

Summary of Hearing Examiner Recommendation

MIROMAR LAKES MPD/DRI

Hearing Examiner Remarks

The request adjusts the approved development parameters of Miromar Lakes MPD and DRI in response to market demand. The Board first approved the mixed-use project in 1999. In the nearly 24 years since, a shift in market demand motivates the request to convert commercial, hotel, research/development and multi-family uses to single family residential.

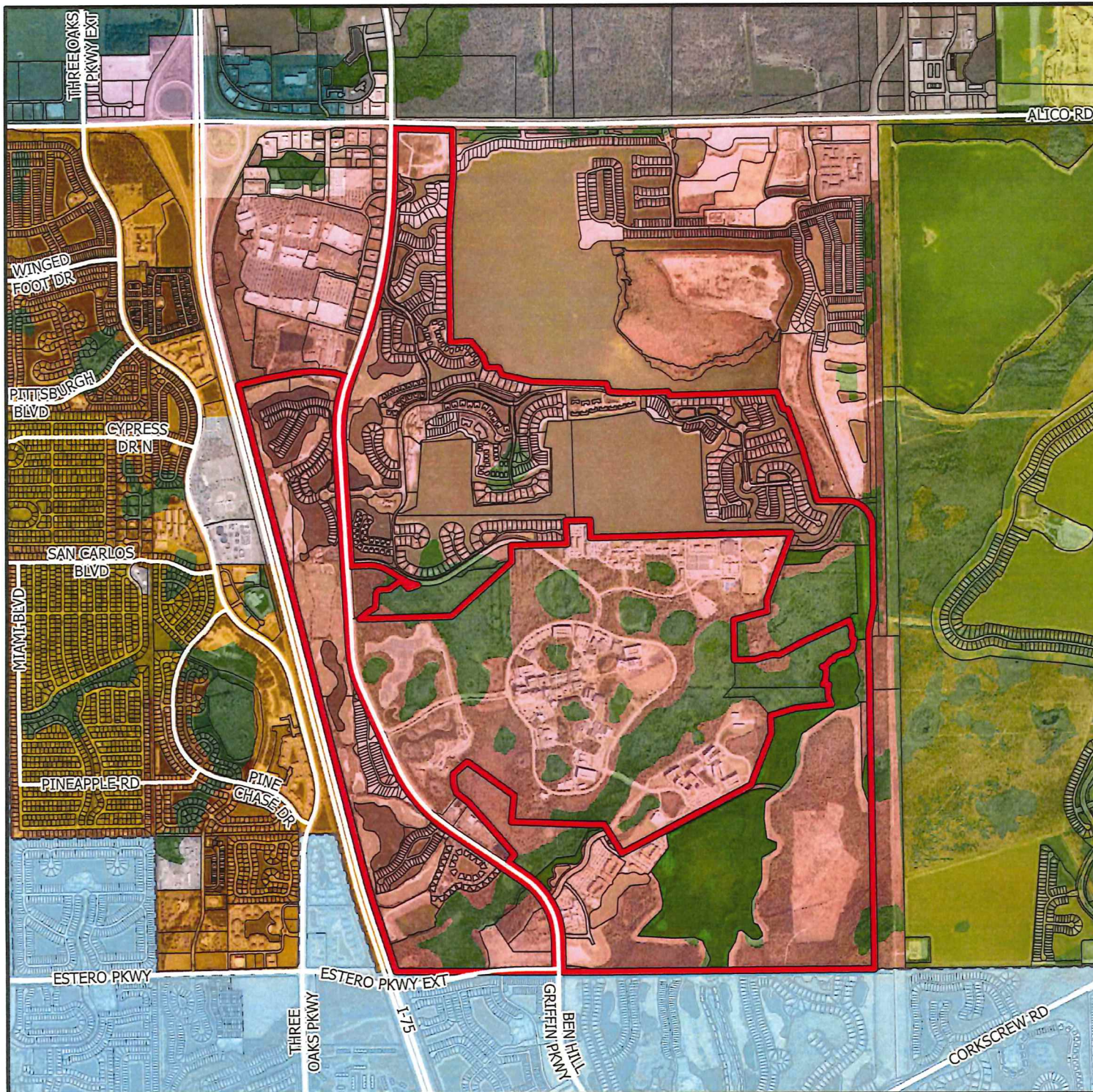
The Hearing Examiner recommends approval of the request.

Proposed amendments to the DRI development order are consistent with the Lee Plan and LDC.¹ Overall project impacts are unaffected by the changes. Reductions in non-residential land uses and multi-family offset transportation impacts anticipated from the proposed increase in single family dwellings. The amended DRI Development Order codifies previous amendments, acknowledging statutory extensions to build out.

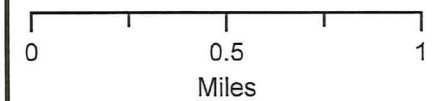
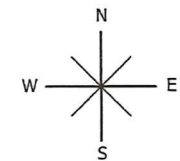
¹ 380.06(7), F.S.

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



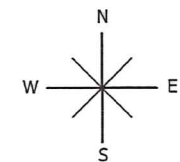
DCI2022-00052

Aerial



 Subject Property

 City Limits



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Miles

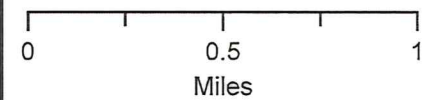
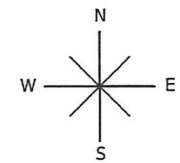




DCI2022-00052

Mixed Use Overlay

-  Subject Property
-  Mixed Use Overlay
-  City Limits



OFFICE OF THE HEARING EXAMINER, LEE COUNTY, FLORIDA

HEARING EXAMINER RECOMMENDATION

REZONING: DCI2022-00052 & DRI2022-00004

Regarding: **MIROMAR LAKES MPD/DRI**

Location: East and west of Ben Hill Griffin Parkway and south of Alico Road
San Carlos Planning Community
(District 2)

Hearing Date: April 13, 2023

Record Closed: April 20, 2023

I. Request

Amend the zoning and DRI development order approvals to convert a portion of commercial intensity to residential density. The amendment calls for reducing approved floor area of retail uses by 125,000 square feet, office uses by 315,000 square feet, research and development uses by 40,000 square feet and hotel by 300 rooms. The request increases residential land uses by 466 single family units.

The property legal description is set forth in Exhibit A.

II. Hearing Examiner Recommendation

Approve request to amend Miromar Lakes MPD and DRI Development Order.

III. Discussion

The Hearing Examiner serves in an advisory capacity to the Board of County Commissioners (Board) on applications to rezone property to the planned development zoning district.² In furtherance of this duty, the Hearing Examiner accepted testimony and evidence on an application to amend the table of land uses within the Miromar Lakes Mixed Use Planned Development (MPD) and Development of Regional Impact (DRI).

In preparing a recommendation to the Board, the Hearing Examiner must apply the Lee County Comprehensive Plan (Lee Plan), Land Development Code (LDC) and other County regulations to facts adduced at hearing. The record must contain substantial competent evidence to support the recommendation.

² LDC 34-145(d)(4) a.

Discussion supporting the Hearing Examiner's recommendation of approval follows below.

Request

The request adjusts the approved development parameters of Mirror Lakes MPD/DRI in response to changes in market demand. The Board first approved the mixed-use project in November 1999. In the nearly 24 years since, a shift in market demand motivates the request to convert unrealized commercial, hotel, research/development, and multifamily land uses to residential single family. Prior zoning and DRI approvals allow for conversion of multifamily to single family dwellings but did not provide for conversion of non-residential land uses to residential.

The 1,793 +/- acre MPD/DRI is approved for 2,600 residential units, 250,000 square feet retail commercial, 340,000 square feet office and 450 hotel rooms. The anticipated intensity of commercial development has not come to fruition while the demand for single family dwellings exceeds prior estimates. Accordingly, the request increases approved residential units by 466 dwellings (total 3,066).

Simultaneous reductions in approved non-residential land uses, ensure no change in offsite transportation impacts. Proposed reductions include retail uses by 125,000 square feet, office uses by 315,000 square feet, research/development by 40,000 square feet, multi-family residential by 426 dwellings, and hotel rooms by 300.

If approved, development parameters will be as follows:

Dwelling units	3,066 units
Retail commercial	125,000 sq. ft
Office commercial	25,000 sq. ft
Research and development	zero
Hotel	150 rooms

Residential uses will consist of 1,592 single family and 1,474 multifamily dwelling units.

The request includes no additional deviations from LDC.

The request includes amendments to the DRI development order memorializing extensions to build out dates.

Character of Area

The Ben Hill Griffin Parkway corridor is nearly built out with variety of residential and commercial land uses. Miromar surrounds the campus of Florida Gulf Coast

University. Major commercial centers lie to the north and south at the intersections of Ben Hill Griffin Parkway with Alico and Corkscrew Roads. The proposed change constitutes infill development consistent with existing development patterns.³

Lee Plan

Planned developments must be consistent with the Lee Plan.

The property is designated University Community and Wetlands under the Lee Plan future land use map.⁴ The approved land uses approved remain consistent with the Lee Plan. Proposed increases in residential dwellings and corresponding reductions in non-residential uses do not change prior findings of consistency. The change in development parameters do not impact wetland areas on the Master Concept Plan (MCP) or DRI Map H. Undeveloped tracts previously earmarked for residential uses accommodate the requested increase in single family dwellings.⁵

LDC

One purpose of planned development zoning is to integrate new development with surrounding land uses.⁶ Another purpose is to further the goals of the Lee Plan while providing flexibility in planning and design.⁷ The proposed changes to the project must comply with County land development regulations or seek deviations. In this instance, Applicant proposes no additional deviations from the LDC.⁸

Environmental/Natural Resources

Applicant proposes no changes to development areas.

The Hearing Examiner finds the requested amendments to the MPD/DRI will not harm environmentally critical/sensitive areas or natural resources.

Transportation/traffic

The transportation studies concluded the revised development parameters will not negatively impact surrounding roadways.⁹ Proposed reductions in nonresidential land uses offset the transportation impacts of increasing the number of single-

³ The amended MPD proposes additional residential dwelling units expanding housing inventory in the area. Lee Plan Goals 5, 11, 135, 158, Policies 5.1.5, 135.1.9, 135.9.5.

⁴ Lee Plan Policy 1.1.9, Objective 1.5.

⁵ Residential uses are encouraged in the University Community.

⁶ LDC 34-612(2).

⁷ LDC 34-411(a), 34-612(2); Planned developments must be consistent with the Lee Plan. Lee Plan Policy 2.1.2.

⁸ LDC 34-2.

⁹ Staff Report Attachment G Memorandum by Ted B. Treesh, President TR Transportation Consultants, Inc. The amended development parameters have a similar trip generation to the uses proposed for elimination, resulting in a slight reduction in peak hour trips.

family dwellings. Accordingly, no road improvements are necessary to accommodate projected trip generation.

Developer must address site related improvements during the development order review process.¹⁰

Public Services and Infrastructure

Public services are the services, facilities, and infrastructure necessary to support development.¹¹ The Lee Plan requires an evaluation of the availability of public services during the rezoning process.¹²

The Lee Plan encourages compact and contiguous development patterns in areas with services/infrastructure to support new development.¹³ The property fronts on Alico Road and Ben Hill Griffin Parkway, which are County maintained arterial roadways.¹⁴ Lee County Utilities has potable water and sanitary sewer infrastructure in place to serve the project. Lee Tran Route 60 provides transit service along Ben Hill Griffin Parkway and Alico Road.

The San Carlos Park Fire Protection and Rescue Service District provides fire and emergency medical services to the area.¹⁵ The Lee County Sheriff provides law enforcement services to the community. Schools, parks, libraries, community facilities, shopping and employment centers are located within reasonable distances.¹⁶

Conditions

The Miromar Lakes MPD/DRI is subject to conditions of approval designed to address impacts reasonably anticipated from development.¹⁷ No changes to previously approved conditions are necessary to address request. An updated MCP and DRI Map H reflect the changes proposed in the request. (Exhibits B1, B2)

¹⁰ Lee Plan Objective 39.1 and Policy 39.1.1.

¹¹ Public services and infrastructure available to serve the project will include public water and sewer (Lee County Utilities), paved streets, parks and recreation facilities, libraries, police, fire and emergency services, urban surface water management, and schools.

¹² Lee Plan Policy 2.2.1.

¹³ Lee Plan Objectives 2.1, 2.2, Policies 2.2.1, 5.1.3.

¹⁴ The Lee Plan designates on road bikeways and shared use paths for cyclists and pedestrians on both roadways. Lee Plan Maps 3-D, 4-E.

¹⁵ San Carlos Park Fire Protection and Rescue Service District Station 53 located on Ben Hill Griffin Parkway. This station also provides emergency medical services.

¹⁶ Staff Report and Staff Report Attachment E.

¹⁷ LDC 34-83(b)(4) a.3, 34-377(a)(2)c.

Public

One member of the public attended the hearing but did not speak on the record.

Conclusion

Hearing Examiner recommends approval of the requested amendments to the Miromar Lakes MPD and DRI Development Order. The proposed revisions are consistent with the Lee Plan and LDC.¹⁸

Reductions in multi-family and nonresidential land uses offset transportation impacts anticipated from the proposed increase in single-family dwellings. The amended DRI Development Order codifies previous amendments, acknowledging statutory extensions to build out.

Hearing Examiner Note: Hearing Examiner recommends the County Attorney work with Applicant to prepare a codified development order with exhibits prior to final Board hearing.

IV. Findings and Conclusions

Based on the testimony and exhibits presented in the record, the Hearing Examiner finds:

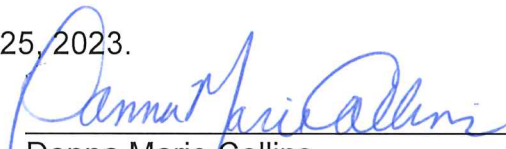
- A. The requested amendment to the Miromar Lakes MPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 15, 77, 95, 135, 158; Objectives 2.1, 2.2, 4.1, 5.1, 77.1, 77.3, 126.2, 135.1, and Policies 1.6.5, 2.2.1, 5.1.1, 5.1.5, 5.1.7, 5.1.10, 15.1.2, 15.1.7, 15.1.11, 15.1.16, 135.1.9, 135.9.5, 135.9.6, 158.1.7; Lee Plan Maps 1-A, 3-D, 4-A, 4-B, and Table 1(a).
- B. As conditioned, the amendments to the MPD zoning approvals:
 - 1. Are consistent with the Land Development Code or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - 2. Are compatible with existing or planned uses in the surrounding area. Lee Plan Objectives 2.1, 158.1, and Policies 5.1.2, 5.1.3, 5.1.5, 135.1.9, 135.9.5, 135.9.6, 158.1.7; LDC 34-411, 34-413, and
 - 3. Provides sufficient road access to support proposed development intensity.
 - 4. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective

¹⁸ 380.06(7), F.S.

39.1, Policies 38.1.1, 38.1.5, 39.1.1; LDC 2-261 *et seq.*, 34-411(d) and (e).

5. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, 123, 125, and Standard 4.1.4.
 6. Public services and infrastructure will be available to serve the development. Goals 2, 4, 95, Objectives 2.1, 2.2, 4.1, Policies 2.2.1, 95.1.3.
- C. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 15; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.2, 5.1.5, 5.2.4, 15.1.7, 135.9.5, 135.9.6
- D. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Policies 5.1.2, 5.1.5, 61.3.8, 135.9.6, 158.1.7; LDC 34-377(a)(3), 34-411 and 34-932(c).
- E. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC 34-373(a)(9), 34-377(a)(4)
- F. The requested change to the DRI development order is consistent with the Lee Plan and Land Development Code.

Date of Recommendation: April 25, 2023.



Donna Marie Collins
Chief Hearing Examiner

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

Exhibits to Hearing Examiner's Recommendation

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

Exhibit A

LEGAL DESCRIPTION AND VICINITY MAP



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

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.

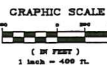
BEARINGS SHOWN HEREON REFER TO THE SOUTH LINE OF SECTION 23, TOWNSHIP 46 SOUTH, RANGE 25 EAST, OF LEE COUNTY, FLORIDA AS BEING $N.89^{\circ}44'39''W.$

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.

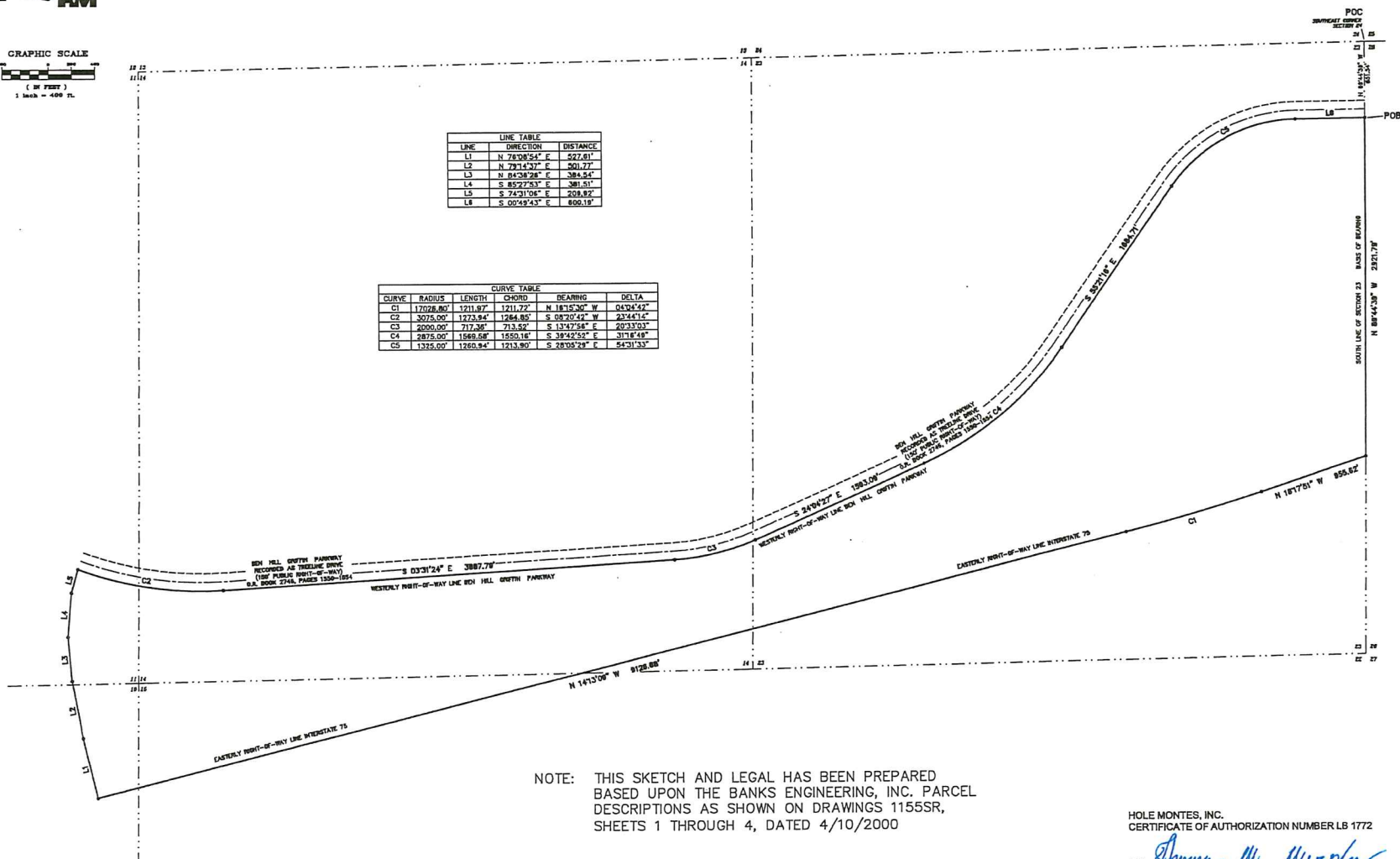
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

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



LINE TABLE		
LINE	DIRECTION	DISTANCE
L1	N 78°06'54" E	527.01'
L2	N 79°14'37" E	501.77'
L3	N 84°28'28" E	384.54'
L4	S 85°27'53" E	381.51'
L5	S 74°31'06" E	209.82'
L6	S 00°04'34" E	800.18'

CURVE TABLE					
CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	17028.80'	1211.87'	1211.72'	N 18°15'30" W	04°04'42"
C2	3075.00'	1273.94'	1264.85'	S 8°20'42" E	2°34'14"
C3	2009.00'	717.38'	713.52'	S 13°47'58" E	20°33'03"
C4	2875.00'	1569.58'	1550.16'	S 39°42'52" E	31°16'48"
C5	1375.00'	1260.94'	1213.80'	S 28°05'29" 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 RAISED
SEAL OF A FLORIDA
LICENSED SURVEYOR
AND MAPPER.

PARTY CHIEF:	
DRAWN BY:	TH
CHECKED BY:	TMM
VERTICAL SCALE:	

DATE:	
DATE:	
DATE:	
TIME:	

DATE:	7/03
DATE:	7/03
HORIZONTAL SCALE:	



HMM
HOLE MONTES
ENGINEERS PLANNERS SURVEYORS

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-



HM PROJECT # 2000106X

2/09/2023

REF. DWG. A-1582-2

PAGE 1 OF 4

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 960.80 FEET; THENCE CONTINUE N.19°49'36"E., FOR A DISTANCE OF 21.27 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 34.30 FEET; THENCE RUN N81°31'53"E FOR A DISTANCE OF 59.36 FEET; THENCE RUN N86°42'41"E FOR A DISTANCE OF 91.78 FEET; THENCE RUN N50°02'46"E FOR A DISTANCE OF 136.19 FEET; THENCE RUN N58°59'16"E FOR A DISTANCE OF 150.29 FEET; THENCE RUN

N03°34'13"E FOR A DISTANCE OF 280.42 FEET; THENCE RUN N44°21'15"E FOR A DISTANCE OF 65.32 FEET; THENCE RUN N85°08'17"E FOR A DISTANCE OF 193.00 FEET; THENCE RUN N53°18'11"E FOR A DISTANCE OF 221.46 FEET; THENCE RUN N85°09'35"E FOR A DISTANCE OF 62.26 FEET; THENCE RUN S40°09'41"E FOR A DISTANCE OF 165.57 FEET; THENCE RUN N70°32'55"E FOR A DISTANCE OF 188.24 FEET, TO THE BEGINNING OF A NON-TANGENTIAL CIRCULAR CURVE TO THE RIGHT; HAVING A RADIUS OF 850.00 FEET, THROUGH A CENTRAL ANGLE OF 21°55'50" AND BEING SUBTENDED BY A CHORD OF 323.36 FEET AT A BEARING OF N68°42'47"W, FOR AN ARC LENGTH OF 325.34 FEET; THENCE RUN N57°44'54"W FOR A DISTANCE OF 288.84 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 650.00 FEET, THROUGH A CENTRAL ANGLE OF 35°46'31" AND BEING SUBTENDED BY A CHORD OF 399.30 FEET AT A BEARING OF N75°38'09"W, FOR AN ARC LENGTH OF 405.86 FEET; THENCE RUN S86°28'35"W FOR A DISTANCE OF 239.42 FEET, TO THE BEGINNING OF A TANGENTIAL CIRCULAR CURVE TO THE LEFT; HAVING A RADIUS OF 50.00 FEET, THROUGH A CENTRAL ANGLE OF 90°00'00" AND BEING SUBTENDED BY A CHORD OF 70.71 FEET AT A BEARING OF S41°28'35"W, FOR AN ARC LENGTH OF 78.54 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 2370.30 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 1,396.66 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.

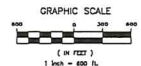
CERTIFICATE OF AUTHORIZATION NUMBER LB 1772

BY _____

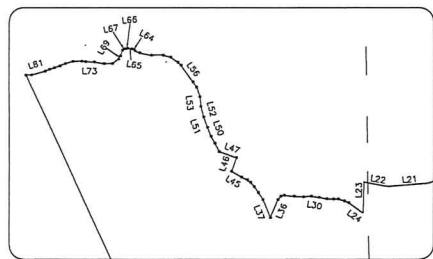
THOMAS M. MURPHY

P.S.M. #5628

STATE OF FLORIDA



SECTION DETAIL 1
SCALE 1" = 200'



* NOT A SURVEY *

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N 84°44' W	501.52	L34	N 50°32' E	13.39
L2	S 87°11' W	100.25	L35	N 71°01' W	21.11
L3	S 52°11' W	418.95	L36	N 15°00' W	23.28
L4	N 38°21' W	183.46	L37	N 22°26' W	20.48
L5	N 28°11' W	128.01	L38	N 20°15' W	21.25
L6	N 51°24' W	256.00	L39	N 17°14' W	18.27
L7	N 61°11' W	100.25	L40	N 12°03' E	16.35
L8	N 63°25' W	196.02	L41	N 51°14' W	23.27
L9	N 49°14' W	244.71	L42	N 22°01' E	13.39
L10	N 44°21' W	100.25	L43	N 22°01' E	13.39
L11	S 05°18' E	387.87	L44	S 22°01' E	13.39
L12	N 61°11' W	100.25	L45	N 22°01' E	13.39
L13	N 88°11' E	233.25	L46	S 05°18' E	387.87
L14	N 88°11' E	233.25	L47	N 05°18' E	387.87
L15	N 61°11' E	270.03	L48	N 10°21' W	23.25
L16	N 22°00' E	102.79	L49	N 22°42' E	64.86
L17	N 22°00' E	102.79	L50	N 22°00' E	102.79
L18	N 72°08' E	233.27	L51	N 18°49' SE	30.00
L19	N 72°08' E	233.27	L52	N 18°49' SE	30.00
L20	N 20°12' W	155.37	L53	S 08°40' W	27.68
L21	N 40°14' W	137.24	L54	S 08°40' W	27.68
L22	N 40°14' W	137.24	L55	N 08°40' E	306.19
L23	N 80°48' W	108.61	L56	S 01°23' E	306.19
L24	N 80°48' W	108.61	L57	N 01°23' E	306.19
L25	N 24°10' SE	16.58	L58	S 01°23' E	306.19
L26	N 24°10' SE	16.58	L59	N 01°23' E	306.19
L27	N 82°03' SE	22.23	L60	N 82°03' SE	22.23
L28	N 82°03' SE	22.23	L61	N 82°03' SE	22.23
L29	N 21°03' E	27.68	L62	N 21°03' E	27.68
L30	N 81°19' E	27.68	L63	N 81°19' E	27.68
L31	N 81°19' E	27.68	L64	N 81°19' E	27.68
L32	N 03°15' E	34.94	L65	N 03°15' E	34.94
L33	N 03°15' E	34.94	L66	N 03°15' E	34.94
L34	N 49°25' SE	15.92	L67	N 49°25' SE	15.92
L35	N 49°25' SE	15.92	L68	N 49°25' SE	15.92
L36	N 75°34' SE	66.16	L69	N 75°34' SE	66.16
L37	N 75°34' SE	66.16	L70	N 75°34' SE	66.16
L38	N 27°10' E	14.40	L71	N 27°10' E	14.40
L39	N 27°10' E	14.40	L72	N 27°10' E	14.40
L40	N 32°25' SE	11.92	L73	N 32°25' SE	11.92
L41	N 32°25' SE	11.92	L74	N 32°25' SE	11.92
L42	N 49°35' SE	10.29	L75	N 49°35' SE	10.29
L43	N 27°10' E	14.40	L76	N 27°10' E	14.40
L44	N 32°25' SE	11.92	L77	N 32°25' SE	11.92
L45	N 32°25' SE	11.92	L78	N 32°25' SE	11.92
L46	N 13°30' SE	63.98	L79	N 13°30' SE	63.98
L47	N 13°30' SE	63.98	L80	N 13°30' SE	63.98
L48	N 68°36' SE	33.69	L81	N 68°36' SE	33.69
L49	N 68°36' SE	33.69	L82	N 68°36' SE	33.69
L50	N 78°04' SE	38.67	L83	N 78°04' SE	38.67
L51	N 78°04' SE	38.67	L84	N 78°04' SE	38.67
L52	N 51°01' E	36.05	L85	N 51°01' E	36.05
L53	N 51°01' E	36.05	L86	N 51°01' E	36.05
L54	N 71°09' E	22.27	L87	N 71°09' E	22.27
L55	N 71°09' E	22.27	L88	N 71°09' E	22.27
L56	N 18°15' SE	14.03	L89	N 18°15' SE	14.03
L57	N 18°15' SE	14.03	L90	N 18°15' SE	14.03
L58	N 20°11' E	12.77	L91	N 20°11' E	12.77
L59	N 20°11' E	12.77	L92	N 20°11' E	12.77
L60	N 22°32' SE	13.70	L93	N 22°32' SE	13.70
L61	N 22°32' SE	13.70	L94	N 22°32' SE	13.70
L62	N 50°52' W	27.68	L95	N 50°52' W	27.68
L63	N 05°24' E	35.05	L96	N 05°24' E	35.05
L64	N 05°24' E	35.05	L97	N 05°24' E	35.05
L65	N 05°24' E	35.05	L98	N 05°24' E	35.05
L66	N 05°24' E	35.05	L99	N 05°24' E	35.05
L67	N 05°24' E	35.05	L100	N 05°24' E	35.05

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH
C1	1475.00'	54°31'33"	1351.32	N 28°05'29" W	1403.69'
C2	895.00'	2°59'50"	323.36	N 68°45'09" W	323.34'
C3	650.00'	35°43'11"	393.70	N 28°09'01" W	405.65'
C4	50.00'	90°00'00"	70.71	S 41°28'35" E	78.54'
C5	2925.00'	23°44'13"	1203.14	N 08°20'42" E	1211.78'
C6	10075.00'	19°11'27"	3358.82	N 10°37'05" E	3374.58'
C7	500.00'	88°55'56"	200.48	S 45°18'45" E	276.08'

LEGEND

POC	POINT OF COMMENCEMENT
POB	POINT OF BEGINNING

SKETCH & LEGAL

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

PARTY CHIEF:	DATE:
DRAWN BY: JNH	DATE:
SHEET 1	OF SHEETS
SEC-TWN-RGE:	



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

MIROMAR LAKES
SKETCH FOR LEGAL DESCRIPTION

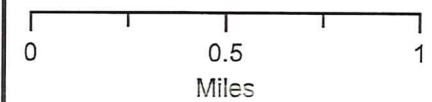
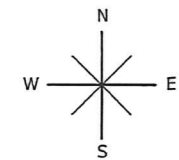
DRAWING NO.	A-1582-2
PROJECT NO.	2023.517
FILE NAME:	2023517_582.dwg

DCI2022-00052

Zoning

 Subject Property

 City Limits



Lee County
Southwest Florida

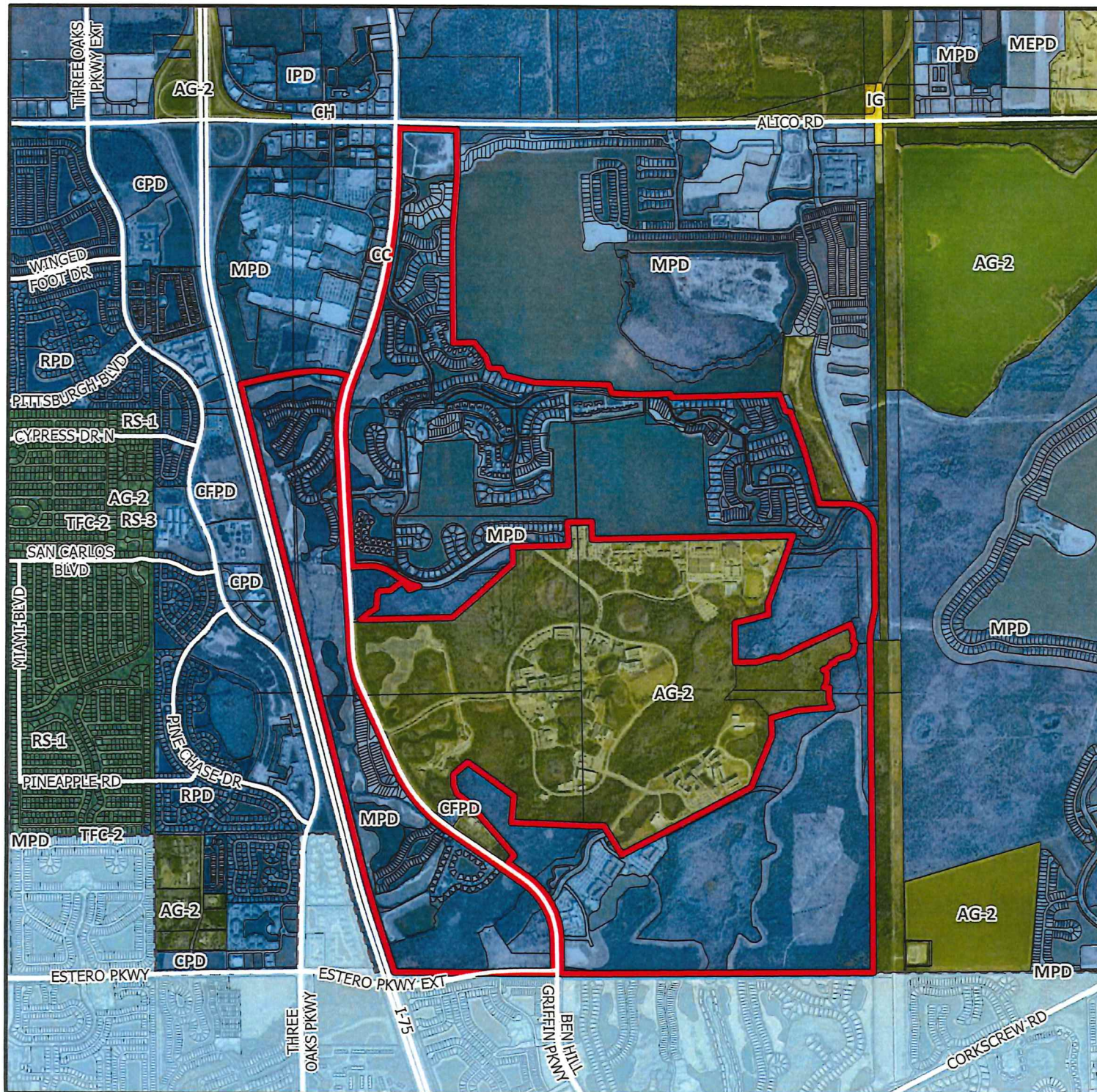


Exhibit B

**RECOMMENDED CONDITIONS AND DEVIATIONS
Miromar Lakes MPD**

CONDITIONS

Condition 1 of Resolution Z-13-020, as amended is revised as follows:

1.a. Development of this project must comply with the following:

- i. Master Concept Plan (MCP). Development must be consistent with the Master Concept Plan entitled "Miromar Lakes DRI Mixed Planned Development" prepared by DeLisi Fitzgerald, Inc., dated on April 14, 2023 attached as Exhibit B1, except as modified by the conditions below.

The remainder of Condition 1a. is not changed.

1.b. Approved Development Parameters.

Dwelling units	3,066 units
Retail commercial	125,000 sq. ft
Office commercial	25,000 sq. ft
Research and development	zero
Hotel	150 rooms

Residential uses will consist of 1,592 single family and 1,474 multifamily dwelling units.

The remainder of Condition 1. is not changed.

DEVIATIONS

There are no changes to the deviations approved in Resolution Z-13-020, as amended.

MIROMAR LAKES DRI DEVELOPMENT ORDER

The Miromar Lakes DRI Development Order including DRI Map H is amended as set out in Exhibit B2.

Exhibits to Conditions

B1 Master Concept Plan dated April 14, 2023

B2 Proposed Amendments to Miromar Lakes DRI development order including Map H (Map H dated April 14, 2023)

LEGEND

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

LAND USE SUMMARY

DESCRIPTION	UNITS
RESIDENTIAL ("R", "R 2", "MU", "C1" AND "CS") (INCLUDES LAKES)	
SINGLE FAMILY UNITS	1,592 UNITS
MULTI-FAMILY UNITS	1,474 UNITS
TOTAL UNITS	3,066 UNITS
COMMERCIAL/OFFICE/HOTEL ("C1", "CS" AND "MU")	
RETAIL COMMERCIAL (GFA)	125,000 SQ FT
HOTEL ROOMS	150 ROOMS
OFFICE (GFA)	25,000 SQ FT

LAND USE AREA SUMMARY

DESCRIPTION	ACRES
RESIDENTIAL ("R", "R 2", AND "GC")	963
COMMERCIAL/OFFICE/HOTEL ("C1" AND "CS")	84
MIXED USE ("MU")	109
LAKES/MISCELLANEOUS RECREATION/BUFFERS	292.9 ±
CONSERVATION AREAS "CO" (INCLUDES WETLAND BUFFERS)	344.7 ±
TOTAL ACRES	1,793

NOTES:

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



EXHIBIT B-1

BEACH & GOLF CLUB
MIROMAR LAKES

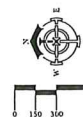
MIROMAR LAKES DRI

MASTER CONCEPT PLAN - APRIL 14, 2023

DELISI FITZGERALD, INC.

Planning - Engineering - Project Management

1605 Hendry Street
Fort Myers, FL 33901
239-418-0691 • 239-418-0692 fax



2023 APR 19 PM 3:57
HEARING EXAMINER
LEE COUNTY

EXHIBIT B2

DRI Development Order Amendments Strike Through Underline Format

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of 1-75, 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: 2,6003,066 residential units, 250125,000 square feet of retail, 450-150 hotel rooms, 34025,000 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 April 3, 2028September 4, 2050. The termination date is April 3, 2033September 2, 2055.

- 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. [Miromar Lakes DRI qualified for additional extensions placing the buildout date and Termination Dates at September 4, 2050 and September 2, 2055 respectively.](#)

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 [Date of Commission Hearing], the Ninth 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.

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 <u>1,592</u> D.U.
Multi-Family	1,100 D.U. Total	1,900 <u>1,474</u> D.U.
Total apartments (LUC 220)	200 D.U.	200 D.U.
Residential Condominiums (LUC 230)	900 D.U.	1,700 <u>1,274</u> D.U.
Non-Residential		
--Service/Office (LUC 710)	400 <u>25,000</u> sq. ft.	340 <u>25,000</u> sq. ft.
--General Retail (LUC 820)	160,000 sq. ft.	250 <u>125,000</u> sq. ft.
--Hotel (LUC 310)	350 rooms	450 <u>150</u> rooms
--Industrial/R&D (LUC 760)	0 sq. ft.	40,000 sq. ft.
-- Golf Course (LUC 430)	36 <u>18</u> holes	36 <u>18</u> holes
-- Community Use (LUC 495) Golf Clubhouse	20,000 sq. ft.	20,000 sq. ft.
-- Beach Park (LUC 415)	10 acres	10 acres
(Including a Beach Clubhouse for use of residents and their guests.)		

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) 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) 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.
- (c) The amount of conversion must be reported as part of the subsequent biennial monitoring reports to the Southwest Florida Regional Planning Council, and the Department of Economic Opportunity.
- (d) Any other conversion must occur through the DRI amendment process.

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. The proposed commercial development is limited to no more than ~~1,140,000~~150,000 square feet of commercial retail, ~~and~~ office, ~~hotel, and~~ ~~research and development~~ uses, ~~and~~ 150 hotel rooms. This includes commercial located within property designated as CI, 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. 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.

III.

- L. Buildout and Termination Dates. The project has a buildout date of September 4, 2050~~April 3, 2028~~, and a termination date of December September 2, 2055~~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.

EXHIBIT B2

Clean Version DRI Development Order Amendments

I. FINDINGS OF FACT AND CONCLUSIONS OF LAW.

- A. Miromar Lakes is a master planned community located in unincorporated south Lee County, east of 1-75, 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: 3,066 residential units, 125,000 square feet of retail, 150 hotel rooms, 25,000 square feet of office, 250 wet slips, 400 dry slips, , 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 September 4, 2050. The termination date is September 2, 2055.

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- (d) Any other conversion must occur through the DRI amendment process.

G. COMPREHENSIVE PLAN CONSISTENCY.

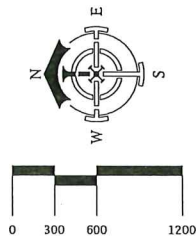
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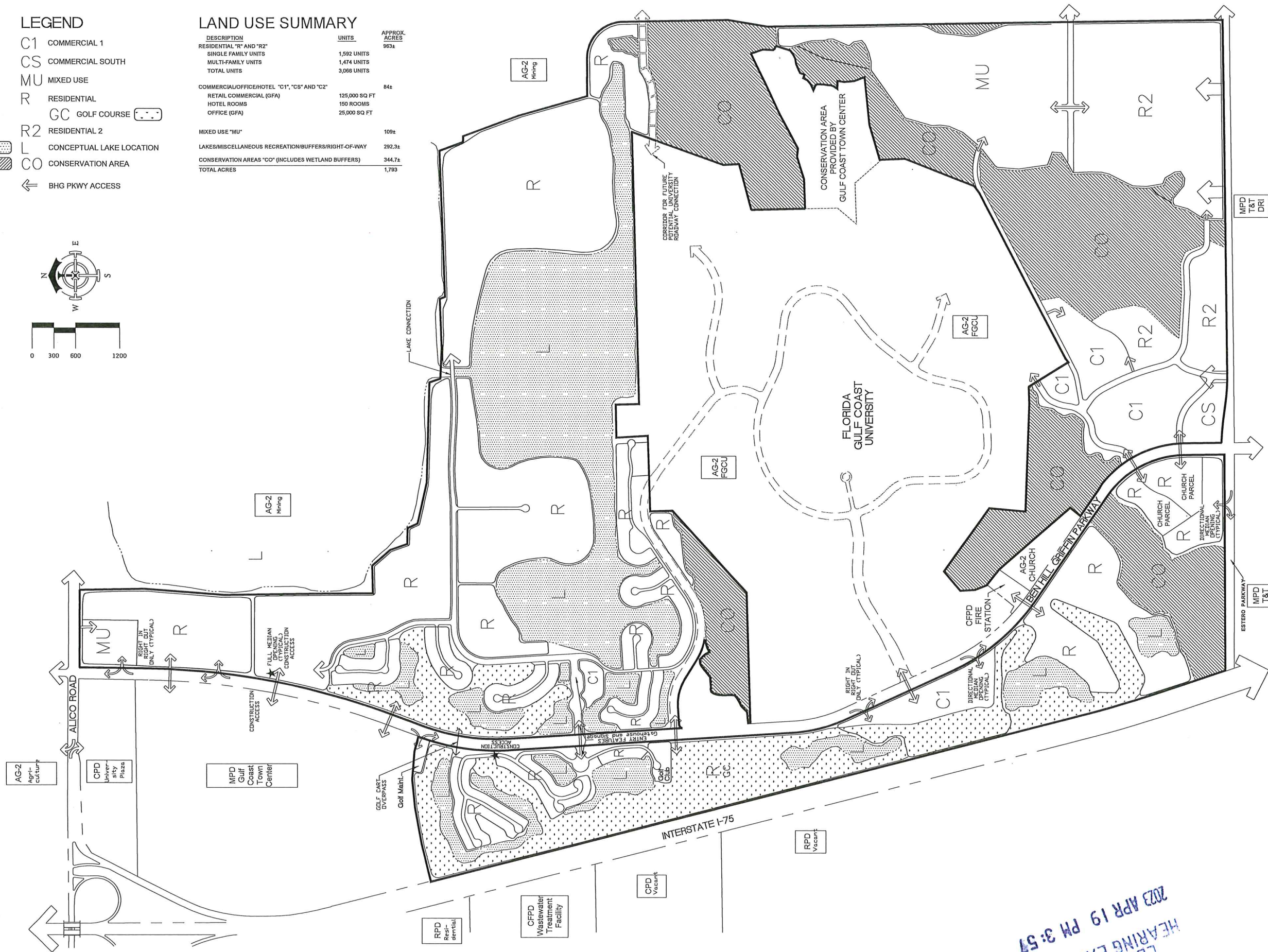
LEGEND

- C1 COMMERCIAL 1
CS COMMERCIAL SOUTH
MU MIXED USE
R RESIDENTIAL
R2 RESIDENTIAL 2
L CONCEPTUAL LAKE LOCATION
CO CONSERVATION AREA
BHG PKWY ACCESS

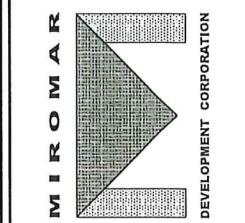


LAND USE SUMMARY

DESCRIPTION	UNITS	APPROX. ACRES
RESIDENTIAL "R" AND "R2"		963±
SINGLE FAMILY UNITS	1,592 UNITS	
MULTI-FAMILY UNITS	1,474 UNITS	
TOTAL UNITS	3,066 UNITS	
COMMERCIAL/OFFICE/HOTEL "C1", "CS" AND "C2"		84±
RETAIL COMMERCIAL (GFA)	125,000 SQ FT	
HOTEL ROOMS	150 ROOMS	
OFFICE (GFA)	25,000 SQ FT	
MIXED USE "MU"		109±
LAKES/MISCELLANEOUS RECREATION/BUFFERS/RIGHT-OF-WAY		292.3±
CONSERVATION AREAS "CO" (INCLUDES WETLAND BUFFERS)		344.7±
TOTAL ACRES		1,793



DELISI 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



BEACH & GOLF CLUB
MIROMAR LAKES
PROJECT:
MIROMAR LAKES
MIROMAR LAKES, FL

PLAN REVISIONS:	
DATE:	DESCRIPTION:
MAP H APRIL 14, 2023	
Project Manager:	
Drawn By:	GWS
Checked By:	
Project Number:	21248
Cad File:	
Xref:	
Xref:	
Status:	FOR PERMITTING PURPOSES ONLY NOT FOR CONSTRUCTION
Sheet Number:	01

2023 APR 19 PM 3:57
LEE COUNTY
HEARING EXAMINER

Exhibit C

EXHIBITS PRESENTED AT HEARING

STAFF EXHIBITS

1. *DCD Staff Report with attachments for DCI:* Prepared by Chahram Badamtchian, Senior Planner, date received March 29, 2023 (multiple pages – 8.5"x11" & 11"x14") [black & white, color]
2. *Post Hearing Submittal:* Revised Findings and Conclusions of Law (4 pages – 8.5"x11")

APPLICANT EXHIBITS

- a. *48-Hour Notice:* Email from Olga Ramos, with Pavese Law Firm, dated Tuesday, April 11, 2023, 10:50 AM (multiple pages – 8.5"x11")
1. *PowerPoint Presentation:* Prepared for Miromar Lakes MPD/DRI, DCI2022-00052/DRI2022-00004, Hearing Examiner, dated 4/13/2023 (multiple pages – 8.5"x11")
2. *Written Submissions:* Email from Olga Ramos to Hearing Examiner and Maria Perez, with copies to Neale Montgomery, Esq., Dan DeLisi, Chahram Badamtchian, Mark Geschwendt, dated Wednesday, April 19, 2023, 3:42 PM (multiple pages – 8.5"x11" and 11"x17") {post hearing submittal}

Exhibit D

HEARING PARTICIPANTS

County Staff:

1. Chahram Badamtchian, Senior Planner

Applicant Representatives:

1. Dan DeLisi, AICP
2. Neale Montgomery, Esq.
3. Ted Treesh

Exhibit E
INFORMATION

UNAUTHORIZED COMMUNICATIONS

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

HEARING BEFORE LEE COUNTY BOARD OF COUNTY COMMISSIONERS

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

COPIES OF TESTIMONY AND TRANSCRIPTS

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