANCE OF 72.52 FEET; THENCE RUN N.43°40'48"E., FOR A DISTANCE OF 14.33 FEET; THENCE RUN N.36°37'28"E., FOR A DISTANCE OF 31.97 FEET; THENCE RUN N.16°15'53"E., FOR A DISTANCE OF 27.07 FEET; THENCE RUN N.00°14'32"W., FOR A DISTANCE OF 18.58 FEET; THENCE RUN N.01°01'18"W., FOR A DISTANCE OF 22.80 FEET; THENCE RUN N.11°30'29"E., FOR A DISTANCE OF 41.66 FEET; THENCE RUN N.25°25'32"E., FOR A DISTANCE OF 18.52 FEET; THENCE RUN N.29°13'14"E., FOR A DISTANCE OF 12.77 FEET; THENCE RUN N.09°42'26"E., FOR A DISTANCE OF 13.86 FEET; THENCE RUN N.10°10'17"W., FOR A DISTANCE OF 8.24 FEET; THENCE RUN N.25°29'33"W., FOR A DISTANCE OF 11.70 FEET; THENCE RUN N.71°45'42"W., FOR A DISTANCE OF 21.85 FEET; THENCE RUN N.59°03'27"W., FOR A DISTANCE OF 13.21 FEET; THENCE RUN N.37°04'03"W., FOR A DISTANCE OF 27.24 FEET; THENCE RUN N.00°38'43"W., FOR A DISTANCE OF 28.85 FEET; THENCE RUN N.10°12'59"E., FOR A DISTANCE OF 35.02 FEET; THENCE RUN N.01°52'01"E., FOR A DISTANCE OF 31.20 FEET; THENCE RUN N.05°34'22"E., FOR A DISTANCE OF 13.39 FEET; THENCE RUN N.01°01'36"W., FOR A DISTANCE OF 30.61 FEET; THENCE RUN N.15°40'00"W., FOR A DISTANCE OF 27.26 FEET; THENCE RUN N.22°54'25"W., FOR A DISTANCE OF 20.46 FEET; THENCE RUN N.20°19'15"W., FOR A DISTANCE OF 21.36 FEET; THENCE RUN N.17°17'45"W., FOR A DISTANCE OF 18.27 FEET; THENCE RUN N.25°34'23"W., FOR A DISTANCE OF 16.79 FEET; THENCE RUN N.15°41'23"W., FOR A DISTANCE OF 49.27 FEET; THENCE RUN N.00°29'10"W., FOR A DISTANCE OF 19.63 FEET; THENCE RUN S.65°22'51"W., FOR A DISTANCE OF 893.03 FEET; THENCE RUN S.62°02'33"W., FOR A DISTANCE OF 548.61 FEET; THENCE RUN N.84°00'27"W., FOR A DISTANCE OF 113.75 FEET; THENCE RUN S.73°01'40"W., FOR A DISTANCE OF 332.94 FEET; THENCE RUN S.88°47'09"W., FOR A DISTANCE OF 386.35 FEET; THENCE RUN N.01°12'51"W., FOR A DISTANCE OF 733.65 FEET; THENCE RUN N.75°24'23"E., FOR A DISTANCE OF 644.66 FEET; THENCE RUN N.02°55'16"W., FOR A DISTANCE OF 211.27 FEET; THENCE RUN N.19°49'36"E., FOR A DISTANCE OF 1,336.10 FEET; THENCE RUN S.88°44'00"W., FOR A DISTANCE OF 3,706.01 FEET; THENCE RUN N.00°58'18"W., FOR A DISTANCE OF 320.16 FEET; THENCE RUN S.89°01'42"W., FOR A DISTANCE OF 450.42 FEET; THENCE RUN S.03°10'23"E., FOR A DISTANCE OF 430.66 FEET; THENCE RUN S.88°17'12"W., FOR A DISTANCE OF 1,027.71 FEET; THENCE RUN S.01°42'48"E., FOR A DISTANCE OF 306.15 FEET; THENCE RUN S.47°45'12"W., FOR A DISTANCE OF 1,504.06 FEET; THENCE RUN S.88°27'56"W., FOR A DISTANCE OF 1,780.04 FEET TO A POINT ON THE SAID EASTERLY RIGHT-OF-WAY LINE; THENCE RUN N.03°31'24"W. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 3,304.77 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE EASTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 2,925.00 FEET, THROUGH A CENTRAL ANGLE OF 23°44'13", SUBTENDED BY A CHORD OF 1,203.14 FEET AT A BEARING OF N.08°20'42"E., FOR A DISTANCE OF 1,211.79 FEET TO THE END OF SAID CURVE; THENCE RUN N.20°12'49"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 473.55 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE WESTERLY; THENCE RUN NORTHERLY ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, HAVING A RADIUS OF 10,075.00 FEET, THROUGH A CENTRAL ANGLE OF 19°11'28", SUBTENDED BY A

CHORD OF 3,358.85 FEET AT A BEARING OF N.10°37'06"E., FOR A DISTANCE OF 3,374.60 FEET TO THE END OF SAID CURVE; THENCE RUN N.01°01'21"E. ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 909.75 FEET; THENCE RUN S.89°42'24"E., FOR A DISTANCE OF 1,049.81 FEET; THENCE RUN S.01°00'21"E., FOR A DISTANCE OF 847.76 FEET; THENCE RUN S.04°19'45"W., FOR A DISTANCE OF 1,091.78 FEET; THENCE RUN S.00°39'26"E., FOR A DISTANCE OF 1,432.24 FEET; THENCE RUN S.00°16'17"E., FOR A DISTANCE OF 606.52 FEET; THENCE RUN N.88°47'46"E., FOR A DISTANCE OF 376.79 FEET; THENCE RUN S.40°48'12"E., FOR A DISTANCE OF 322.81 FEET; THENCE RUN S.19°01'17"E., FOR A DISTANCE OF 249.77 FEET; THENCE RUN S.88°53'28"E., FOR A DISTANCE OF 216.94 FEET; THENCE RUN S.24°26'51"E., FOR A DISTANCE OF 150.17 FEET; THENCE RUN S.77°09'26"E., FOR A DISTANCE OF 573.01 FEET; THENCE RUN S.88°10'13"E., FOR A DISTANCE OF 1,363.08 FEET; THENCE RUN S.19°42'28"E., FOR A DISTANCE OF 157.73 FEET; THENCE RUN S.87°09'14"E., FOR A DISTANCE OF 469.81 FEET; THENCE RUN N.88°02'24"E., FOR A DISTANCE OF 612.22 FEET; THENCE RUN S.21°30'12"E., FOR A DISTANCE OF 81.17 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 846.89 FEET; THENCE RUN N.88°10'32"E., FOR A DISTANCE OF 1,137.62 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 344.08 FEET; THENCE RUN S.89°48'06"E., FOR A DISTANCE OF 80.00 FEET; THENCE RUN S.20°09'57"E., FOR A DISTANCE OF 807.57 FEET; THENCE RUN S.15°43'44"E., FOR A DISTANCE OF 978.45 FEET; THENCE RUN S.89°46'43"E., FOR A DISTANCE OF 516.03 FEET TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE, CONCAVE SOUTHWESTERLY; THENCE RUN SOUTHEASTERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, HAVING A RADIUS OF 500.00 FEET, THROUGH A CENTRAL ANGLE OF 88°55'56", SUBTENDED BY A CHORD OF 700.49 FEET AT A BEARING OF S.45°18'45"E., FOR A DISTANCE OF 776.08 FEET TO THE END OF SAID CURVE; THENCE RUN S.00°50'47"E., FOR A DISTANCE OF 1,447.68 FEET; THENCE RUN S.09°57'20"W., FOR A DISTANCE OF 533.57 FEET TO A POINT ON THE EAST LINE OF SECTION 13, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'47"E. ALONG THE EAST LINE OF SAID SECTION 13, FOR A DISTANCE OF 957.10 FEET TO THE NORTHWEST CORNER OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST; THENCE RUN S.00°50'13"E. ALONG THE EAST LINE OF THE NORTHEAST ONE-QUARTER OF SADI SECTION 24, FOR A DISTANCE OF 2,639.78 FEET TO THE EAST QUARTER CORNER OF SAID SECTION 24; THENCE RUN S.00°48'26"E. ALONG THE EAST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 24, FOR A DISTANCE OF 2,643.97 FEET TO THE SOUTHEAST CORNER OF SAID SECTION 24; THENCE RUN S.89°28'32"W. ALONG THE SOUTH LINE OF SAID SECTION 24, FOR A DISTANCE OF 5,249.70 FEET TO THE POINT OF BEGINNING; CONTAINING 1,408.994 ACRES, MORE OR LESS.

BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 24, TOWNSHIP 46 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA AS BEING S.89°28'32"W.

THIS SKETCH AND LEGAL HAS BEEN PREPARED BASED UPON THE BANKS ENGINEERING, INC. PARCEL DESCRIPTIONS AS SHOWN ON DRAWINGS 1155SR, SHEETS 1 THROUGH 4, DATED 4/10/2000 AND DRAWINGS 1418SR, SHEETS 1 AND 2, DATED 7/13/2000.

HOLE MONTES, INC.

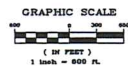
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY


THOMAS M. MURPHY

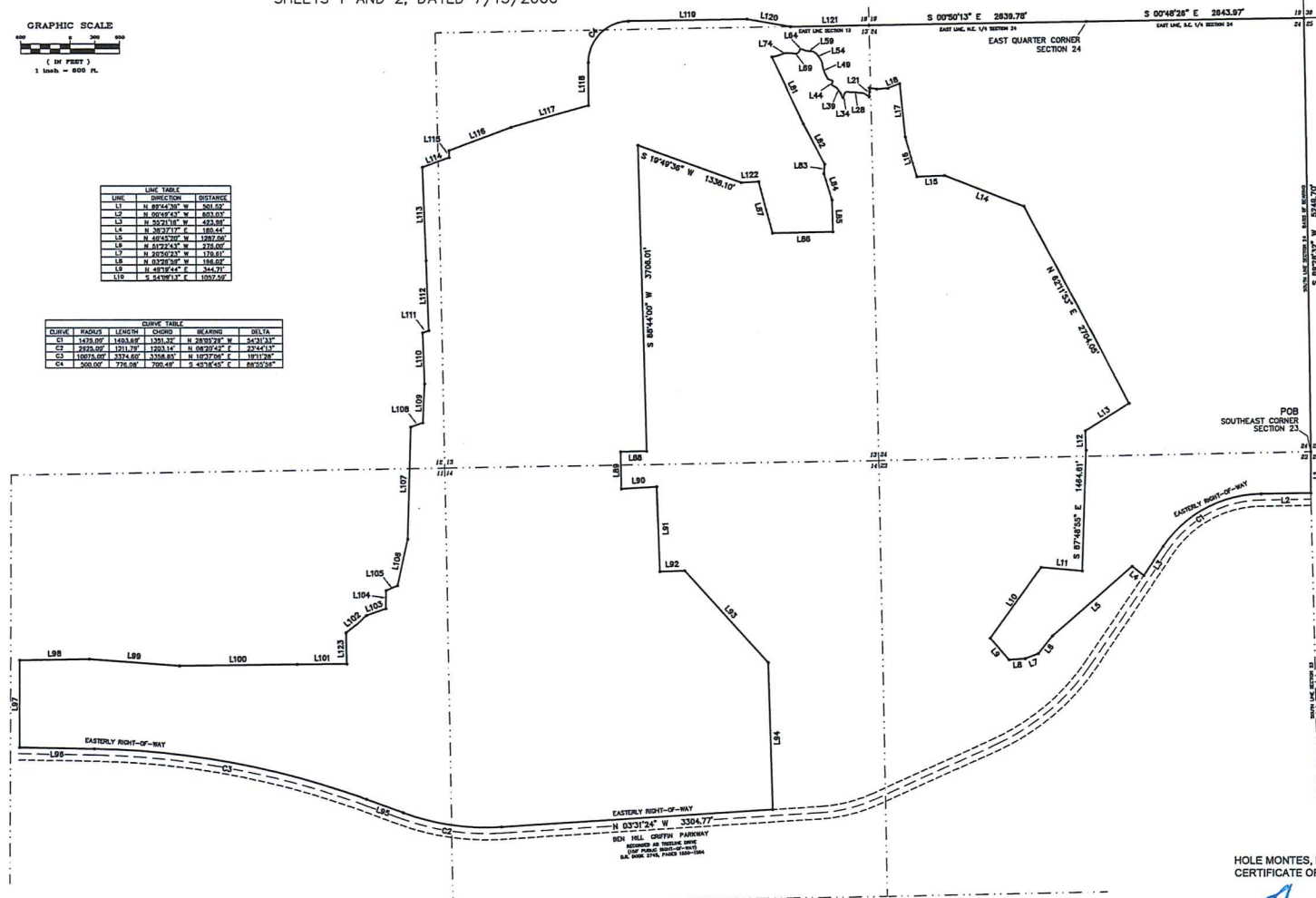
P.S.M. #5628

STATE OF FLORIDA



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 89°44'39" W	501.52'
L2	N 00°49'43" W	803.03'
L3	N 55°21'18" W	423.98'
L4	N 36°37'17" E	180.44'
L5	N 40°45'20" W	1287.06'
L6	N 81°22'43" W	276.05'
L7	N 20°50'23" W	170.61'
L8	N 03°28'58" W	196.07'
L9	N 48°19'44" E	344.71'
L10	S 54°09'13" E	1057.50'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	1475.00'	140.93.8"	1251.32'	N 28.05°28' W	54°31'33"
C2	2925.00'	121.71.2"	1203.14'	N 08.20°42' E	27°44'13"
C3	10075.00'	3374.60"	3358.85'	N 10°37'06" E	18°11'28"
C4	500.00'	778.08"	700.49'	S 45°16'45" E	88°55'56"



LINC TABLE		
LINC	NAME	REFERENCE
101	8 4037.07	10.80
102	8 4037.07	10.80
103	8 4037.07	10.80
104	8 4037.07	10.80
105	8 4037.07	10.80
106	8 4037.07	10.80
107	8 4037.07	10.80
108	8 4037.07	10.80
109	8 4037.07	10.80
110	8 4037.07	10.80
111	8 4037.07	10.80
112	8 4037.07	10.80
113	8 4037.07	10.80
114	8 4037.07	10.80
115	8 4037.07	10.80
116	8 4037.07	10.80
117	8 4037.07	10.80
118	8 4037.07	10.80
119	8 4037.07	10.80
120	8 4037.07	10.80
121	8 4037.07	10.80
122	8 4037.07	10.80
123	8 4037.07	10.80
124	8 4037.07	10.80
125	8 4037.07	10.80
126	8 4037.07	10.80
127	8 4037.07	10.80
128	8 4037.07	10.80
129	8 4037.07	10.80
130	8 4037.07	10.80
131	8 4037.07	10.80
132	8 4037.07	10.80
133	8 4037.07	10.80
134	8 4037.07	10.80
135	8 4037.07	10.80
136	8 4037.07	10.80
137	8 4037.07	10.80
138	8 4037.07	10.80
139	8 4037.07	10.80
140	8 4037.07	10.80
141	8 4037.07	10.80
142	8 4037.07	10.80
143	8 4037.07	10.80
144	8 4037.07	10.80
145	8 4037.07	10.80
146	8 4037.07	10.80
147	8 4037.07	10.80
148	8 4037.07	10.80
149	8 4037.07	10.80
150	8 4037.07	10.80
151	8 4037.07	10.80
152	8 4037.07	10.80
153	8 4037.07	10.80
154	8 4037.07	10.80
155	8 4037.07	10.80
156	8 4037.07	10.80
157	8 4037.07	10.80
158	8 4037.07	10.80
159	8 4037.07	10.80
160	8 4037.07	10.80
161	8 4037.07	10.80
162	8 4037.07	10.80
163	8 4037.07	10.80
164	8 4037.07	10.80
165	8 4037.07	10.80
166	8 4037.07	10.80
167	8 4037.07	10.80
168	8 4037.07	10.80
169	8 4037.07	10.80
170	8 4037.07	10.80
171	8 4037.07	10.80
172	8 4037.07	10.80
173	8 4037.07	10.80
174	8 4037.07	10.80
175	8 4037.07	10.80
176	8 4037.07	10.80
177	8 4037.07	10.80
178	8 4037.07	10.80
179	8 4037.07	10.80
180	8 4037.07	10.80
181	8 4037.07	10.80
182	8 4037.07	10.80
183	8 4037.07	10.80
184	8 4037.07	10.80
185	8 4037.07	10.80
186	8 4037.07	10.80
187	8 4037.07	10.80
188	8 4037.07	10.80
189	8 4037.07	10.80
190	8 4037.07	10.80
191	8 4037.07	10.80
192	8 4037.07	10.80
193	8 4037.07	10.80
194	8 4037.07	10.80
195	8 4037.07	10.80
196	8 4037.07	10.80
197	8 4037.07	10.80
198	8 4037.07	10.80
199	8 4037.07	10.80
200	8 4037.07	10.80
201	8 4037.07	10.80
202	8 4037.07	10.80
203	8 4037.07	10.80
204	8 4037.07	10.80
205	8 4037.07	10.80
206	8 4037.07	10.80
207	8 4037.07	10.80
208	8 4037.07	10.80
209	8 4037.07	10.80

HOLE MONTES, INC.
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY Thomas M. Meyers P.S.M. #5628

* NOT A SURVEY *

MIROMAR LAKES

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.	PARTY CHIEF:	DATE:
	DRAWN BY: TH	DATE: 7/03
	CHECKED BY: TMM	DATE: 7/03
	VERTICAL SCALE: N/A	HORIZONTAL SCALE: 1"=600'



950 Encore Way
Naples, FL. 34110
Phone: (941) 254-2000
Florida Certificate of
Authorization No.1772

SKETCH TO ACCOMPANY A LEGAL DESCRIPTION

DRAWING NO.	A-1582-1
PROJECT NO.	00.106X
REFERENCE NO.	MIR-EAST-1