

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

WHEREAS, Keene Development, LLC filed an application on behalf of the property owner, Santa Barbara Town Center, LLC, to rezone a 9.13± acre parcel from Commercial (C-1) and Residential Single-Family (RS-1) to Residential Planned Development (RPD) in reference to Bayshore Pines RPD; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on March 30, 2023. On March 30, 2023, at the request of the applicant, the Hearing Examiner continued the hearing until May 5, 2023. On May 5, 2023, the public hearing was held. At the conclusion of the hearing, the Hearing Examiner left the record open and requested Staff and the applicant to submit written submissions to her office on or before May 12, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2022-00048 and recommended APPROVAL of the Request with conditions; and

WHEREAS, a second public hearing was advertised and held on August 2, 2023 before the Lee County Board of Commissioners; and,

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

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

SECTION A. REQUEST

The applicant filed a request to rezone 9.13± acres from C-1 and RS-1 to RPD to allow up to 180 multi-family dwelling units, including 89 bonus density units.

The property is located in the Central Urban Future Land Use Category 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. Master Concept Plan/Development Parameters

Master Concept Plan. Development must be consistent with the one-page Master Concept Plan (MCP) entitled "Bayshore Pines RPD" last revised April 28, 2023 (Exhibit C), except as modified by conditions below.

Lee Plan and LDC. Development must comply with the Lee Plan and LDC, except where deviations are approved herein. Changes to approved development parameters, conditions, or MCP may require further development approvals.

Approved Development Parameters. The Bayshore Pines RPD is approved to develop up to 180 multiple family dwelling units, including 89 bonus density units.

2. Permitted Uses and Site Development Regulations

a. Schedule of Permitted Uses

Residential Tracts

Accessory Uses and Structures

Administrative offices

Club: Private

Dwelling Units: Multiple-Family

Entrance Gates and Gatehouse

Essential Services

Essential Service Facilities, Group I

Excavation, Water Retention

Fences and Walls

Models: Model Units

Parking Lot, Accessory

Real Estate Sales Office

Recreational Facilities

Personal

Private-On-Site

Residential Accessory Uses

Signs

Temporary Uses, limited to construction trailers at the time of Development, Real Estate Sales Office and Temporary Amenity Structures/Equipment

b. Site Development Regulations

Minimum Lot Area and Dimensions:

Area: 9 Acres

Width: 560 feet

Depth: 600 feet

Minimum Building Setbacks:

Development Perimeter: 60 feet

Street: 60 feet

Side: 60 feet

Rear: 60 feet

Waterbody: 25 feet

Accessory Structure:

Rear: 30 feet

Side: 30 feet

Maximum Lot Coverage:	40%
Maximum Building Height:	52 feet
Minimum Building Separation:	30 feet

3. Model Units and Real Estate Sales

- a. Units Approved. The project may operate up to nine model units at a time. Models may not duplicate floor plans. Each model unit must have a different design.
- b. Development Order Plans. Development order plans must identify the location of model homes/units and real estate sales offices.
- c. Real Estate Sales Limited. Real estate sales are limited to sale of lots and units within the Bayshore Pines RPD.

4. Crime Prevention Through Environmental Design (CPTED)

Developer must submit a CPTED report to the Lee County Sheriff's Office prior to development order approval.

5. Environmental Conditions

- a. Open Space. Development order plans must depict 45% or 4.09 acres of open space.
- b. Indigenous Vegetation. Development order plans must depict 1.76 acres of indigenous open space allocated among the preserve areas depicted on the MCP as follows:

Indigenous Credit Chart				
Preserve Area	Indigenous Ac.	Width of Area	Credit %	Indigenous with credits
<i>Preserve 1</i>	<i>0.108</i>	<i>20-foot</i>	<i>0%</i>	<i>0.108</i>
<i>Preserve 2</i>	<i>0.691</i>	<i>50-foot</i>	<i>110%</i>	<i>0.76</i>
<i>Preserve 3</i>	<i>0.156</i>	<i>20-foot</i>	<i>0%</i>	<i>0.156</i>
<i>Preserve 4</i>	<i>0.67</i>	<i>92-foot</i>	<i>110%</i>	<i>0.737</i>
TOTAL	1.63			1.76

- c. Development Order Plans. Development order plans must:
 - i. Substantially comply with the Indigenous Preserve Restoration, Management and Monitoring Plan. (Exhibit D)
 - ii. Include a schedule to complete indigenous preservation and restoration within five consecutive years.
 - iii. Include a map depicting areas of mechanical and hand-removal methods of exotic vegetation removal. Developer must limit mechanical clearing to restoration areas and protect native vegetation with tree barricades.

- iv. Include a management/preservation plan for Florida Coontie.
- v. Comply with a Lee County staff approved planting list for restoration areas.
- d. Protection of Existing Native Vegetation During Construction. Prior to County issuance of a vegetation removal permit, developer must submit survey point maps depicting preservation and restoration areas and mechanical clearing limits, including the location of barricades to preserve native vegetation within mechanical exotic removal areas.
- e. Bayshore Road Buffer. The first development order plans must demonstrate a 20-foot Type D buffer along Bayshore Road.

6. FDOT Median Project Effect on Access Location

If FDOT completes construction of its Median Project on Bayshore Road prior to submission of a development order application for the Bayshore Pines RPD, the developer of Bayshore Pines must shift the access on the MCP to the west a sufficient distance to negate the need for Deviation 2.

7. State and Federal Permits

County development permits do not create rights to obtain permits from state or federal agencies and do not create liability on the part of the County if applicant fails to obtain requisite approvals or fulfill obligations imposed by state/federal agencies or if applicant undertakes actions resulting in a violation of state or federal law. Applicant must obtain applicable state/federal permits prior to commencing development.

SECTION C. DEVIATIONS

1. Required Street Access. Deviation (1) seeks to deviate from the LDC § 10-291(3) which requires developments greater than 5 acres to provide two means of access to allow a single access to the project. This deviation is APPROVED, SUBJECT TO the condition that developer must record a notice to all future property owners, in the public record, prior to issuance of a local development order allowing construction of the access to the development. The notice must detail the emergency access plan and provide information as to where a copy of this plan may be obtained from the developer or developer's successor.
2. Buffer Landscape Standards. Deviation (2) seeks to deviate from the LDC § 10-416(d)(6), requirement to provide a 30-foot-wide Type F buffer or an 8-foot-high wall or wall and berm combination no less than 25 feet from abutting property when pavement for multi-family residential development is closer than 125 feet to single family homes, to allow an 8-foot wall along the driveway entering the site to be at a minimum setback distance of 12 feet for a linear distance of 54 feet along the property line in the area depicted on the MCP. This deviation is APPROVED, SUBJECT TO the condition that the first development order plans must depict an 8-foot solid wall, with a setback of 5 to 10 feet, with Type E buffer plantings. Shrubs must be installed at 48-inches and maintained at 72-inches tall.
3. Excavation Setbacks. Deviation (3) seeks to deviate from the LDC § 10-329(d)(1) a.3, requirement to provide a minimum excavation setback of 50 feet from the property line, to allow a minimum 30 foot setback from side and rear property lines. This deviation is

APPROVED, SUBJECT TO the condition that development order plans must depict a fence or other structural barrier surrounding the proposed storm water detention pond shown on the MCP. The fence/structural barrier must be a minimum of 5 feet in height.

4. Deviation (4) is WITHDRAWN
5. Open Space. Deviation (5) seeks to deviate from the LDC § 10-415(b), requirement to provide large developments to provide 50 percent of required open space through onsite preservation of existing indigenous vegetation (which equals 20 percent of the site) to allow for a minimum of 19 percent of indigenous preservation. This deviation is APPROVED, SUBJECT TO the condition that the first development order plans must depict 1.76 acres indigenous preserve area utilizing preserve credits.

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: Indigenous Preserve Restoration, Management and Monitoring Plan

SECTION E. FINDINGS AND CONCLUSIONS

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

1. The requested Bayshore Pines RPD is consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 30, 43, 60, 61, 77, 95, 125, 135, 160; Objectives 2.1, 4.1, 5.1, 77.1, 77.3, 123.2, 126.2, 135.1, 160.1, and Policies 1.1.3, 1.6.5, 2.2.1, 5.1.1, 5.1.3, 5.1.5, 5.1.7, 5.1.10, 5.2.4, 30.3.3, 39.1.3, 135.1.9, 135.9.6, 160.1.3; Lee Plan Maps 1-A, 1-B, 3-D, 4-A, 4-E and Table 1(a).
2. As conditioned, the RPD zoning designation:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, and 34.
 - b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Objective 2.1, and Policies 5.1.2, 5.1.3, 5.1.5, 5.2.4, 135.1.9, 135.9.5, 135.9.6, 160.1.3; LDC §§ 34-411, 34-413.
 - c. Provides sufficient road access to support proposed development intensity.
 - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 38.1.1, 39.1.1, 39.1.3, 39.2.1, 43.1.1; LDC §§ 2-261 *et seq.*, 34-411(d) and (e).
 - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 60, 61, 77, Objectives 60.4, 77.3, 126.2, Policies 5.1.6, 61.3.8, 61.3.11, 77.3.1, 123.8.1, 125.1.2, 126.2.1, and Standard 4.1.4.

- f. 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, 39.1.3, 39.2.1, 95.1.3, Standards 4.1.1, 4.1.2.
3. The proposed uses are appropriate at the subject location. Lee Plan Goals 2, 5, 30; Objectives 2.1, 2.2, Policies 2.1.1, 2.1.2, 5.1.2, 5.1.3, 5.1.5, 5.2.4, 135.9.5, 135.9.6.
4. 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, 5.2.2, 135.9.6; LDC §§ 34-377(a)(3), 34-411 and 34-932(c).
5. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

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

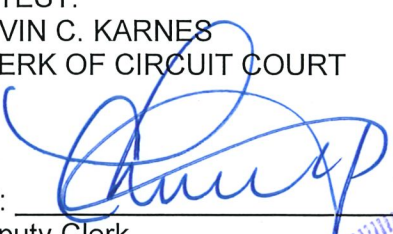
Commissioner Greenwell made a motion to adopt the foregoing resolution, seconded by Commissioner Ruane. The vote was as follows:

Adopted by unanimous consent.

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 2nd day of August, 2023.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Brian Hamman, Chair

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY


David W. Halverson
Assistant County Attorney
County Attorney's Office

SURVEY PLAT

OF A PARCEL LYING IN SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

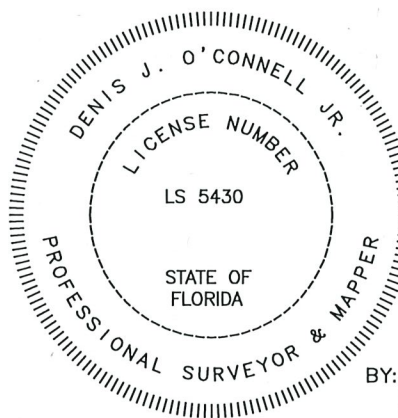
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN THE STATE OF FLORIDA, COUNTY OF LEE, BEING A PORTION OF SECTION 36, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING THE SAME AS THE COMBINED PARCELS DESCRIBED AS EXHIBIT "A" OF INSTRUMENT #2007000313824, PUBLIC RECORDS OF LEE COUNTY, FLORIDA;

COMMENCE AT THE NORTHEAST CORNER OF BAYSHORE PINES ALSO BEING THE NORTHEAST CORNER OF LOT 16, BLOCK A, AS RECORDED AT PLAT BOOK 16, PAGE 73 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.33°40'52"E., FOR A DISTANCE OF 4.77 FEET TO THE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DECRIBED; THENCE N.56°25'32"E., ALONG THE SOUTH LINE OF BLOCK 8, CARRIAGE VILLAGE UNIT 2, AN UNRECORDED SUBDIVISION AS SHOWN ON OFFICIAL RECORDS BOOK 665, PAGE 644 OF SAID PUBLIC RECORDS, FOR A DISTANCE OF 565.96 FEET TO THE NORTHWEST CORNER OF LOT 1, BLOCK 7, CARRIAGE VILLAGE UNIT I, AN UNRECORDED SUBDIVISION AS SHOWN ON OFFICIAL RECORDS BOOK 580, PAGE 205 OF SAID PUBLIC RECORDS; THENCE S.33°34'28"E., ALONG THE WEST LINE OF SAID BLOCK 7, FOR A DISTANCE OF 600.00 FEET; THENCE N.56°25'32"E., ALONG THE SOUTH LINE OF SAID BLOCK 7, FOR A DISTANCE OF 600.00 FEET; THENCE S.33°34'28"E. FOR A DISTANCE OF 49.11 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF BAYSHORE ROAD, A 180 FOOT RIGHT OF WAY, AS SHOWN ON A STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP FOR STATE ROAD No. 78, SECTION 12060-2521, LATEST REVISION 9/27/85; THENCE S 55°56'40" W, ALONG SAID NORTH RIGHT OF WAY LINE, FOR A DISTANCE OF 642.40 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5639.58 FEET; THENCE CONTINUE ALONG SAID NORTH RIGHT OF WAY LINE AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05°18'48", A CHORD BEARING OF S.58°38'12"W., A CHORD LENGTH OF 522.80 FEET AND AN ARC LENGTH OF 522.98 FEET TO A POINT ON THE EAST LINE OF SAID PLAT OF BAYSHORE PINES; THENCE N.33°40'52"W., ALONG THE EAST LINE OF SAID PLAT, FOR A DISTANCE OF 634.33 FEET TO THE POINT OF BEGINNING.

PARCEL CONTAINS 397,837 SQUARE FEET, OR 9.133 ACRES, MORE OR LESS

REVIEWED
DCI2022-00048
Hunter Searson, GIS
Planner
Lee County Government
9/20/2022



**Denis
O'Connell**

Digitally signed
by Denis
O'Connell
Date:
2022.08.29
12:14:07 -04'00'

BY: DENIS J. O'CONNELL Jr.
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. LS# 5430

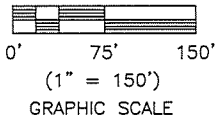
NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF BAYSHORE PINES SUBDIVISION AS RECORDED IN PLAT BOOK 16, PAGE 73 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING N 33°40'52" W.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY.

* THIS IS NOT A SURVEY *

TITLE: LEGAL DESCRIPTION				
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS-PLANNERS LB# 7071		
10970 S. CLEVELAND AVE. SUITE #805 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com				
FILE NAME: 15286SK.DWG	FIELD BOOK/PAGE: 716/26,29,31	PROJECT NO.: 15286	SHEET: 1 OF 2	
EXHIBIT DATE: 8/26/2022	DRAWN BY: BUD	SCALE: 1" = 150'	CHECKED BY: DJO	FILE NO. (S-T-R): 36-43-24

DC120222-00048- Lee County ePlan

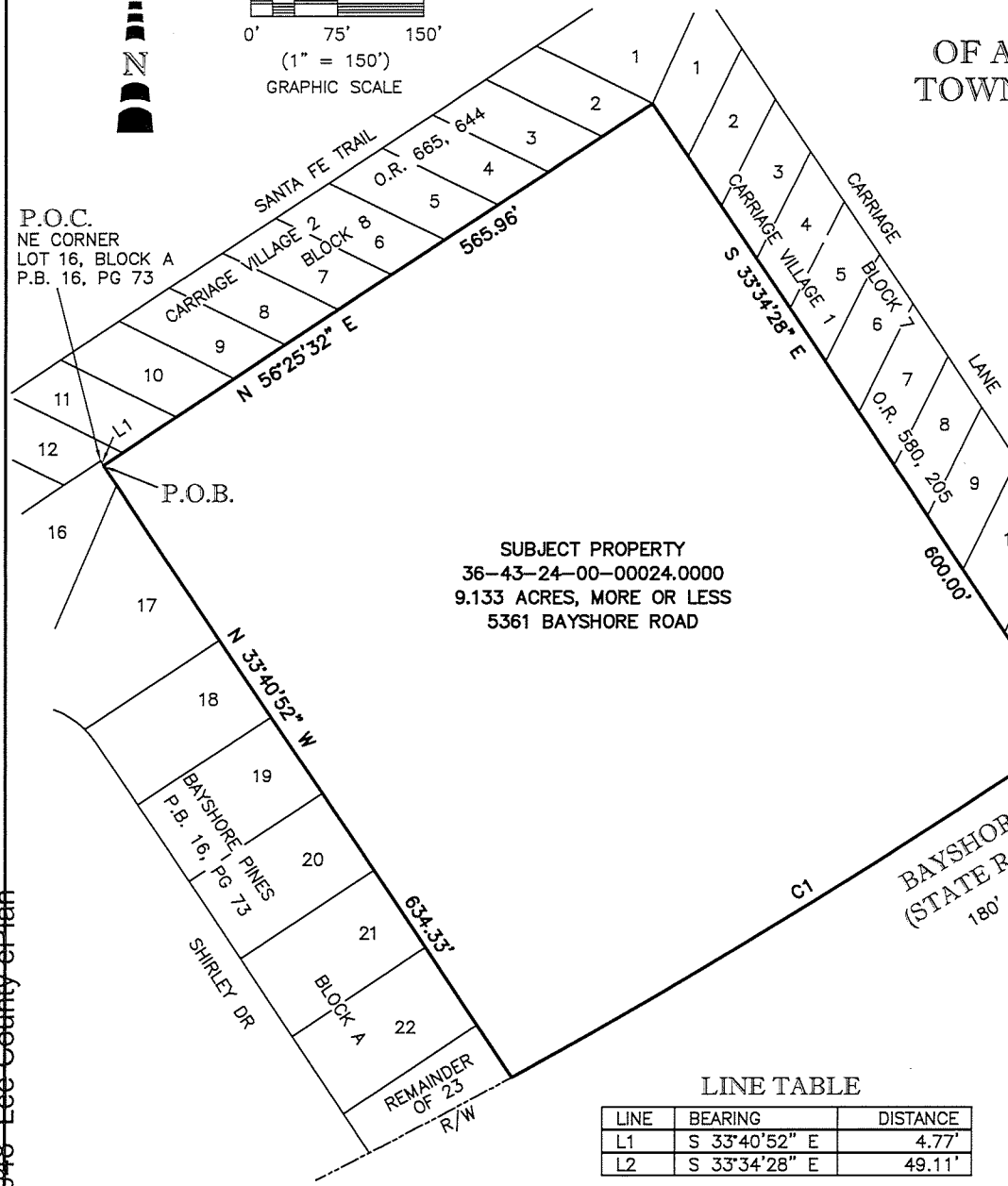


SURVEY PLAT

OF A PARCEL LYING IN SECTION 36,
TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA

LEGEND

- P.O.C. = POINT OF COMMENCEMENT
P.O.B. = POINT OF BEGINNING
O.R. = OFFICIAL RECORDS BOOK
P.B. = PLAT BOOK
PG = PAGE
R/W = RIGHT-OF-WAY



SUBJECT PROPERTY
36-43-24-00-00024.0000
9.133 ACRES, MORE OR LESS
5361 BAYSHORE ROAD

NOTES:

1. BEARINGS ARE BASED ON THE EAST LINE OF BAYSHORE PINES SUBDIVISION AS RECORDED IN PLAT BOOK 16, PAGE 73 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA AS BEING N 33°40'52" W.
2. DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. PARCEL IS SUBJECT TO EASEMENTS, RESERVATIONS OR RESTRICTIONS AND RIGHT-OF-WAYS (RECORDED AND UNRECORDED, WRITTEN AND UNWRITTEN).
4. RECORDING INFORMATION SHOWN HEREON RELATES TO THE PUBLIC RECORDS OF LEE COUNTY.

* THIS IS NOT A SURVEY *

LINE TABLE

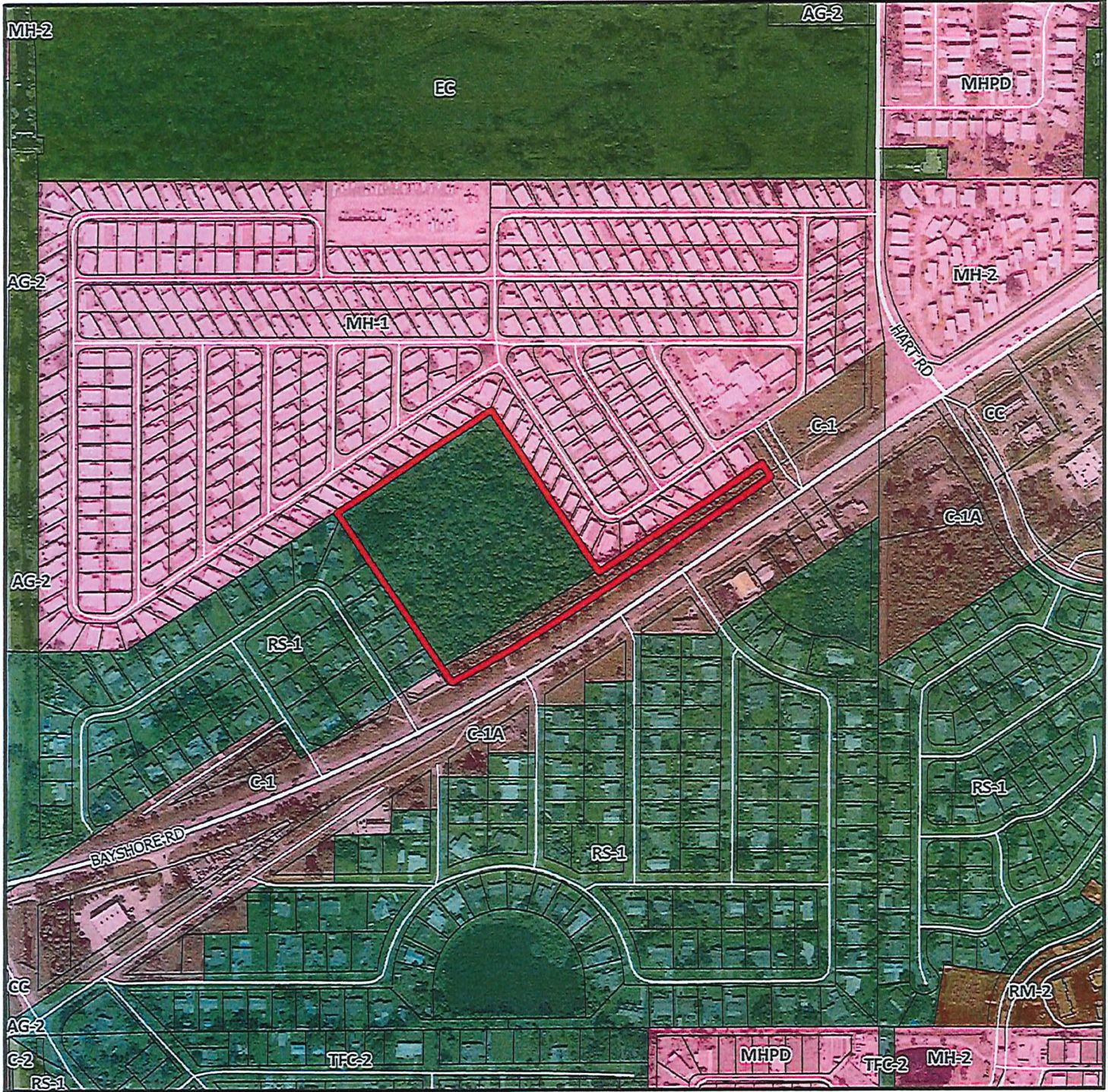
LINE	BEARING	DISTANCE
L1	S 33°40'52" E	4.77'
L2	S 33°34'28" E	49.11'

CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	5639.58'	522.98'	522.80'	S 58°38'12" W	5°18'48"

TITLE: SKETCH OF DESCRIPTION			
		METRON SURVEYING & MAPPING, LLC LAND SURVEYORS · PLANNERS LB# 7071	
10970 S. CLEVELAND AVE. SUITE #605 FORT MYERS, FLORIDA 33907 PHONE: (239) 275-8575 FAX: (239) 275-8457 www.metronfl.com			
FILE NAME: 15286SK.DWG	FIELD BOOK/PAGE: 716/26,29,31	PROJECT NO.: 15286	SHEET: 2 OF 2
EXHIBIT DATE: 8/26/2022	DRAWN BY: BUD	SCALE: 1" = 150'	CHECKED BY: DJO FILE NO. (S-T-R) 36-43-24

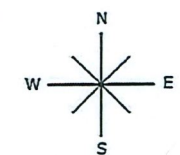
Exhibit "B"



DCI2022-00048

Zoning

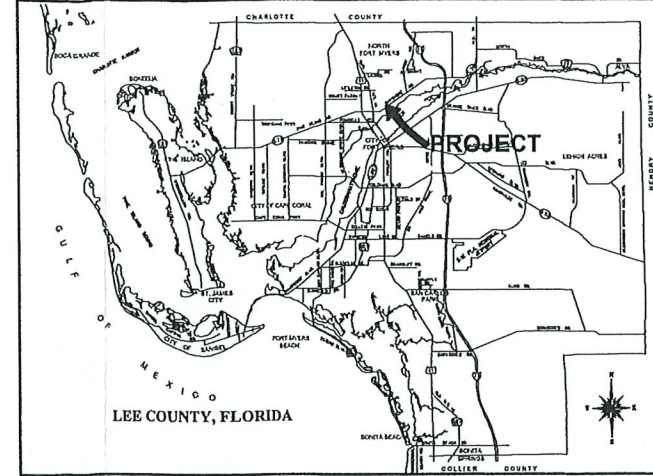
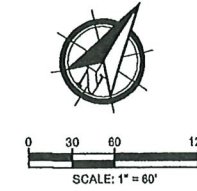
 Subject Property



0 250 500 750
Feet

ATTACHMENT B





LOCATION MAP

- LEGEND**
- REPRESENTS INDIGENOUS OPEN SPACE PRESERVE AREA
 - OPEN SPACE
 - DEVIATION # - SEE DEVIATION NARRATIVE DOCUMENT

(5) Indigenous Preservation Credits				
	Area (Ac)	Min. Width (ft)	Bonus	Reason for Bonus*
1	0.108	20	None	N/A
2	0.691	50	10%	Adj. R/W
3	0.156	20	None	N/A
4	0.670	92	10%	Size
	1.625			1.761

*NOTE: BONUS CREDITS COME FROM LDC 10-415(b)(3)

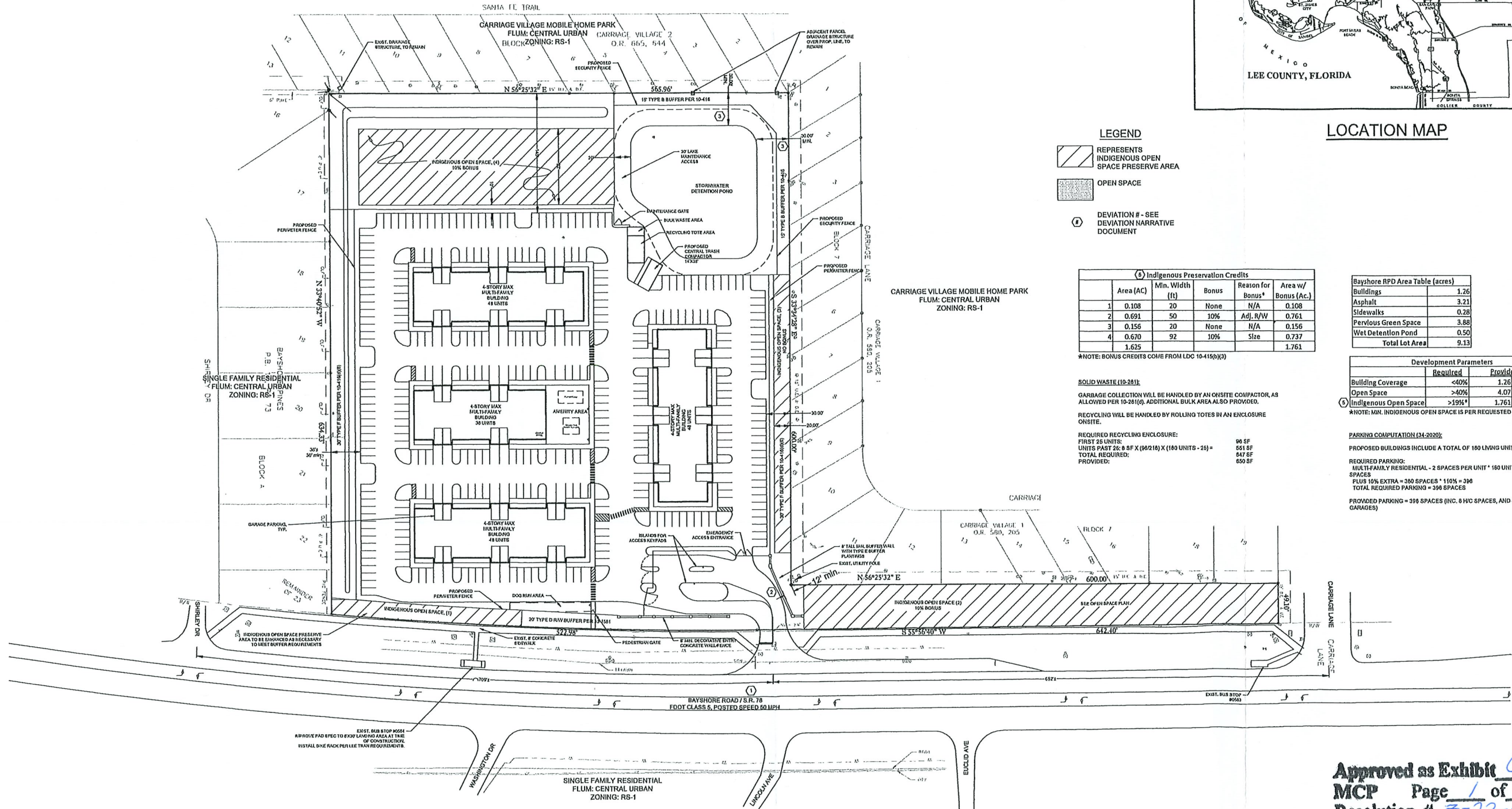
Bayshore RPD Area Table (acres)	
Buildings	1.26
Asphalt	3.21
Sidewalks	0.28
Pervious Green Space	3.88
Wet Detention Pond	0.50
Total Lot Area	9.13

Development Parameters		
	Required	Provided (Ac)
Building Coverage	<40%	1.26 14%
Open Space	>40%	4.07 45%
Indigenous Open Space	>19%*	1.761 19.28%

*NOTE: MIN. INDIGENOUS OPEN SPACE IS PER REQUESTED DEVIATION 5.

SOLID WASTE (10-281):
GARBAGE COLLECTION WILL BE HANDLED BY AN ONSITE COMPACTOR, AS ALLOWED PER 10-281(d). ADDITIONAL BULK AREA ALSO PROVIDED.
RECYCLING WILL BE HANDLED BY ROLLING TOTES IN AN ENCLOSURE ONSITE.
REQUIRED RECYCLING ENCLOSURE:
FIRST 25 UNITS: 96 SF
UNITS PAST 25: 8 SF X (80/218) X (180 UNITS - 25) = 551 SF
TOTAL REQUIRED: 647 SF
PROVIDED: 650 SF

PARKING COMPUTATION (34-2020):
PROPOSED BUILDINGS INCLUDE A TOTAL OF 180 LIVING UNITS.
REQUIRED PARKING:
MULTI-FAMILY RESIDENTIAL - 2 SPACES PER UNIT * 180 UNITS = 360 SPACES
PLUS 10% EXTRA = 360 SPACES * 110% = 396
TOTAL REQUIRED PARKING = 396 SPACES
PROVIDED PARKING = 396 SPACES (INC. 6 HVC SPACES, AND 48 INTERIOR GARAGES)



Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-23-015

APPLICANT'S EXHIBIT 8
Revised MCP 4-28-23
DC100000-00048

Bayshore Pines RPD

Indigenous Preserve Restoration, Management and Monitoring Plan

Project Description

This project involves a 9.13 acres site. Site is currently vacant but is proposed for development of 180 units of multifamily residential spread across four buildings. In order to meet the requirements of the Land Development Code (LDC) 10-415, 4.09 acres (45%) of the site is set aside as open space, surpassing the 40% minimum required for large development multifamily residential. In addition, LDC 415(b) requires that 50% of the required open space be provided through indigenous reservation on site. Deviation 5 is being requested to reduce the minimum indigenous preserve area to 19%. To meet indigenous this requirement, there are four preserve areas that total 1.62 acres, 1.77 acres with bonuses per LDC 10-415(b)(3), including 0.43 acres of indigenous restoration area. See Exhibit 1 for locations of indigenous open space preserves.

The restoration area is located on the east of the project adjacent to Bayshore Road. Currently, the area is overgrown with Brazilian peppers, an invasive exotic species that will need to be removed to meet compliance with the Land Development Code. The area will be restored as shown in Exhibit 2 with the plants shown in Exhibit 3. The replanted indigenous area will also serve to continue buffering Carriage Village from Bayshore Road after the removal of exotics.

Management Plan

All exotics within the preserve areas will be hand removed or killed in place. Exotic vegetation within the restoration area may be mechanically removed as needed; however, any native vegetation discovered within this area shall be protected with appropriate barricades and only hand removal within the barricaded areas is allowed. Exotic vegetation will be treated with an approved herbicide (poison) and a tracer dye. Following the initial exotic removal within the preserve and restoration areas, a maintenance program will be implemented to prevent reinvasion of the site by prohibited exotic species.

Maintenance for exotics will be implemented on a yearly basis, or more frequently if needed, and will be conducted in perpetuity and as required by the LDC.

Monitoring Report

As specified in LDC 10-474(h), a report detailing the condition of the indigenous preserve and restoration areas is to be submitted annually to the Director of Lee County Development Services after the project has been constructed and the Certificate of Completion has been issued by Lee County. This report shall include status of the preserve with a minimum of two photo stations for each area from opposite viewing perspectives, management techniques being employed (trimming, weeding, fertilizer, replanting, exotic removal, etc.), and is the sole responsibility of the property owner. A baseline report shall be prepared by a biologist and shall be submitted upon completion of construction, with annual reports for five years showing compliance with the approved Development Order.

Exhibit 1

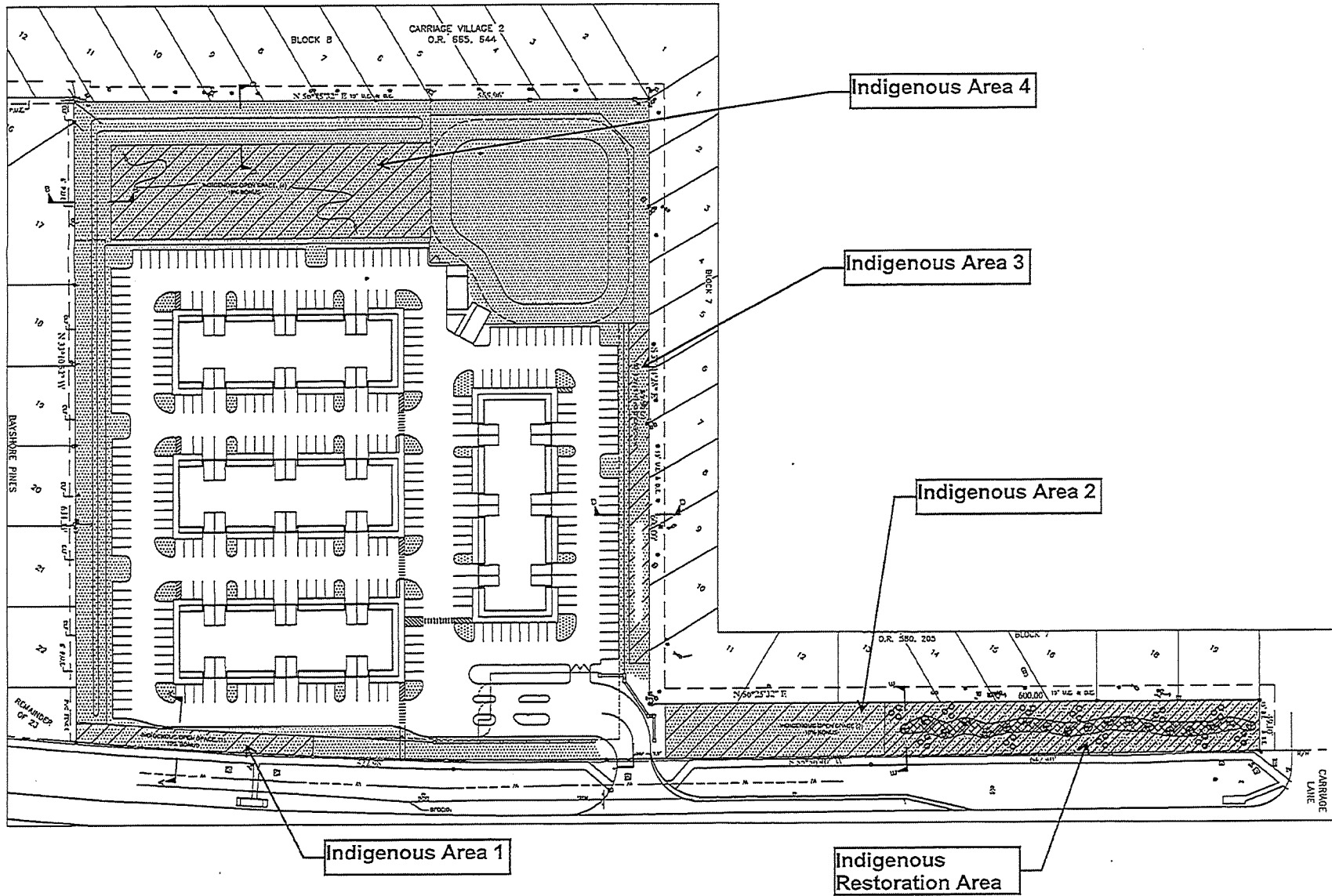
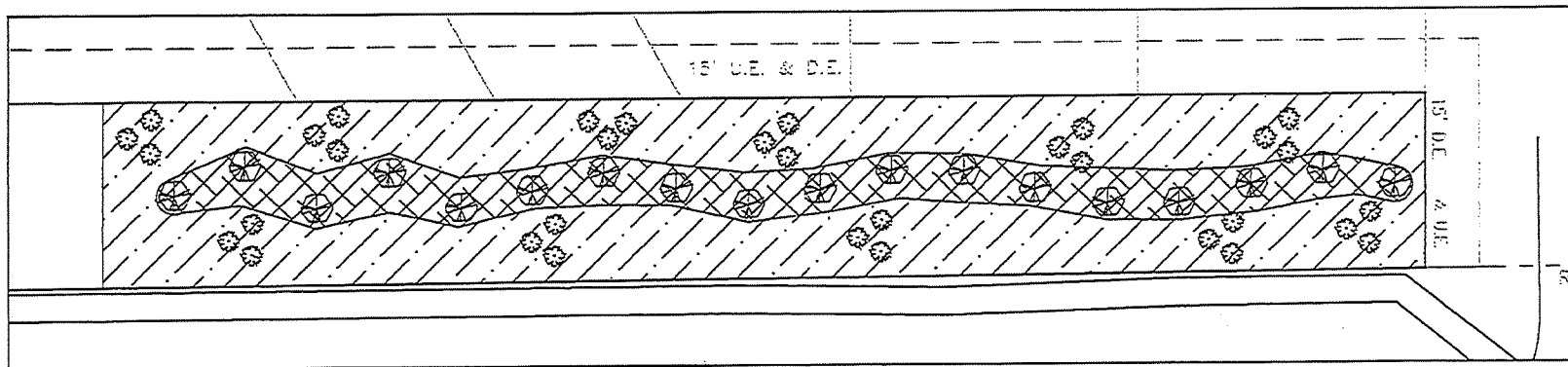


Exhibit 2



INDIGENOUS RESTORATION AREA CONCEPTUAL PLANTING PLAN

Exhibit 3

INDIGENOUS RESTORATION PLANT LIST*				
	33	SABAL PALMS**	SABAL PALMETTO	8' CLEAR TRUNK MIN.; 12' MIN. HT.
	18	LIVE OAK LAUREL OAK DAHOON HOLLY SLASH PINE	QUERCUS VIRGINIANA QUERCUS LAUTIFOLIA ILEX CASSINE PINUS ELLIOTTII	10' HT.; 3" CAL.; 5' SPREAD
	525	SAND CORDGRASS MUHLY GRASS	SPARTINA BAKERII MUHLENBERGIA CAPILLARIS	1 GAL., FL. #1 QUAL., 3' O.C.
	1,200	GROUND COVER, MIN. 3 VARIETIES GOLDEN CREEPER BEAUTYBERRY COONTIE GOPHER-APPLE WILD PLUMBAGA WILD LANTANA	ERNODEA LITTORALIS CALLICARPA AMERICANA ZAMIA INTERGRIFOLIA GEOBALANUS OBLONGIFOLIUS PLUMBAGA ZEYLANICA LANTANA INVOLUCRATA	1 GAL., FL. #1 QUAL., 3' O.C.
	220	SHRUBS***, MIN. 3 VARIETIES: SAW PALMETTO COCOPLUM WAX MYRTLE SIMPSON'S STOPPER WILD COFFEE FIREBUSH WALTER'S VIBURNUM	SERENOA REPENS CHRYSOBALANUS ICACO MYRICA CERIFERA MYRCIANTHES FRAGRANS PSYCHOTRIA NERVOSA HANELIA PATENS VIBURNUM OBOVATUM	24" HT., FL. #1 QUAL., 8' O.C.

NOTE:

*ALL PLANTED AREAS TO RECEIVE MIN. 2" LAYER OF PINE STRAW MULCH.

**SABAL PALMS TO BE RELOCATED FROM ELSEWHERE ON SITE WHERE POSSIBLE.

***SHRUBS MAY BE PLANTED IN GROUPS OF THREE.