EXHIBITS

CASE # DCI2023-00050

CASE NAME: DIPLOMAT HOUSE aka DIPLOMAT NORTH RPD AMENDMENT

Attach copy of this form to top of packet of exhibits & place exhibits in case file.

ARE THERE ANY BOARD EXHIBITS? ____YES ____ NO

LOCATION OF BOARDS_____

If there are any board exhibits, attach another copy of this form to boards for identification purposes.

EXHIBITS

Case # **DCI2023-00050**

APPLICANT	STAFF
Q. 48-Hour	
#1 PowerPoint	#1 Staff Report
#2 Composite Exhibit	#2 powerpoint
#3 Legal description for RPD/LPD	#3
#4 Clarification to HEX memo	#4
#5	#5
#6	#6
#7	#7
#8	#8
#9	#9
#10	#10

OTHER EXHIBITS

NAME	NUMBER	DESCRIPTION
	#	
	#	
	#	
	#	
	#	
	#	

Waters, Linda

From: Stacy Hewitt <shewitt@atwell-group.com>
Sent: Friday, June 21, 2024 3:46 PM
To: Hearing Examiner
Cc: Danley Jr, Dirk; Perez, Maria; Boone, Tina; Schaefer, Lauren; Temerario, Erica; Adams, Joseph; Swindle, Amanda; Jacob, Michael
Subject: DCI2023-00050/DIPLOMAT HOUSE AKA DIPLOMAT NORTH RPD AMENDMENT - Applicant's 48-Hour Notice and Exhibit/Witness List
Attachments: DCI2023-00050-Diplmoat House -Applicant 48-hr Notice with Attachments.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon and Happy Friday. 😊 I hope this email finds you well.

Attached please find the Applicant's 48 Hour Notice and Exhibit/Witness List with attachments combined as one PDF for the above referenced case.

I look forward to the hearing.

Thank you and hope you have a great weekend,
Stacy

Stacy Ellis Hewitt, AICP
Planner
ATWELL, LLC
239.770.2527 Cell
239.939.5490 Office
shewitt@atwell-group.com
Banks Engineering has merged with Atwell, LLC
10511 Six Mile Cypress Pkwy, Ste. 101 | Fort Myers, FL 33966
www.atwell-group.com
Local Solutions | National Presence

From: Perez, Maria <MPerez@leegov.com>
Sent: Wednesday, June 19, 2024 11:36 AM
To: Stacy Hewitt <shewitt@bankseng.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Princing, Jamie <JPrincing@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Evans, Marcus <MEvans@leegov.com>; Rodriguez,

APPLICANT'S EXH # 9

Jennifer <JMRodriguez@leegov.com>
Subject: CASE # DCI2023-00050 CASE NAME: DIPLOMAT HOUSE AKA DIPLOMAT NORTH RPD AMENDMENT

Good morning. Ms. Donna Marie Collins will be the Hearing Examiner presiding over the subject zoning case scheduled to be heard on June 26, 2024.

I have attached instructions on how to submit 48-hour notice and the exhibit list. Please do not pre-label your exhibits.

A court reporter will be present.

We have upgraded our equipment in our hearing room. I have attached the new project layout so PowerPoint Presentations may be prepared to fit the screen. Thank you.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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Please note our general office email address: hex@leegov.com

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Confidential Notice: This is a confidential communication. If you received in error, please notify the sender of the delivery error by replying to this message and then delete it from your system. Electronic Data: Since data stored on electronic media can deteriorate, be translated or modified, Atwell, LLC will not be liable for the completeness, correctness or readability of the electronic data, including but not limited to draft, partial, preliminary, or incomplete plans. Any Electronic Data is provided "as-is". The

electronic data should be checked against the hard copy (paper, mylar, etc.). Hard copies are on file with Atwell and can be provided upon request.

ATWELL

June 21, 2024

VIA ELECTRONIC MAIL ONLY

Donna Marie Collins, Esq.
Lee County Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

Reference: **DCI2023-00050 -DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD AMENDMENT**
HEARING DATE: JUNE 26, 2024
APPLICANT'S 48-HOUR NOTICE AND EXHIBIT/WITNESS LISTS

Dear Madam Hearing Examiner:

The applicant has reviewed the Staff Report and attachments received June 12, 2024, and has identified no unresolved issues. The Applicant submits the following clarifications/corrections and supplemental information which have been coordinated with Staff in general agreement.

One major point of clarification between the Staff Report and Attachment C and the Applicant's Proposed Conditions and Narrative in Staff Report Attachments E and G is the treatment of the 5.43 Acre North CPD that was established by Z-11-002 and clarified by ADD2019-00085. The Applicant's materials treated this CPD as optional, and the Staff Report intends to leave the CPD but remove commercial square footage and allow it to be developed as part of the North RPD. The Applicant is in agreement with Staff's approach. Please see attached Applicant's Proposed Revisions to Attachment C – Conditions and Deviations with revisions highlighted and in clean version to clarify this intent, reflect existing approval language and incorporate clarifications or corrections that have been coordinated with Staff.

Please find the following supplemental documents attached:

1. Zoning Parcel Key Map demonstrating the overall RPD/CPD zoning with labels and acreages for reference
2. Legal description and sketches of the North RPD and 5.48 acre North CPD that were not attached to Z-11-002, but were included in its associated case file DCI2010-00015
3. Applicant's Proposed Revisions to Attachment C – Conditions and Deviations (revisions highlighted)
4. Applicant's Proposed Revisions to Attachment C – Conditions and Deviations (clean)
5. Staff Report Attachment D – Master Concept Plan (revised to reflect 5.48 acre North CPD on page 1 of 3 and within open space tables on all pages)
6. Staff Report Attachment E – Applicant's Proposed Conditions which reflects codification of prior approvals updated to reflect revisions to proposed conditions
7. Applicant's Submitted Protected Species Survey
8. Submitted Solid Waste Approval Email

The Applicant submits the following clarifications/corrections to the Staff Report:

1. Page 1, HISTORY OF PARCEL, 1st Paragraph, 3rd line correction:
   …maximum of ~~400,000~~ 200,000 square feet of commercial intensity, including a maximum of 100,000 square feet of retail uses, up to 457 dwelling units and up to 120 hotel rooms…

2. Page 3, ANALYSIS, 1st Paragraph clarification: The applicant is proposing residential development on 35.18 acres (29.75 acre North RPD and 5.43 acre North CPD). The additional 2.95 acres that brings the request acreage to 38.13 is for residential density transfer only from CPD Parcels 1 and 2 with no impact to their allowed commercial development.

3. Page 3, ANALYSIS, 2nd Paragraph clarification: ADD2020-00034 approved option for conversion ratio for commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres) limited to Commercial Parcels 3 and 4. The conversion ratio for 116 dwelling units equates to 17,052 square feet of commercial.

4. Page 4, Development Pattern Considerations, 1st Paragraph clarification: the entire site is within Central Urban future land use category.

5. Page 7, Deviations: Clarification that Deviations 7 and 8 are for North RPD and 5.43 acre North CPD as submitted in revised conditions.

For the Applicant's Exhibit List, the Applicant will refer to the Lee County Land Development Code, the Lee Plan, the Staff Report including its Attachments, this letter with attachments and submitted application materials and intends to provide the following Exhibits at the hearing:

- Applicant's PowerPoint Presentation
- 24"x36" Master Concept Plan

The following individuals will be attending the hearing as the Applicant's potential witnesses. Those marked by an asterisk (*) will be factual and expert witnesses who will testify during the Applicant's presentation-in-chief, while the remaining potential witnesses will be available for questions and/or rebuttal, if necessary.

1. *Stacy Ellis Hewitt, AICP (Planning and Zoning)
   - 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, Site Planning, and Land Use Planning, and as they relate to Lee County zoning and planning.
2. Christian Casey (Environmental)
   - 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 as they relate to Lee County zoning and planning.
3. Samuel W. Marshall, PE (Surface Water Management)
   - 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 Engineering as they relate to Lee County zoning and planning.
4. Ted B. Treesh, PTP (Transportation Planning)
   - 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 Traffic and Transportation Planning as they relate to Lee County zoning and planning.

I look forward to seeing you at the upcoming hearing.

Sincerely,
ATWELL, LLC

Stacy Ellis Hewitt, AICP
Planner

cc: Dirk Danley Jr, AICP
Joseph A. Adams, Esq.
Amanda L. Swindle, Esq.
Michael D. Jacob, Esq.

DCI2023-00050 -DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD AMENDMENT
ZONING PARCEL KEY MAP

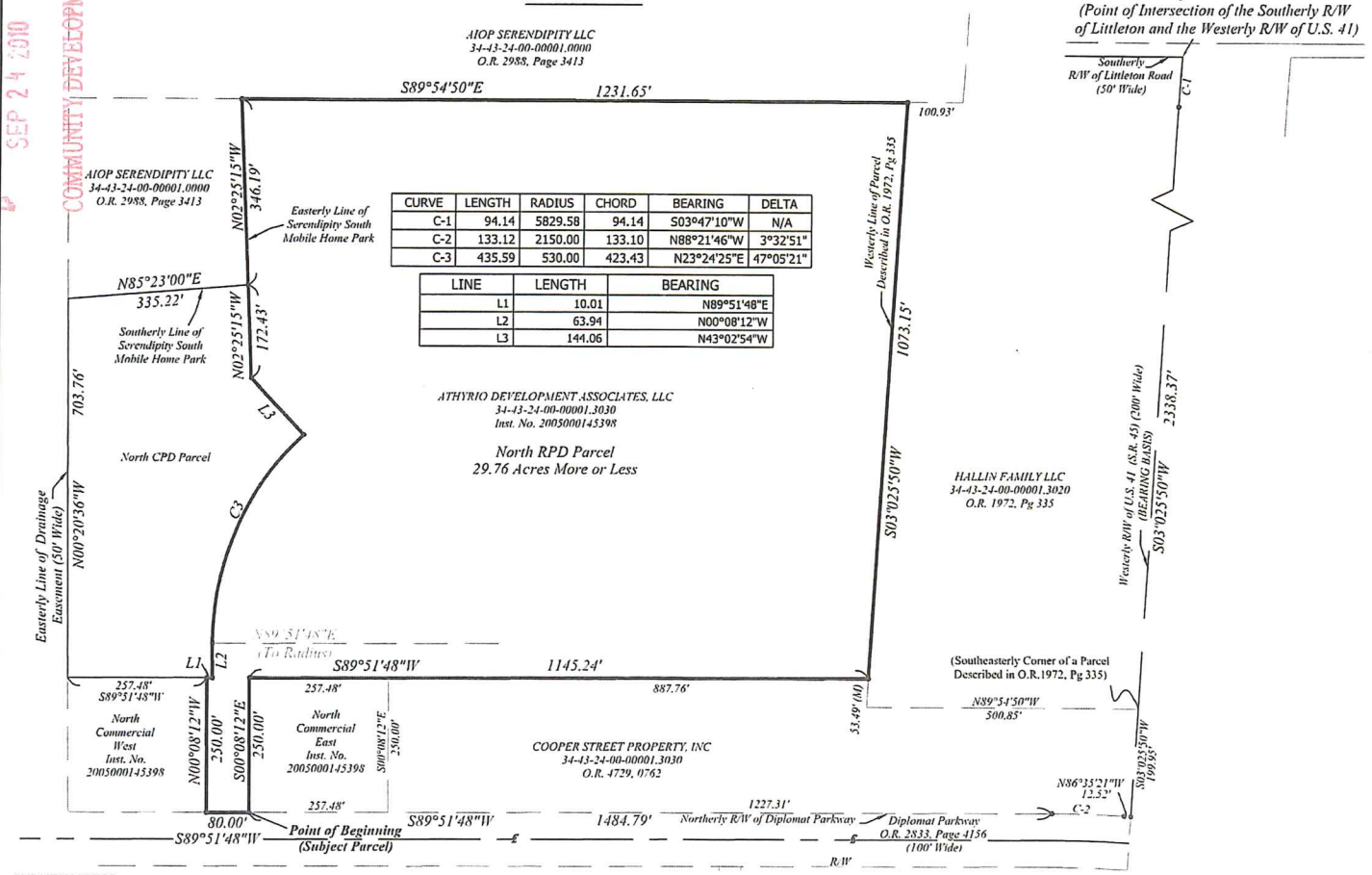


DCI2023-00050 -DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD AMENDMENT
LEGAL DESCRIPTION AND SKETCHES FROM DCI2010-00015

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SEP 24 2010
COMMUNITY DEVELOPMENT

DCI 2010-00015

Sketch:



CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
C-2	133.12	2150.00	133.10	N88°21'46"W	3°32'51"
C-3	435.59	530.00	423.43	N23°24'25"E	47°05'21"

LINE	LENGTH	BEARING
L1	10.01	N89°51'48"E
L2	63.94	N00°08'12"W
L3	144.06	N43°02'54"W

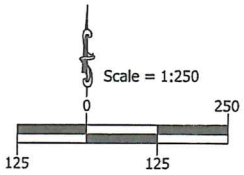
SURVEY NOTES:
1. BEARING BASIS: WESTERLY RIGHT OF WAY LINE OF U.S. 41 AS: S03°025'50"W
2. MEASUREMENTS SHOWN ARE IN FEET AND DECIMALS THEREOF.
3. **THIS IS NOT A SURVEY**
4. ADDITIONS TO OR DELETIONS OTHER THAN THE SIGNING SURVEYOR AND MAPPER ARE PROHIBITED BY LAW WITHOUT THE EXPRESS WRITTEN CONSENT OF THE SIGNING SURVEYOR AND MAPPER. *COPYRIGHT 2009, DAVID K. CRAMER, PSM, ALL RIGHTS RESERVED.*
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Exhibit No. PH-.3.C.2

Description to Accompany Sketch

Subject Parcel - North RPD

A Portion of Land Lying in Section 34, township 43 South, Range 24 East



THIS IS NOT A SURVEY

CRAMER SURVEYING, INC.
SURVEYING PROFESSIONALS
PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655
1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904
Phone: (239) 540-8556 Fax: (239) 540-4750
www.cramersurveying.com

JOB # 10-1062	PREPARED FOR: En-Site
SECTION 34, TOWNSHIP 43S, RANGE 24E	

DATE	REVISION

I hereby certify that, to the best of my knowledge and belief, the sketch and description represented hereon, made under my direction on **September 16th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes.

DAVID KEITH CRAMER
FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER

DCI 2010-00015

Description

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COMMUNITY DEVELOPMENT

SUBJECT PARCEL - (*NORTH RPD*):

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 1484.79 FEET TO THE **POINT OF BEGINNING**; THENCE, FROM SAID POINT OF BEGINNING, CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 10.01 FEET; THENCE N.00°08'12"W. FOR 63.94 FEET; THENCE 435.59 FEET ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 530.00 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 423.43 FEET AND BEARING N.23°24'25"E. TO A POINT OF INTERSECTION WITH A LINE THAT BEARS N.43°02'54"W.; THENCE LEAVING SAID CURVE RUN N.43°02'54"W. FOR 144.06 FEET; THENCE N.02°25'15"W. FOR 172.43 FEET TO AN INTERSECTION WITH THE SOUTHERLY AND EASTERLY LINE OF SERENEDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE CONTINUE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING TWO (2) DESCRIBED COURSES: N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

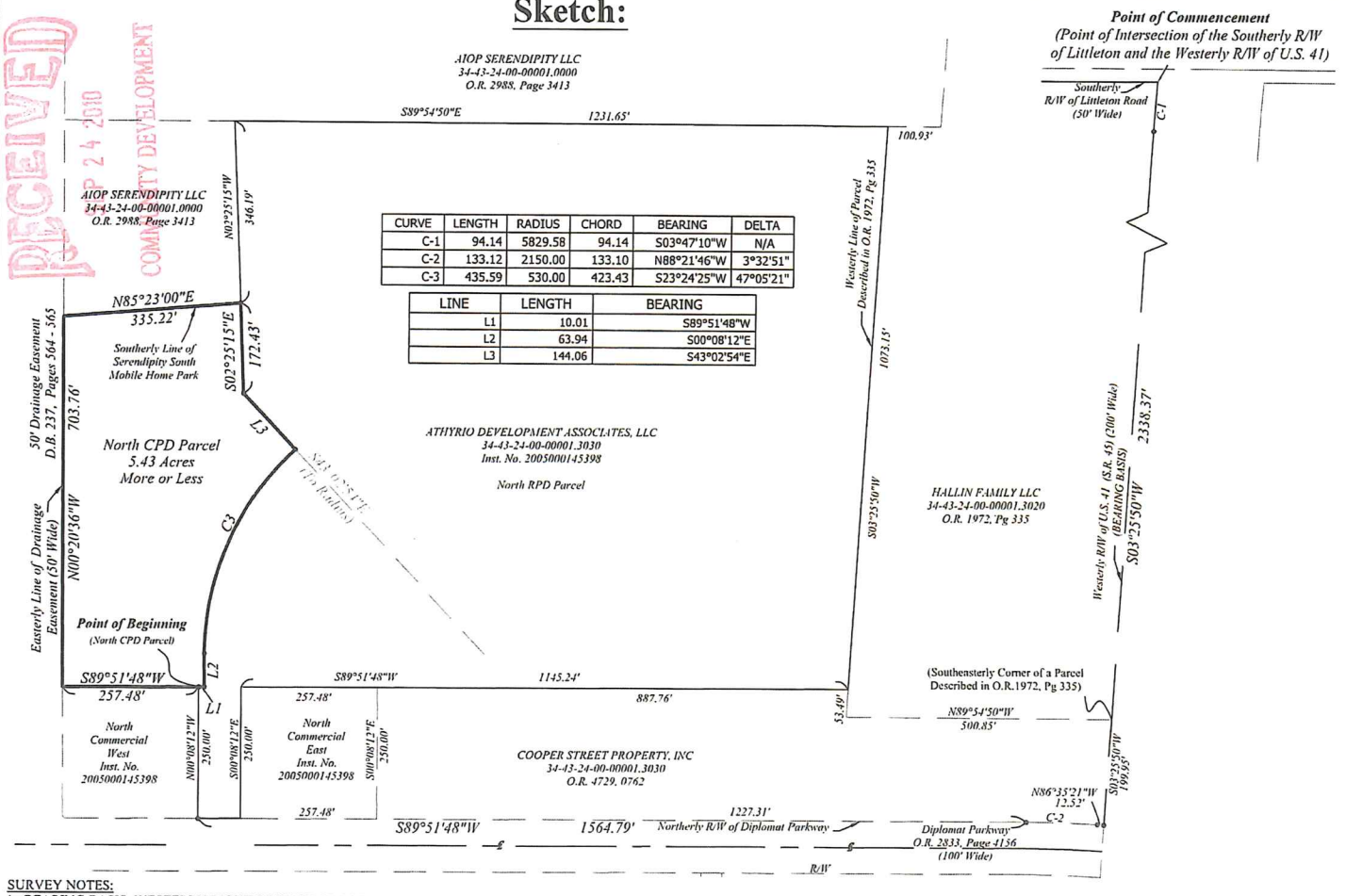
PARCEL CONTAINS 29.76 ACRES, MORE OR LESS.

THIS IS NOT A SURVEY	Sketch to Accompany Description **Subject Parcel - North RPD** *A Portion of Land Lying in Section 34, township 43 South, Range 24 East*	**Exhibit No. PH-3.C.1**
Page 2 of 2	**CRAMER SURVEYING, INC.** **SURVEYING PROFESSIONALS** PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East. Suite 209. Cape Coral. FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 www.cramersurveying.com	I hereby certify that, to the best of my knowledge and belief, the sket ch and description represented hereon, made under my direction on **September 16th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Page 1 of 2 for Signature and Seal* **DAVID KEITH CRAMER** FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB # 10-1062 | PREPARED FOR: En-Site SECTION 34, TOWNSHIP 43S, RANGE 24E		

DCI 010-00015

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Sketch:



CURVE	LENGTH	RADIUS	CHORD	BEARING	DELTA
C-1	94.14	5829.58	94.14	S03°47'10"W	N/A
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C-3	435.59	530.00	423.43	S23°24'25"W	47°05'21"

LINE	LENGTH	BEARING
L1	10.01	S89°51'48"W
L2	63.94	S00°08'12"E
L3	144.06	S43°02'54"E

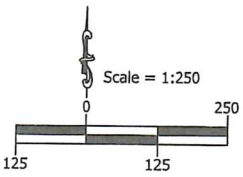
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JOB # 10-1062	PREPARED FOR: En-Site
SECTION 34, TOWNSHIP 43S, RANGE 24E	

DATE	REVISION

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PARCEL CONTAINS 5.43 ACRES, MORE OR LESS.

DCI 2010-00015

THIS IS NOT A SURVEY	Sketch to Accompany Description **Subject Parcel - North CPD** *A Portion of Land Lying in Section 34, township 43 South, Range 24 East*	**Exhibit No. PH-3.C.1**
Page 2 of 2	**CRAMER SURVEYING, INC.** **SURVEYING PROFESSIONALS** PROFESSIONAL SURVEYOR AND MAPPER NUMBER PSM6655 1031 Cape Coral Pkwy East, Suite 209, Cape Coral, FL 33904 Phone: (239) 540-8556 Fax: (239) 540-4750 www.cramersurveying.com	I hereby certify that, to the best of my knowledge and belief, the sket ch and description represented hereon, made under my direction on **September 16th, 2010** is in accordance with Minimum Technical Standards as set forth by the Florida Board of Professional Surveyors & Mappers in Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027 Florida Statutes. *See Page 1 of 2 for Signature and Seal* **DAVID KEITH CRAMER** FLORIDA PROFESSIONAL SURVEYOR & MAPPER NO.6655 NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER
JOB # 10-1062 | PREPARED FOR: En-Site SECTION 34, TOWNSHIP 43S, RANGE 24E		

ATTACHMENT C

DIPLOMAT HOUSE f/k/a DIPLOMAT NORTH RPD AMENDMENT SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & CONDITIONS

1. Development ~~north of Diplomat Parkway East~~ [1] must be substantially consistent with the ~~1-3~~ three-page Master Concept Plan (MCP) entitled:

   Page 1 of 3: "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 6/19/2024; ~~DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated last revised 4-22-21 and date stamped "Received APR 27 2011 Community Development" AND~~ OR

   ~~The 1 page~~ Page 2 of 3 of the Master Concept Plan entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised ~~01-23-2008~~ 6/19/2024; OR

   Page 3 of 3~~:~~ ~~and date stamped "Received JAN 30 2008 Permit Counter," Development south of Diplomat Parkway East must be substantially consistent with the 1 page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 03/12/2007, last revised 03/12/2025 01-23-2008 and date stamped "Received JAN 30, 2008 Permit Counter," OR the 1 page Page 3 of 3~~ of the MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10/28/2019, last revised 6/19/2024, except as modified by the conditions below.

~~Note: the portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75-acre~~ 35.2-acre site that may be developed either as an RPD with RPD uses or and and/or an ALF/CCF, with ~~or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.~~

This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum number of dwelling units (North RPD~~/~~ and 5.48 Acre North CPD Parcel): ~~138~~ 360 dwelling units (Standard Density utilizing North RPD~~/~~ and 5.48 Acre North CPD (~~38.13~~ 35.18 acres), Commercial Parcel 1 (1.48 Acres) and Commercial Parcel 2 (1.47 acres) ~~plus a maximum of 400 beds for assisted living~~ ~~facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP~~.

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units

may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD South of Diplomat Parkway. An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

~~Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical Office may be converted per Table "B" of the approved MCP.~~

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3, and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~ North RPD and 5.48 Acre North CPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay. Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres).

~~Retail development is limited to Parcel 4 (which meets Commercial Site Location Standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location Standards).~~

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

a. SCHEDULE OF USES

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP
Community Garden
Dwelling Units – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)
Single-family
Duplex
Two-family attached
Multiple-family
Townhomes ~~– limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)~~
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only

Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 – ~~Commercial Development~~ North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Auto Parts Store - No installation service
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden ~~(Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II ~~(but not Group III)~~
Cultural Facilities
Day Care, Adult, Child
Department Store

Drive-through facility for any permitted use. No fast-food drive-through
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multiple-family (Limited to Parcels 3 & 4 ~~North of Diplomat Parkway~~) See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III ~~(but not Group IV).~~
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)
Non-store Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales, Limited to rental/sales of units within multiple-family development permitted on Parcels 3 and 4
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment

primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Residential accessory uses (Limited to Parcels 3 & 4)
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through – within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs ~~in Accordance with LDC Chapter 30~~
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway & 5.43 Acre North CPD

Accessory Uses and Structures
Administrative Office
~~Assisted Living Facilities - (pursuant to Condition 1)~~
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
~~Continuing Care Facilities~~
Dwelling Units~~, single-family, duplex, two-family attached,~~ - (pursuant to Condition 1)
Multi-family
Townhomes ~~- (pursuant to Condition 1)~~
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities

Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses
Temporary Real Estate Sales Office

~~CPD - 5.43-Acre Parcel north of Diplomat Parkway~~

~~Administrative Office~~
~~Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs~~
~~Automatic Teller Machine~~
~~Banks and Financial Establishments, Groups I and II~~
~~Business Services, Groups I and II (no impound yards or armored car services)~~
~~Cleaning and Maintenance Services~~
~~Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.~~
~~Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
~~Cultural Facilities~~
~~Entrance Gate and Gatehouse~~
~~Emergency Operations Center~~
~~EMS, Fire or Sheriff's Station~~
~~Essential Services~~
~~Essential Service Facilities, Group I only~~
~~Excavation, Water Retention - not to include the removal of excavated material from thesite. No blasting.~~
~~Fences and Walls.~~
~~Health Care Facility, Groups I, II and III (no Group IV)~~
~~Insurance Companies~~
~~Medical Office~~
~~Parking Lot, Accessory~~
~~Personal Services, Groups I and II~~
~~Pharmacy - accessory to medical office use only~~
~~Real Estate Sales Office~~
~~Religious Facilities~~
~~Research and Development Laboratories, Groups I, II, III and IV~~
~~Schools, Commercial and Non-Commercial~~
~~Signs in Accordance with LDC Chapter 30~~
~~Social Services Group I only~~
~~Temporary Uses~~

b. SITE DEVELOPMENT REGULATIONS

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	7,500 square feet
Lot Width	75 feet
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public) 20 feet (private)
Side	5 feet
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet~~/3 stories~~
Maximum Lot Coverage	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Size and Dimensions	
Lot Size	7,500 square feet
Lot Width	75 feet (37.5 per unit)
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public) 20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet~~/2 stories~~
Maximum Lot Coverage	45 percent

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	30 feet on all sides containing the enhanced buffer
	20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC
Minimum Perimeter Setbacks	25 feet
	30 feet on all lots containing an enhanced buffer
Minimum Building Separation	~~1~~20 feet
Maximum Building Height	35 feet~~/2 stories~~
Maximum Lot Coverage	45 percent

RECREATIONAL AREA/FACILITIES:

Minimum Lot Size and Dimensions	
Lot Size	9,000 square feet
Lot Width	50 feet
Lot Depth	120 feet
Minimum Setbacks	(Also See Deviation 5)
Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet/2 stories
Maximum Lot Coverage	45 percent

~~Commercial Development North and South of Diplomat Parkway~~ **CPD – PARCELS 1, 2, 3 & 4**

Minimum Lot Size and Dimensions

Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174
Maximum Building Height	50 feet/ 3 stories 35 feet/2 stories – adjacent to west boundary
Maximum Lot Coverage	60 percent

RPD - NORTH OF DIPLOMAT PARKWAY & 5.43 ACRE NORTH CPD:

~~ASSISTED LIVING:~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 10 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~
~~All Accessory Uses: Per the LDC.~~
~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~
~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing and enhanced buffer~~

~~Minimum Building Separation: ½ building height, but not less than 15 feet~~

~~Maximum Building Height: 45 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~SINGLE-FAMILY:~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,200 square feet~~
~~Lot Width: 60 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 5 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~DUPLEX:~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,000 square feet~~
~~Lot Width: 70 feet~~
~~Lot Depth: 100 feet~~
~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 5 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

TOWNHOME:

Minimum Lot Size and Dimensions	
Lot Size	~~1,600~~ square feet
Lot Width	16 feet
Lot Depth	~~100~~ feet
Minimum Setbacks	
Street	~~25~~ 0 feet (public) ~~2~~0 feet (private)
Side	~~1~~0 feet ~~0 feet (for a common wall)~~
Rear	~~30~~ feet ~~on all sides containing the enhanced buffer~~ ~~20 feet on all other lots~~
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet
Setbacks from Preserves (All Structures)	~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks	~~2~~15 feet ~~30 feet on all lots containing an enhanced buffer~~
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	~~55 percent~~ No Maximum

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	~~10,000~~ square feet
Lot Width	~~100~~25 feet
Lot Depth	~~100~~ feet

Minimum Setbacks

Street	~~25~~0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
	~~0 feet (for a common wall)~~
Rear	~~3~~0 feet ~~on all sides containing the enhanced buffer~~
	~~20 feet on all other lots~~
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet

Setbacks from Preserves
(All Structures) ~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks ~~2~~15 feet

Minimum Building Separation : ~~½ building height, but not less than 152~~0 feet

Maximum Building Height ~~5~~60 feet

Maximum Lot Coverage ~~55 percent~~ No Maximum

RECREATION AREA/CLUBHOUSE:

Minimum Lot Size and Dimensions

Lot Size	~~9,000~~ square feet
Lot Width	~~100~~25 feet
Lot Depth	~~1~~00 feet

Minimum Setbacks

Street	~~25~~0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
	~~0 feet (for a common wall)~~
Rear	~~3~~0 feet ~~on all sides containing the enhanced buffer~~
	~~20 feet on all other lots~~
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet

Setbacks from Preserves
(All Structures) ~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks~~2~~15 feet

Minimum Building Separation **~~2~~10** feet

Maximum Building Height ~~60~~35 feet

Maximum Lot Coverage ~~45 percent~~ No Maximum

~~CPD - 5.43-acre North CPD Parcel:~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 20 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height not less than 15 feet~~

~~Building Height: 35 feet~~
~~Maximum Lot Coverage: 60 percent~~

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
b. All model sites must be designated on the development order plans.
c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
d. Dry models are prohibited.
e. The number of model homes or model units will be limited to no more than 10 within the

development at one time.

f. ~~Any model homes or units must be developed within the areas identified as "models" on the approved MCP.~~ Deleted.
g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.
h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

No agricultural uses are permitted on site.

6. ~~BLASTING~~DELETED

~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~

7. NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD

All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING ~~SEPARATION~~ SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback ~~separation~~ as regulated by LDC §34-2174(a).

9. TRAFFIC

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. LEE PLAN

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 Allocation Table, Map 16 and Table 1(b), b~~e reviewed for, and found consistentwith, the retail commercial standards for site area, including range of gross floor area, location,tenant mix and general function,~~ as well as all other Lee Plan provisions.

11. INTERSECTION IMPROVEMENTS

    The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat ~~Road~~Parkway if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES
    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcelsonly).

13. ACCESSORY USES

    Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. OPEN SPACE

    Prior to local development order approval, the landscape plans must demonstrate that each ~~commercial~~ parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP. ~~30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.~~

15. ENVIRONMENTAL

    Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:
    a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and
    b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and
    c. The landscape plans must delineate a double staggered native hedge (minimum three- gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet. ~~Applicant i s strongly encouraged to utilize the commercial site locational criteria established for the Estero community.~~

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of ~~the original~~ Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020- 0 0034 are superseded by this zoning action and are rendered null and void by this approval. ~~T he terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.~~

20. INDIGENOUS PRESERVATION/HERITAGE TREES (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)
    a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.
    b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per

a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20- foot like species to a suitable open space area· where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. PROTECTED SPECIES
    a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
    b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED ~~OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~

    ~~Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD~~.

23. BUFFERS (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)
    a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. T ~~his vegetation may be utilized to m eet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural~~ a ~~rea through the use of similar species and random planting throughout the area.~~
    b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. NATIVE PLANTINGS REQUIRED (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

    All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition ~~3~~25.

27. With any local development order application proposing multifamily residential development on CPD Parcels 3 and 4, the applicant must submit a report itemizing:
    a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.
    b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.
    c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition ~~5~~27(a).

SECTION C. DEVIATIONS:

(Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations 9 and 10 are new.)

1. Intersection Separation - Deviation 1 (previously contained in Resolution Z- 06-004 and ~~A-DD2007-00169~~ subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. One dead-end street permitted - Deviation 2 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. Calculation for Open Space - Deviation 3 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. Installation of storm water management system - Deviation 4 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~ subsequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:
   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. Separation from residential uses - Deviation 5 (previously contained in Resolution Z-06-004 and ~~A-DD2007-00169~~subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD & 5.48 Acre North CPD to the north.

6a. Single ingress into the development - Deviation 6a (previously contained in Resolution Z-06-004 and ~~A-DD2007-00169~~ subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a. Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
b. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. Curbside garbage collection for townhouse units and reduction in collection area for multi-family units - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse

units that are planned within the project. This deviation is APPROVED.

Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.48 Acre North CPD.

8. Certain internal buffers not required - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC ~~§10-416(d)(3)~~ §10-425(f)(1) requirement ~~that a Type C/F~~ for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer ~~between the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the North RPD & 5.48 Acre North CPD project to internal rights-of-way ~~by a private road~~. This deviation is APPROVED.

   Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.48 Acre North CPD.

9. Backout parking within internal right-of-way – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.

   This Deviation is APPROVED.

10. Minimum Building Separation – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

    This Deviation is APPROVED.

ATTACHMENT C

DIPLOMAT HOUSE f/k/a DIPLOMAT NORTH RPD AMENDMENT SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & CONDITIONS

1. Development must be substantially consistent with the three-page Master Concept Plan (MCP) entitled:

   Page 1 of 3: "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 6/19/2024; OR

   Page 2 of 3 of the Master Concept Plan entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 6/19/2024; OR

   Page 3 of 3 of the MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10/28/2019, last revised 6/19/2024, except as modified by the conditions below.

This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum number of dwelling units (North RPD and 5.48 Acre North CPD Parcel): 360 dwelling units (Standard Density utilizing North RPD and 5.48 Acre North CPD (35.18 acres), Commercial Parcel 1 (1.48 Acres) and Commercial Parcel 2 (1.47 acres).

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD South of Diplomat Parkway. An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3, and 4): 200,000 square feet of commercial uses. North RPD and 5.48 Acre North CPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay.

Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres).

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

a. SCHEDULE OF USES

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP
Community Garden
Dwelling Units – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)
Single-family
Duplex
Two-family attached
Multiple-family
Townhomes
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 – North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs

Automatic Teller Machine
Auto Parts Store - No installation service
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast-food drive-through
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multiple-family (Limited to Parcels 3 & 4) See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)

Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)
Non-store Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales, Limited to rental/sales of units within multiple-family development permitted on Parcels 3 and 4
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Residential accessory uses (Limited to Parcels 3 & 4)
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through – within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway & 5.43 Acre North CPD

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP (Recreation Areas)

Community Garden
Dwelling Units- (pursuant to Condition 1)
Multi-family
Townhomes
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

b. SITE DEVELOPMENT REGULATIONS

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Size and Dimensions

Lot Size	7,500 square feet
Lot Width	75 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet 30 feet on all lots containing an enhanced buffer

Minimum Building Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Size and Dimensions	
Lot Size	7,500 square feet
Lot Width	75 feet (37.5 per unit)
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public) 20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	45 percent

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public) 20 feet (private)
Side	10 feet
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves	

(All Structures)	25 feet, per the LDC
Minimum Perimeter Setbacks	25 feet
	30 feet on all lots containing an enhanced buffer
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	45 percent

RECREATIONAL AREA/FACILITIES:

Minimum Lot Size and Dimensions	
Lot Size	9,000 square feet
Lot Width	50 feet
Lot Depth	120 feet
Minimum Setbacks	(Also See Deviation 5)
Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves	
(All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet/2 stories
Maximum Lot Coverage	45 percent

CPD – PARCELS 1, 2, 3 & 4

Minimum Lot Size and Dimensions	
Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves	
(All Structures)	25 feet, per the LDC.

Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174
Maximum Building Height	50 feet/ 3 stories 35 feet/2 stories – adjacent to west boundary
Maximum Lot Coverage	60 percent

RPD - NORTH OF DIPLOMAT PARKWAY & 5.43 ACRE NORTH CPD:

TOWNHOME:

Minimum Lot Size and Dimensions	
Lot Size	0 square feet
Lot Width	16 feet
Lot Depth	0 feet
Minimum Setbacks	
Street	0 feet (public) 0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet
All Accessory Uses	0 feet
Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	No Maximum

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	0 square feet
Lot Width	25 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet
All Accessory Uses	0 feet

Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	: 20 feet
Maximum Building Height	60 feet
Maximum Lot Coverage	No Maximum

RECREATION AREA/CLUBHOUSE:

Minimum Lot Size and Dimensions

Lot Size	0 square feet
Lot Width	25 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet
All Accessory Uses	0 feet
Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	No Maximum

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES

   Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

   a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
   b. All model sites must be designated on the development order plans.
   c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
   d. Dry models are prohibited.
   e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
   f. Deleted.
   g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.
   h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
   i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
   j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

   No agricultural uses are permitted on site.

6. DELETED

7. NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD

   All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING SETBACK REQUIRED

   Buildings exceeding 35 feet in height must maintain additional building setback as regulated by LDC §34-2174(a).

9. TRAFFIC

   Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. LEE PLAN

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 Allocation Table, Map 16 and Table 1(b), as well as all other Lee Plan provisions.

11. INTERSECTION IMPROVEMENTS

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Parkway if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES
    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. ACCESSORY USES

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. OPEN SPACE

Prior to local development order approval, the landscape plans must demonstrate that each parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP.

15. ENVIRONMENTAL

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:
    a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and
    b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the

fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three- gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020-00034 are superseded by this zoning action and are rendered null and void by this approval.

20. INDIGENOUS PRESERVATION/HERITAGE TREES (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20- foot like species to a suitable open space area· where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. PROTECTED SPECIES
    a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
    b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED

23. BUFFERS (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)
    a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way.
    b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. NATIVE PLANTINGS REQUIRED (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

    All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition 25.

27. With any local development order application proposing multifamily residential development on CPD Parcels 3 and 4, the applicant must submit a report itemizing:
    a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.
    b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.
    c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition 27(a).

SECTION C. DEVIATIONS:

(Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations 9 and 10 are new.)

1. Intersection Separation - Deviation 1 (previously contained in Resolution Z- 06-004 and subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. One dead-end street permitted - Deviation 2 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. Calculation for Open Space - Deviation 3 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. Installation of storm water management system - Deviation 4 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:
   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. Separation from residential uses - Deviation 5 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD & 5.48 Acre North CPD to the north.

6a. Single ingress into the development - Deviation 6a (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a. Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
b. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. Curbside garbage collection for townhouse units and reduction in collection area for multi-family units - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse

units that are planned within the project. This deviation is APPROVED.

Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.48 Acre North CPD.

8. Certain internal buffers not required - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §10-425(f)(1) requirement for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet, to allow no buffer within the North RPD & 5.48 Acre North CPD project to internal rights-of-way. This deviation is APPROVED.

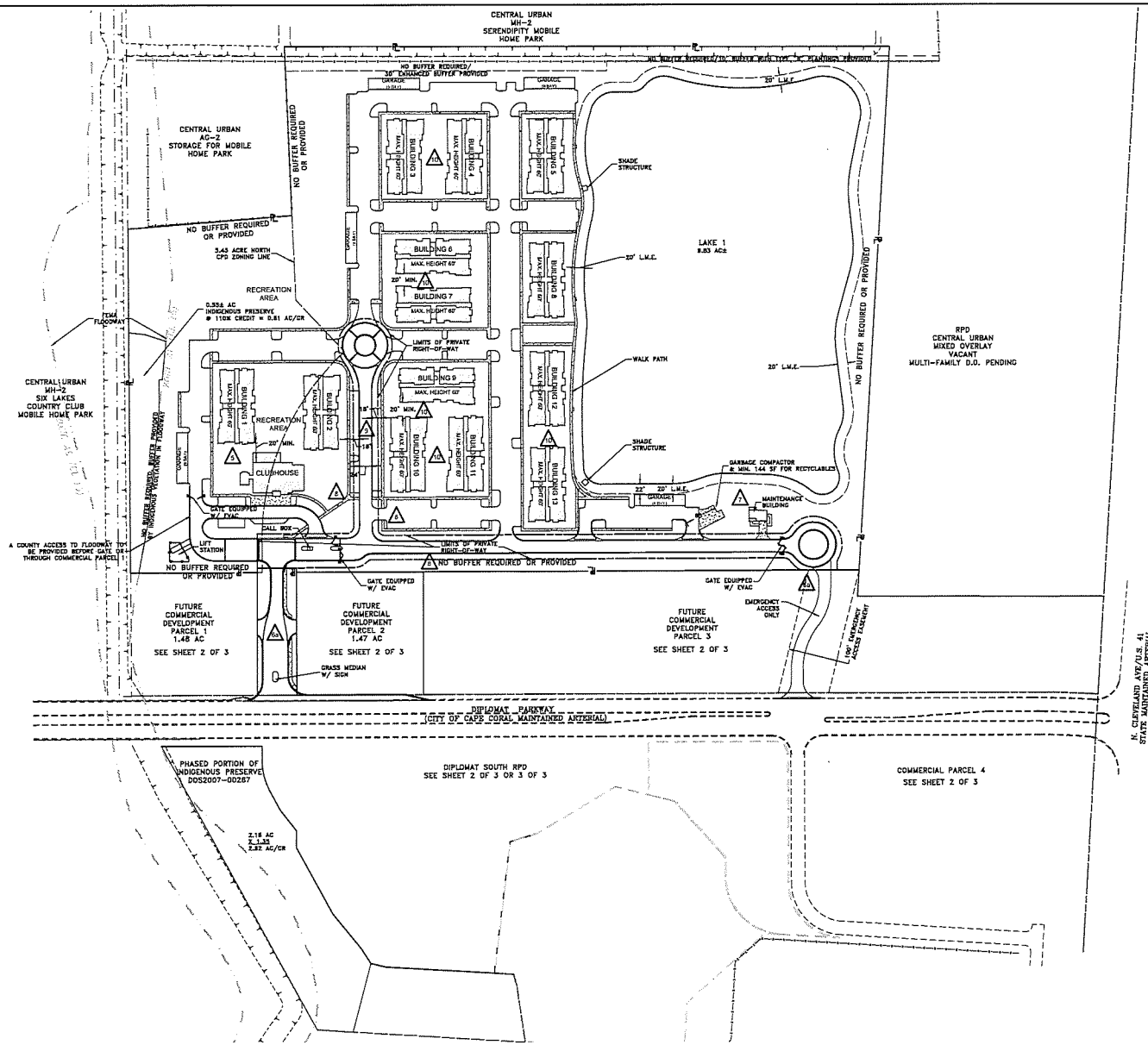
   Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.48 Acre North CPD.

9. Backout parking within internal right-of-way – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.

   This Deviation is APPROVED.

10. Minimum Building Separation – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

    This Deviation is APPROVED.



N

0 100 200 300

GRAPHIC SCALE 1" = 100'

NORTH RPD & 5.43 ACRE NORTH CPD OPEN SPACE:

OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)

- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT. 3.52–0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL.
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH PER DOS2007-00267: (7.03 AC)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLDFACE TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED-USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC±±	0.22 AC±±
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC±±	0.22 AC±±
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC±±	1.10 AC±±
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC±±	1.08 AC±±
RESIDENTIAL NORTH	35.18 AC	3.52 AC 10%	3.52 AC±	7.03 AC±±+1.61 AC±±
RESIDENTIAL SOUTH	132.47 AC	2.48 AC 20%	2.48 AC±±	2.54 AC±±
TOTALS	185.13 AC	10.36 AC	10.44 AC±±	12.17 AC±±

12.17 AC TOTAL

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
(±) *NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.56 AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.*
(±±) *2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)g.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)a.

LEGEND:

DEVIATIONS:

- Δ1 TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- Δ2 TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
- Δ3 TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
- Δ4 TO ALLOW NO INTERNAL R.O.W. BUFFER
- Δ5 TO ALLOW BACKOUT PARKING INTO R.O.W.
- Δ6 TO ALLOW MINIMUM BUILDING SEPARATION OF 25'

INDIGENOUS PRESERVATION

NO.	DATE	REVISION DESCRIPTION	BY
2	8/19/2024	48-HOUR NOTICE	SDJ
1	3/13/2024	FIRST SUFFICIENCY	NFK

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-3490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 8468
SURVEY LICENSE # LB 8890
WWW.BANKSENG.COM

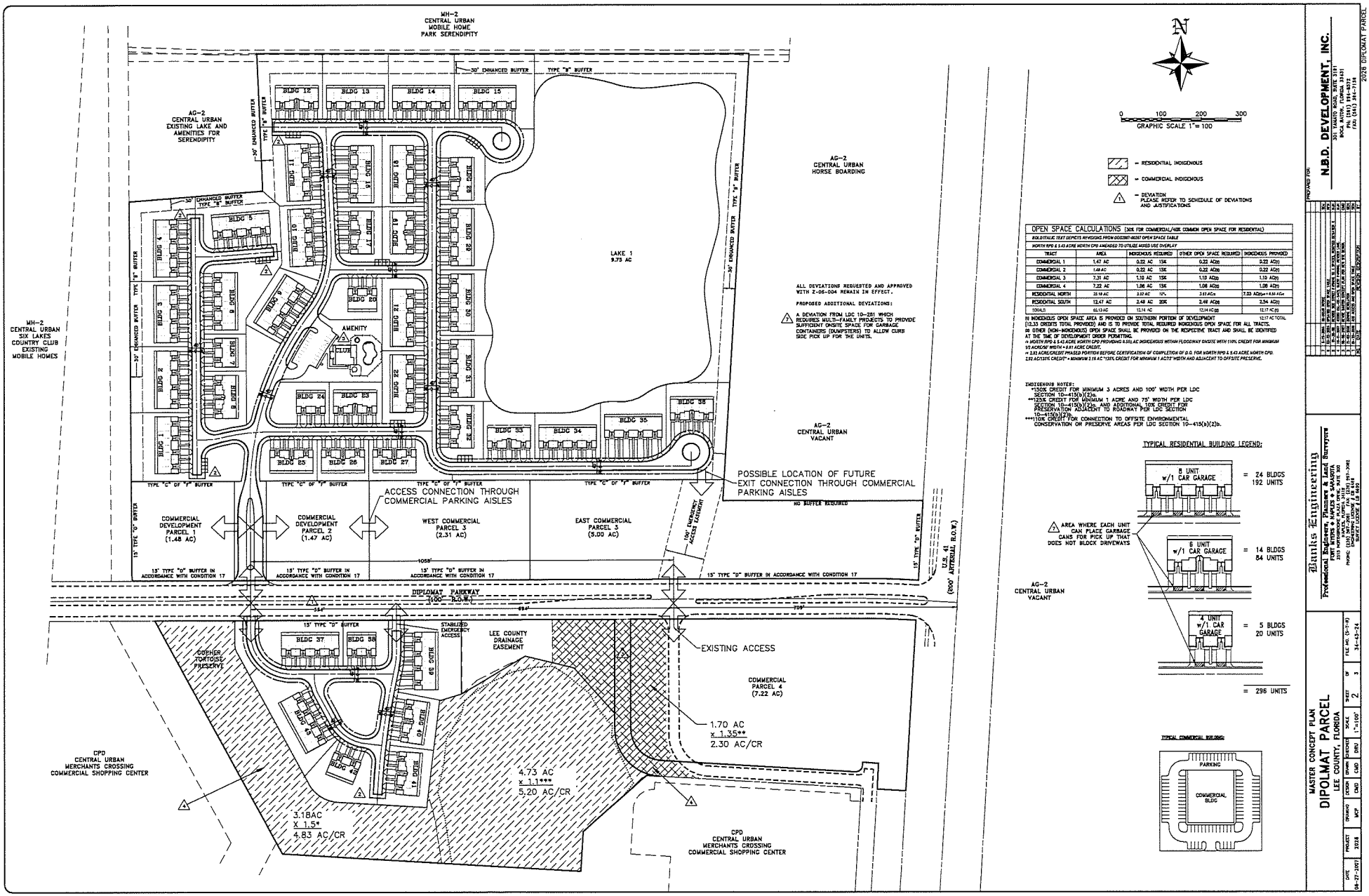
ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN

DIPLOMAT HOUSE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/7/2023	2026TW	ALT_MCP	NFK	NFK	SWM	1"=100'	1 OF 3

2026TW



PREPARED FOR:
N.B.D. DEVELOPMENT, INC.
301 YAMATO ROAD, SUITE 3101
BOCA RATON, FLORIDA 33431
PHONE (561) 394-7134
FAX (561) 394-7154

NO.	DATE	REVISION	BY
1	5-29-07	REVISED PER DOT COMMENTS	BLK
2	6-5-07	REVISED PER DOT COMMENTS	BLK
3	6-8-07	REVISED PER DOT COMMENTS	BLK
4	6-18-07	REVISED PER DOT COMMENTS	BLK
5	6-20-07	REVISED PER DOT COMMENTS	BLK
6	6-26-07	REVISED PER DOT COMMENTS	BLK
7	6-27-07	ADDED PER DOT COMMENTS	BLK

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
10511 Six Mile Cypress Parkway, Fort Myers, FL 33966
PHONE: (239) 561-3636, 947-1144 FAX: (239) 561-2981
Engineering License # EB 0000648
Surveying License # LB 6662

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWN	DESIGN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
06-27-2007	3328	MCP	CMD	CMD	DRG	1"=100'	2	3	34-43-24

2028 DIPLOMAT PARCEL

OPEN SPACE CALCULATIONS (100% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TEXT DEPICTS REVISIONS FROM 05/2017-WEST OPEN SPACE TABLE				
NORTH RPD & S.40 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(2)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(2)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(2)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(2)
RESIDENTIAL NORTH	22.18 AC	3.33 AC 15%	3.62 AC(1)	7.03 AC(1)=+4.83 AC(3)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.24 AC(2)
TOTALS	52.13 AC	10.14 AC	10.14 AC(2)	12.17 AC(2)

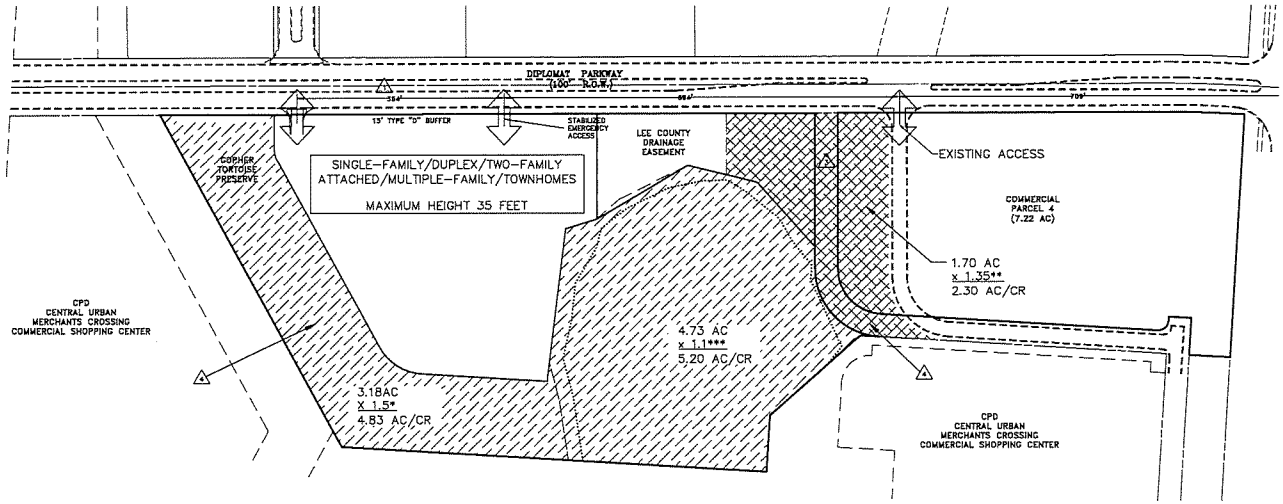
(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
*= NORTH RPD & S.40 ACRE NORTH CPD PROVIDING 8.33± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 50 ACRE/60' WIDTH = 9.83 ACRE CREDIT.
**= 2.83 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & S.40 ACRE NORTH CPD.
2.83 ACRES CREDIT* = MINIMUM 2.16 AC *125% CREDIT FOR MINIMUM 1 ACRE/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(3)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

N

0 100 200 300
GRAPHIC SCALE 1"= 100

= RESIDENTIAL INDIGENOUS
= COMMERCIAL INDIGENOUS
⚠ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
(4170 DANIELS PARKWAY, FORT MYERS, FL 33916)

NO.	DATE	BY	REVISION DESCRIPTION
1	1-24-2020	EG	PER STAFF COMMENTS
2	10-7-2020	EG	PER STAFF COMMENTS

Banks Engineering
Professional Engineers, Planners & Land Surveyors
13041 METHODS & HARLEY DR. SUITE 201
FORT MYERS, FLORIDA 33907
PHONE: (239) 334-2425, (239) 337-3992
FAX: (239) 337-3993
DESIGNED: LOOPER / EG DRAWN: LOOPER / EG
CHECKED: LOOPER / EG

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
10/29/2019	2028	MCP	3331	3331	3WM	1"=100'	3	3	34-43-24

2028 DIPLOMAT PARCEL

DIPLOMAT HOUSE f/k/a DIPLOMAT NORTH RPD AMENDMENT
SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & CONDITIONS

Conditions from Z-11-002 with footnotes to approved subsequent ADDs and proposed revisions for this amendment application provided in red strike-through/underline text.

1. Development ~~north of Diplomat Parkway East~~ [1]must be substantially consistent with the ~~1~~ **three-** page Master Concept Plan (MCP) entitled:

   Page 1 of 3: "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 6/19/2024; ~~DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND~~ OR [2]

   ~~the 1-page~~ Page 2 of 3 of the Master Concept Plan ~~MCP~~ entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised ~~01-23-2008~~ 6/19/2024, OR

   Page 3 of 3 ~~and date-stamped "Received JAN 30 2008 Permit Counter,"~~. ~~Development south of Diplomat Parkway East must be substantially consistent with the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 03/12/2024 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," OR the 1-page Page 3 of 3~~ of the MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10-28-2019[1] last revised 6/19/2024, except as modified by the conditions below.

   ~~**NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres[3] 35.2 acre site [2]that may be developed either as an RPD with RPD uses[3], or and and/or[2] ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.**~~

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD and 5.48 acre North CPD Parcel): ~~138~~ 360 dwelling units (Standard Density utilizing North RPD and 5.48 acre North CPD (35.18 acres), Commercial Parcel 1 (1.48 acres) and Commercial Parcel 2 (1.47 acres)) ~~plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP~~.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

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[1] ADD2019-00181
[2] ADD2019-00085

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

~~Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.~~

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~[3] North RPD and 5.48 Acre North CPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay. Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres).

~~Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).~~[3]

2. The following limits apply to the project and uses:
   a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to condition 1)
~~s~~Single-family~~,~~
~~d~~Duplex~~,~~
~~t~~Two-family attached~~,~~
~~m~~Multiple-family ~~and~~
~~t~~Townhomes ~~– 105 (up to 126 pursuant to Condition 1)~~
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS
Parking Lot, Accessory

[3] ADD2020-00034

Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses~~,~~
Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden ~~(Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II ~~(but not Group III)~~
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multifamily (Limited to Parcels 3 and 4)[3] See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls

Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, .Groups I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III ~~(but not Group IV).~~
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)[3]
Nonstore Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales
Limited to rental/sales of units within multifamily development permitted on Parcels 3 and 4[3]
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Residential accessory uses (Limited to Parcels 3 and 4)[3]
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through – within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs ~~in Accordance with LDC Chapter 30~~
Social Services Group I only

Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway & 5.43 Acre North CPD

Accessory Uses and Structures
Administrative Office
~~Assisted Living Facilities - (pursuant to Condition 1)~~
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
~~Continuing Care Facilities~~
Dwelling Units – (pursuant to Condition 1)~~, single-family, duplex, two-family attached,~~
~~m~~Multi-family~~,~~
~~t~~Townhomes ~~– (pursuant to Condition 1)~~
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site.
~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses~~,~~
Temporary Real Estate Sales Office

~~**CPD - 5.43 Acre Parcel north of Diplomat Parkway**~~

~~Administrative Office~~
~~Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs~~

~~Automatic Teller Machine~~
~~Banks and Financial Establishments, Groups I and II~~
~~Business Services, Groups I and II (no impound yards or armored car services)~~
~~Cleaning and Maintenance Services~~
~~Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.~~
~~Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
~~Cultural Facilities~~
~~Entrance Gate and Gatehouse~~
~~Emergency Operations Center~~
~~EMS, Fire or Sheriff's Station~~
~~Essential Services~~
~~Essential Service Facilities, Group I only~~
~~Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.~~
~~Fences and Walls.~~
~~Health Care Facility, Groups I, II and III (no Group IV)~~
~~Insurance Companies~~
~~Medical Office~~
~~Parking Lot, Accessory~~
~~Personal Services, Groups I and II~~
~~Pharmacy - accessory to medical office use only~~
~~Real Estate Sales Office~~
~~Religious Facilities~~
~~Research and Development Laboratories, Groups I, II, III and IV~~
~~Schools, Commercial and Non-Commercial~~
~~Signs in Accordance with LDC Chapter 30~~
~~Social Services Group I only~~
~~Temporary Uses~~

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street·	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet~~/ 3 stories~~[1]
Maximum Lot Coverage:	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet.

Maximum Building Height: 35 feet~~/ 2 stories~~[1]
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions
- Lot Size: 10,000 square feet
- Lot Width: 100 feet
- Lot Depth: 100 feet

Minimum Setbacks
- Street: 25 feet (public)/20 feet (private)
- Side: 10 feet
- Rear: 30 feet on all lots containing enhanced buffer
  20 feet on all other lots
- Water body: 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet~~/ 2 stories~~[1]
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions
- Lot Size: 9,000 square feet
- Lot Width: 50 feet
- Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

- Street: 25 feet (public)/20 feet (private)
- Side: 10 feet
- Rear: 20 feet
- Water body: 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions
Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks
Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).
Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary
Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY & 5.43 ACRE NORTH CPD:

~~**ASSISTED LIVING:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 10,000 square feet~~

~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 10 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~
~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~
~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing and enhanced buffer~~

~~Minimum Building Separation: ½ building height, but not less than 15 feet~~

~~Maximum Building Height: 45 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~**SINGLE-FAMILY:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,200 square feet~~
~~Lot Width: 60 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~**DUPLEX:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,000 square feet~~
~~Lot Width: 70 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

TOWNHOME:

Minimum Lot Areas and Dimensions
Lot Size: ~~1,60~~0 square feet
Lot Width: 16 feet
Lot Depth: ~~10~~0 feet

Minimum Setbacks
Street ~~25~~ 0 feet (public)
~~2~~0 feet (private)
Side ~~1~~0 feet
~~0 feet (for a common wall)~~

Rear ~~3~~0 feet ~~on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

Water body 25 feet

All Accessory Uses: ~~Per the LDC.~~ 0

Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC.

Minimum Perimeter Setbacks: ~~2~~15 feet
~~30 feet on all lots containing an enhanced buffer~~

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: ~~55 percent~~ No maximum

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions
Lot Size: ~~10,000~~ square feet
Lot Width: ~~100~~25 feet
Lot Depth: ~~10~~0 feet

Minimum Setbacks
Street ~~25~~0 feet (public)
~~2~~0 feet (private)
Side ~~1~~0 feet
Rear ~~3~~0 feet ~~on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

Water body 25 feet

All Accessory Uses: ~~Per the LDC.~~0 feet

Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC

Minimum Perimeter Setbacks: ~~2~~15 feet

Minimum Building Separation: ~~½ building height, but not less than 15~~20 feet

Maximum Building Height: ~~5~~60 feet
Maximum Lot Coverage: ~~45 percent~~ No maximum

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	~~9,00~~0 square feet
Lot Width:	~~100~~25 feet
Lot Depth:	~~10~~0 feet

Minimum Setbacks

Street	~~25~~0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
Rear	~~2~~0 feet
Water body	25 feet

All Accessory Uses: ~~Per the LDC.~~ 0

Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC.

Minimum Perimeter Setbacks: ~~2~~15 feet

~~30 feet on all lots containing an enhanced buffer~~

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: ~~45 percent~~ No maximum

~~**CPD - 5.43-acre North CPD Parcel:**~~

~~Minimum Lot Areas and Dimensions~~

~~Lot Size: 10,000 square feet~~

~~Lot Width: 100 feet~~

~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~

~~Street 25 feet (public)~~

~~20 feet (private)~~

~~Side 10 feet~~

~~Rear 20 feet~~

~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height not less than 15 feet~~

~~Building Height: 35 feet~~
~~Maximum Lot Coverage: 60 percent~~

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
b. All model sites must be designated on the development order plans.
c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
d. Dry models are prohibited.
e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
~~f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.~~DELETED
g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.
h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

No agricultural uses are permitted on site.

~~6. BLASTING~~ **DELETED**

~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~

7. NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD

All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING ~~SEPARATION~~ SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback~~paration~~ as regulated by LDC §34-2174(a).

9. TRAFFIC

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. LEE PLAN

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 Allocation Table, Map 16 and Table 1(b), ~~be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function,~~ as well as all other Lee Plan provisions.

11. INTERSECTION IMPROVEMENTS

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES
    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. ACCESSORY USES

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. OPEN SPACE

Prior to local development order approval, the landscape plans must demonstrate that each ~~commercial~~ parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP~~30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract~~.

15. ENVIRONMENTAL

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and
b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and
c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.
d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. ~~Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.~~

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of ~~the original~~ Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020-00034 are superceded by this zoning action and are rendered null and void by this approval.

20. INDIGENOUS PRESERVATION/HERITAGE TREES (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)
    a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.
    b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area· where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. PROTECTED SPECIES
    a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
    b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED ~~OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~

~~Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.~~

23. BUFFERS (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)
    a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. ~~This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.~~
    b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. NATIVE PLANTINGS REQUIRED (5.48 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

    All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition ~~3~~**25**.

27. (Condition 5 from ADD2020-00034) With any local development order application proposing multifamily residential development **on CPD Parcels 3 and 4**, the applicant must submit a report itemizing:

a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.
b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.
c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition ~~5~~**27**(a).

SECTION C. DEVIATIONS:

(Deviations 1 through ~~7~~8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations ~~8~~9 and 10 ~~is~~are new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z- 06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequesnt approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~susequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order

to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD & 5.48 Acre North CPD to the north.

6. a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
   b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
   c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
   d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with

respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a. Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
b. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi-family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.
Request to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.48 Acre North CPD.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §~~10-416(d)(3)~~ 10-425(f)(1) requirement ~~that a Type C/F~~ for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer ~~between the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the North RPD & 5.48 Acre North CPD project to internal rights-of-way ~~by a private road~~. This deviation is APPROVED.
Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.48 Acre North CPD.

9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC §34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.

10. **Minimum Building Separation –** New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

Diplomat North Parcel

Section 34, Township 43 South, Range 24 East
Lee County, Florida

Protected Species Assessment

August 2022
Updated December 2023

Prepared for:

Diplomat Fort Myers, LLC
7200 Corporate Center Drive, Suite 316
Miami, FL 33126

Prepared by:

Atwell
4470 Camino Real Way, Suite 101
Fort Myers, FL 33966
(239) 334-3680

INTRODUCTION

The 35.18± acre project is located within a portion of Section 34, Township 43 South, Range 24 East, Lee County, Florida (Figure 1). The parcel is bordered to the north and west by mobile homes and to the east by undeveloped land. Diplomat Parkway E borders the property to the south.

SITE CONDITIONS

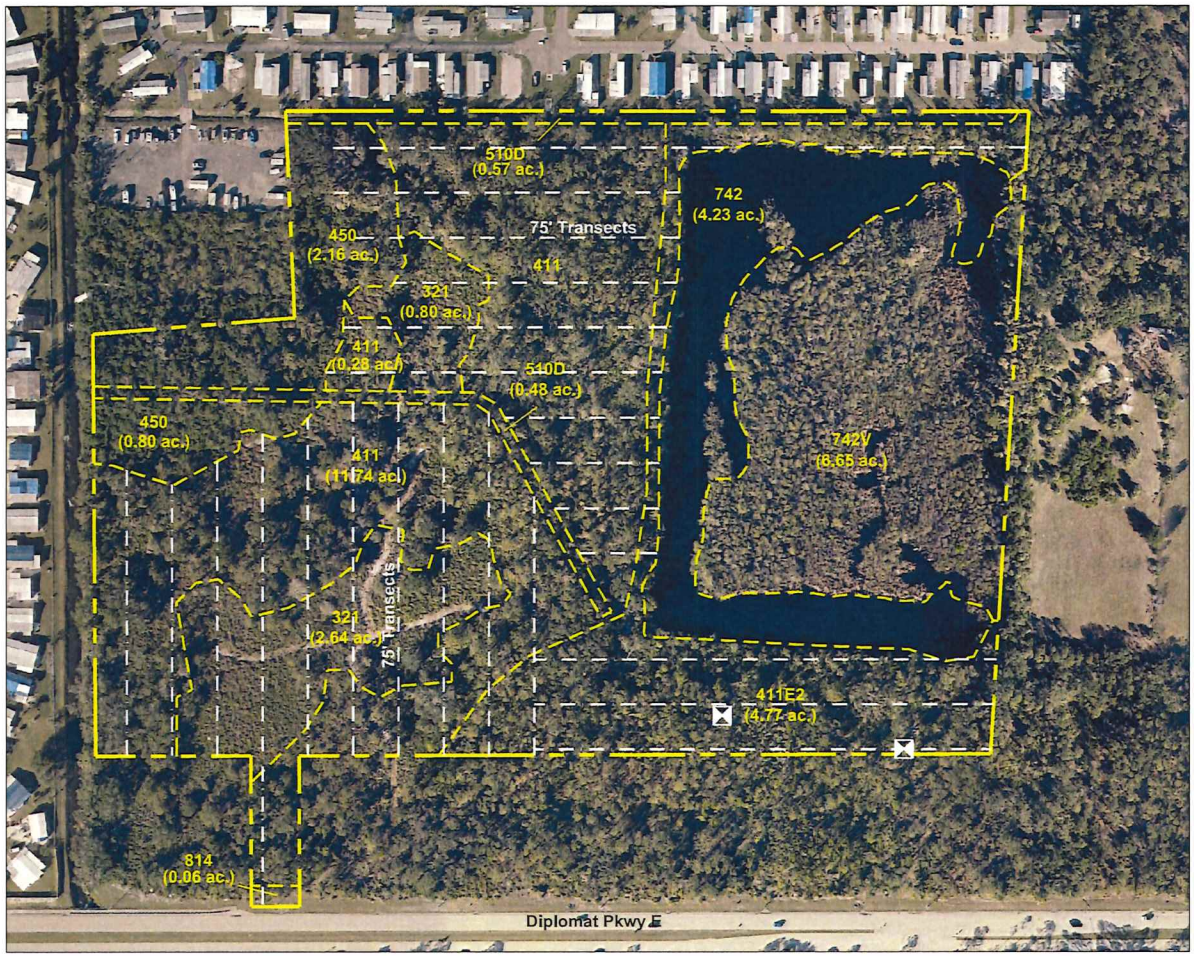
The majority of this site is densely vegetated by upland pine forests and palmetto prairies. There is a large borrow area on the eastern side of the property. Due to clearing activities in the past as seen in historic aerials, no onsite uplands meet the Lee Plan definition of rare and unique.

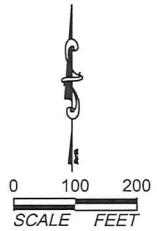
VEGETATIVE CLASSIFICATIONS

The predominant vegetation associations were mapped in the field on 2021 digital 1" = 200' scale aerial photography. The property boundary was obtained from the Banks Engineering, Inc and inserted into the digital aerial. The property boundary was not staked in the field at the time of our site inspection and was, therefore, estimated based on the overlay of the approximate boundary on the aerial photography. Eight vegetation associations were identified using the Florida Land Use, Cover and Forms Classification System (FLUCCS). Figure 1 depicts the approximate location and configuration of these vegetation associations and Table 1 summarizes the acreages by FLUCCS Code. A brief description of each FLUCCS Code is also provided below. In general, as the density of exotics increases the density and diversity of native plants in the canopy, midstory, and ground cover strata decreases. Habitats containing more than 75 percent cover by exotics contain only scattered native plant species.

Table 1. Acreage Summary by FLUCCS Code

FLUCCS CODE	DESCRIPTION	ACREAGE
321	Palmetto Prairies	3.44
411	Pine Flatwoods	12.02
411E2	Pine Flatwoods Invaded by Exotics (26 – 50%)	4.77
450	Mixed Exotic Upland Forest	2.96
510D	Ditches	1.05
742	Borrow Areas	4.23
742V	Borrow Areas – Vegetated	6.65
814	Roads and Highways	0.06
	Total	**35.18**





SECTION: 34
TOWNSHIP: 43 S
RANGE: 24 E

FLUCCS	Description	Acreage
321	Palmetto Prairies	3.44 ac.
411	Pine Flatwoods	12.02 ac.
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742	Borrow Areas	4.23 ac.
742V	Borrow Areas - Vegetated	6.65 ac.
814	Roads and Highways	0.06 ac.
	Total	35.18 ac.

Tree with Cavity (2)

Notes:
1. Property boundary was provided by Banks Engineering, Inc.
2. Mapping based on photointerpretation of 2021 aerial photography and ground truthing in May 2022. Map includes 2023 aerial photography.
3. Delineation of jurisdictional areas is preliminary and subject to field review/approval by applicable regulatory agencies.

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Drawing: TSDEV1PLAN.DWG

Figure 1. Protected Species Assessment Map | **Diplomat North Parcel**

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239.334.3620

FLUCCS Code 321, Palmetto Prairies
A dense groundcover and midstory consisting of saw palmetto (*Serenoa repens*), rusty lyonia (*Lyonia ferruginea*), tar flower (*Bejaria racemosa*), and grape vine (*Vitis* sp.) with widely scattered slash pine (*Pinus elliottii*) and laurel oak (*Quercus laurifolia*) in the canopy are present in this area.

FLUCCS Code 411, Pine Flatwoods
This large portion in the center of the site is vegetated by a slash pine canopy with scattered live oak (*Quercus virginiana*), laurel oak, and earleaf acacia (*Acacia auriculiformis*). The ground cover and midstory consist of dense saw palmetto, grape vine, rusty lyonia, cabbage palm (*Sabal palmetto*), poison ivy (*Toxicodendron radicans*), and greenbrier (*Smilax* sp.).

FLUCCS Code 411E2, Pine Flatwoods Invaded by Exotics (26 – 50%)
The flatwoods near the south end of the property consist of a dense slash pine canopy with Brazilian pepper (*Schinus terebinthifolius*), air potato (*Dioscorea bulbifera*), and rosary pea (*Abrus precatorius*). There is also a large homeless encampment in this area with dispersed trash.

FLUCCS Code 450, Mixed Exotic Upland Forest
Brazilian pepper, carrotwood (*Cupaniopsis anacardioides*), and grapevine dominate this area in addition to widely scattered cabbage palm and live oak.

FLUCCS Code 510D, Ditches
With surface water present in several areas, the ditches consist of widely scattered laurel oak, live oak, cabbage palm, and greenbrier.

FLUCCS Code 742, Borrow Areas
This area is inundated with surface water and is sparsely vegetated by willow (*Salix caroliniana*) and cattail (*Typha* sp.).

FLUCCS Code 742V, Borrow Areas – Vegetated
Willow and cattail densely vegetate the center of the borrow area.

FLUCCS Code 814, Roads and Highways
There is an unpaved, dirt driveway with access immediately off Diplomat Parkway E near the west end of the property.

SURVEY METHOD

Lee County Protected Species Ordinance No. 89-34 lists several protected species of animals that could potentially occur on-site based on the general vegetative associations found on the subject parcel. Each habitat type was surveyed for the occurrence of these and any other listed species likely to occur in the specific habitat types. The survey was conducted using meandering linear pedestrian belt transects. This survey methodology

is based on the Lee County administratively approved Meandering Transect Methodology. As part of this survey all live trees and snags were inspected for the evidence of cavities that could potentially be used as roosts by the Florida bonneted bat (*Eumops floridanus*). In order to provide at least 80 percent visual coverage of habitat types listed in Ordinance No. 89-34, the transects were spaced approximately 75 feet apart. The approximate locations of all direct sighting or signs (such as tracks, nests, and droppings) of a listed species were denoted on the aerial photography. The 1" = 200' scale aerial Protected Species Assessment map (Figure 1) depicts the approximate location of the survey transects and the results of the survey. The listed species survey was conducted during the morning hours of August 10, 2022. During the survey the weather was warm and humid.

Species listed as endangered, threatened, or species of special concern by the Florida Fish and Wildlife Conservation Commission (FWC) or the United States Fish and Wildlife Service (FWS) that could potentially occur on the subject parcel according to the Lee County Protected Species Ordinance are shown in Table 2. This list from the Lee County Protected Species Ordinance is general in nature, contains species that were subsequently delisted by the state, does not necessarily reflect existing conditions within or adjacent to the 35.18± acre property, and is provided for general informational purposes only. The bald eagle (*Haliaeetus leucocephalus*) (which has been delisted by the FWC and FWS but is still protected by other regulations), the Florida black bear (*Ursus americanus floridanus*) (delisted in 2012 and still protected by the Florida Black Bear Management Plan), and the Florida bonneted bat (*Eumops floridanus*) (which was listed by the FWS after Ordinance No. 89-34 was adopted by Lee County) were also included in the survey.

Prior to conducting the protected species survey, a search of the FWC listed species database was conducted to determine the known occurrence of listed species in the project area. This search revealed no known protected species occurring on or immediately adjacent to the site.

Table 2. Listed Species That Could Potentially Occur On-site

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
321	80	Eastern Indigo Snake (*Drymarchon corais couperi*)		√
		Gopher Tortoise (*Gopherus polyphemus*)		√
		Audubon's Crested Caracara (*Polyborus plancus audubonii*)		√
		Burrowing Owl (*Athene cunicularia floridana*)		√
		Florida Sandhill Crane (*Grus canadensis pratensis*)		√
		Southeastern American Kestrel (*Falco sparverius paulus*)		√
		Florida Black Bear (*Ursus americanus floridanus*)		√
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)		√
		Curtis Milkweed (*Asclepias curtisii*)		√
		Fakahatchee Burmannia (*Burmannia flava*)		√
		Florida Coontie (*Zamia floridana*)		√
411	80	Eastern Indigo Snake (*Drymarchon corais couperi*)		√
		Gopher Tortoise (*Gopherus polyphemus*)		√
		Red-cockaded Woodpecker (*Picoides borealis*)		√
		Southeastern American Kestrel (*Falco sparverius paulus*)		√
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)		√
		Florida Panther (*Felis concolor coryi*)		√
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)		√
		Fakahatchee Burmannia (*Burmannia flava*)		√
		Florida Coontie (*Zamia floridana*)		√
		Satinleaf (*Chrysophyllum olivaeforme*)		√

FLUCCS CODE	Percent Survey Coverage	Species Name	Present	Absent
411E2	80	Eastern Indigo Snake (*Drymarchon corais couperi*)		√
		Gopher Tortoise (*Gopherus polyphemus*)		√
		Red-cockaded Woodpecker (*Picoides borealis*)		√
		Southeastern American Kestrel (*Falco sparverius paulus*)		√
		Big Cypress Fox Squirrel (*Sciurus niger avicennia*)		√
		Florida Panther (*Felis concolor coryi*)		√
		Beautiful Pawpaw (*Deeringothamnus pulchellus*)		√
		Fakahatchee Burmannia (*Burmannia flava*)		√
		Florida Coontie (*Zamia floridana*)		√
		Satinleaf (*Chrysophyllum olivaeforme*)		√
510D	80	American Alligator (*Alligator mississippiensis*)		√
		Little Blue Heron (*Egretta caerulea*)		√
		Reddish Egret (*Egretta rufescens*)		√
		Roseate Spoonbill (*Ajaia ajaja*)		√
		Tricolored Heron (*Egretta tricolor*)		√
		Everglades Mink (*Mustela vison evergladensis*)		√
742	80	None		
742V	80	None		
814	80	None		

SURVEY RESULTS

No species listed by either the FWS or the FWC were observed on the site during the protected species survey. No evidence of scat, tracks, or nesting was observed. In addition to the site inspection, a search of the FWC species database revealed no known protected species within or immediately adjacent to the project limits.

A large homeless encampment is located in FLUCCS Code 411E2 with trash and tents dispersed in various areas.

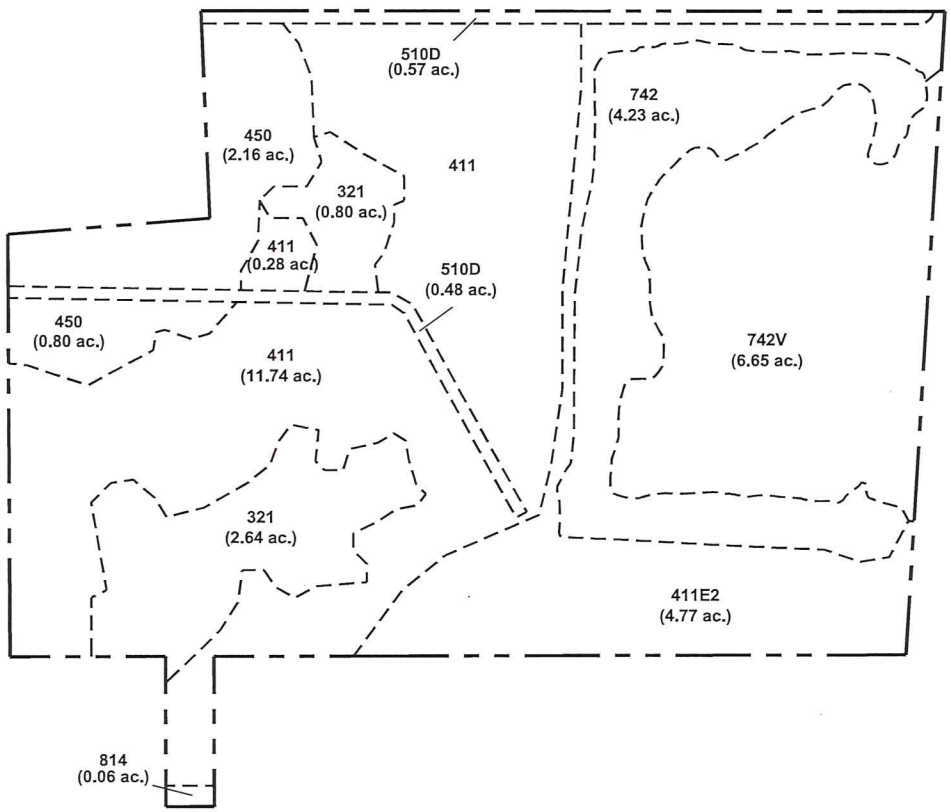
No onsite uplands meet the Lee Plan definition of rare and unique.

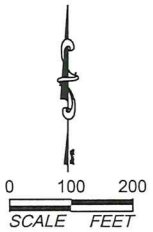
Florida Bonneted Bat

A total of two dead trees (slash pine) containing potential cavities entrances were identified (Figure 1). The vast majority of identified potential cavity entrances appear to be less than approximately two inches in diameter, very shallow, and do not penetrate the heartwood of the snag. No evidence of bat utilization (bat vocalization/chatter from within the potential cavities or guano on or around the snags) was observed. No live trees with cavities or artificial structures were observed on-site.

Other Listed Species

No other species listed by either the FWS or the FWC were observed on the site during the protected species survey or during other site visits. There is the potential for periodic opportunistic foraging by both listed and non listed species of wading birds within the borrow area and ditches. In addition to the site inspections, a search of the FWC species database revealed no additional known protected species within or immediately adjacent to the project limits.





SECTION: 34
TOWNSHIP: 43 S
RANGE: 24 E

Map Unit	Soil Name
34	Malabar fine sand
42	Wabasso sand, limestone substratum
50	Oldsmar fine sand, limestone substratum
99	Water

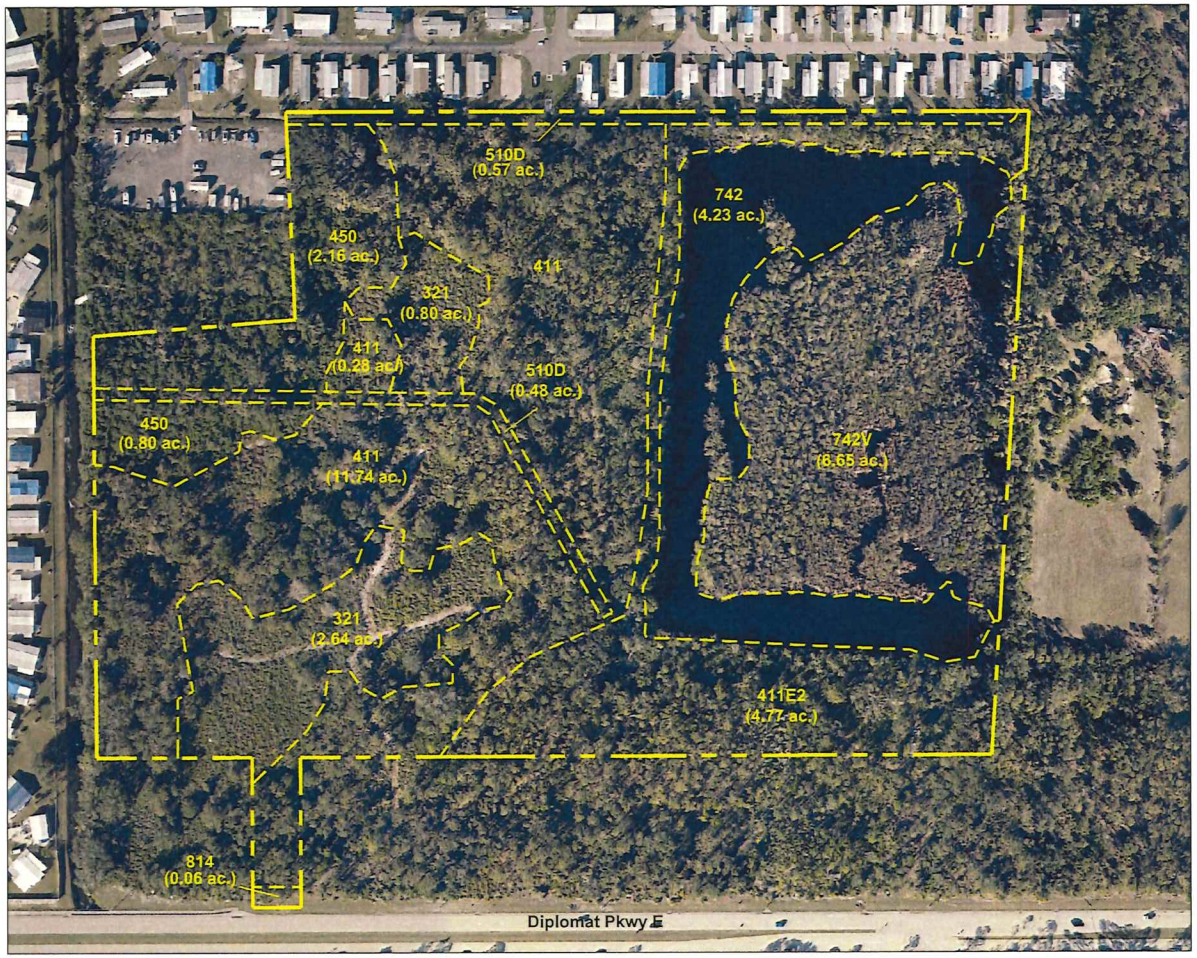
Notes:
1. Property boundary was provided by Banks Engineering, Inc.
2. Soils information obtained from the NRCS Web Soil Survey.

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Soils Map	Diplomat North Parcel	ATWELL

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FORT MYERS, FL 33908
239.334.3680



0 100 200
SCALE FEET

SECTION: 34
TOWNSHIP: 43 S
RANGE: 24 E

FLUCCS	Description	Acreage
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3. Delineation of jurisdictional areas is preliminary and subject to field review/approval by applicable regulatory agencies.

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Drawing: TSDEV1PLAN.DWG

Vegetation Map	Diplomat North Parcel	ATWELL

ATWELL
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4470 CAMINO REAL WAY, SUITE 101
FORT MYERS, FL 33908
239.334.3600

From:	Lighthall, Justin
To:	Stacy Hewitt
Cc:	Jennifer Sheppard
Subject:	RE: DCI2023-00050 Diplomat House - Insufficiency
Date:	Monday, March 11, 2024 3:41:33 PM
Attachments:	image003.png image005.png image006.png image007.png image008.png image009.png image011.png image018.png

---

Hi Stacy,

Lee County Solid Waste has reviewed your proposed revisions to the master site plan for DCI2023-00050 Diplomat House and has no objections the requested deviation. Feel free to reach out with any questions.

Regards,

Lee County
Southwest Florida

Justin Lighthall | Manager, Public Utilities

Solid Waste Department

6431 Topaz Ct, Fort Myers, FL 33966

office: (239) 533-8007

email: Jlighthall@leegov.com

web: www.leegov.com/solidwaste

Connect With Us On Social Media

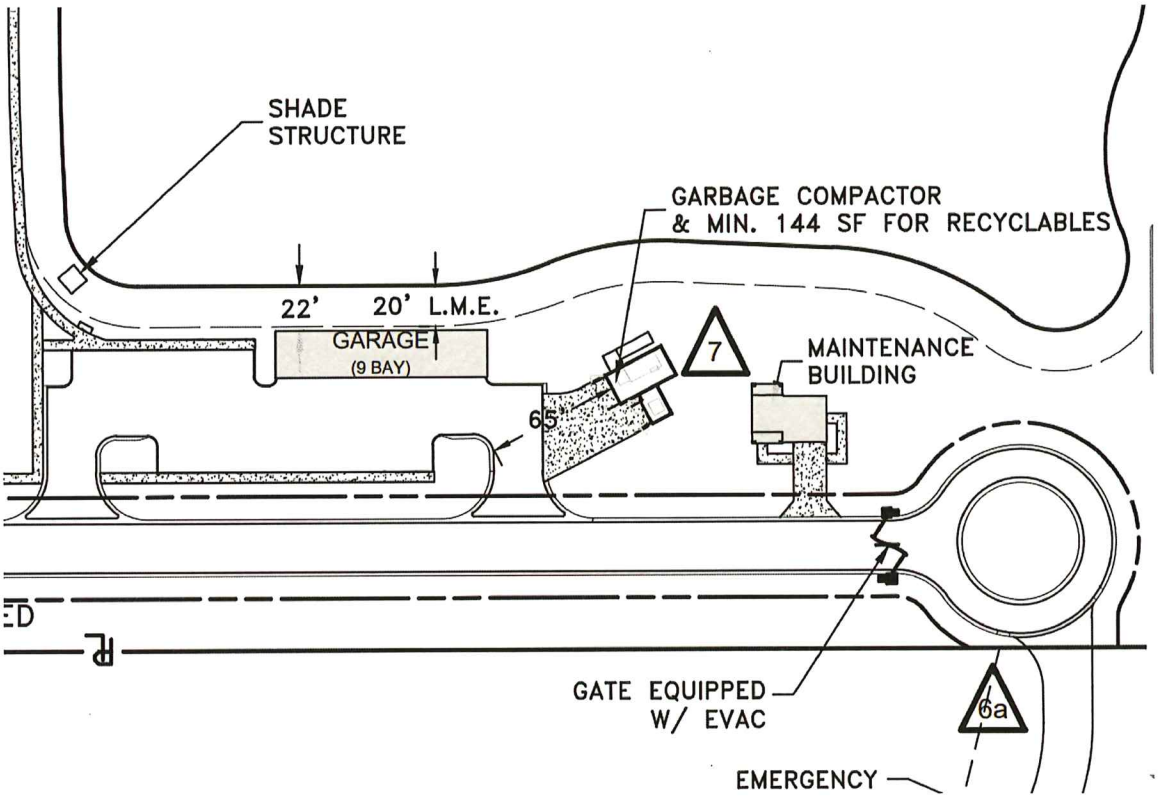
Sign up today to become a Solid Waste insider by clicking here!

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Monday, March 11, 2024 3:04 PM
To: Lighthall, Justin <JLighthall@leegov.com>
Cc: Jennifer Sheppard <JSheppard@BanksEng.com>
Subject: RE: DCI2023-00050 Diplomat House - Insufficiency

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good afternoon Justin I hope all is well and that you had a great weekend.

Thanks again for catching that! Please see attached updated MCP to reflect the 65'. We will also comply with the minimum 12' opening at the time of DO. Please don't hesitate to contact me via cell or email if you have any further questions or comments or if you are able to issue the letter of no objection that Zoning Staff requested for the deviation.
Thank you and hope you have a great week,
Stacy



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www.banksengfla.com

Stacy Ellis Hewitt, AICP
Director of Planning

Cell: 239-770-2527
Email: shewitt@bankseng.com
Office : 239-939-5490

10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

From: Stacy Hewitt
Sent: Friday, March 8, 2024 1:49 PM
To: Lighthall, Justin <JLighthall@leegov.com>

Cc: Jennifer Sheppard <JSheppard@BanksEng.com>
Subject: RE: DCI2023-00050 Diplomat House - Insufficiency

No need to apologize - I know you super busy! I appreciate you getting back to me and bringing this to my attention. I am looking into this and will get back with you ASAP.

Thanks again for your help.
Stacy

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Stacy Ellis Hewitt, AICP
Director of Planning

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Office : 239-939-5490

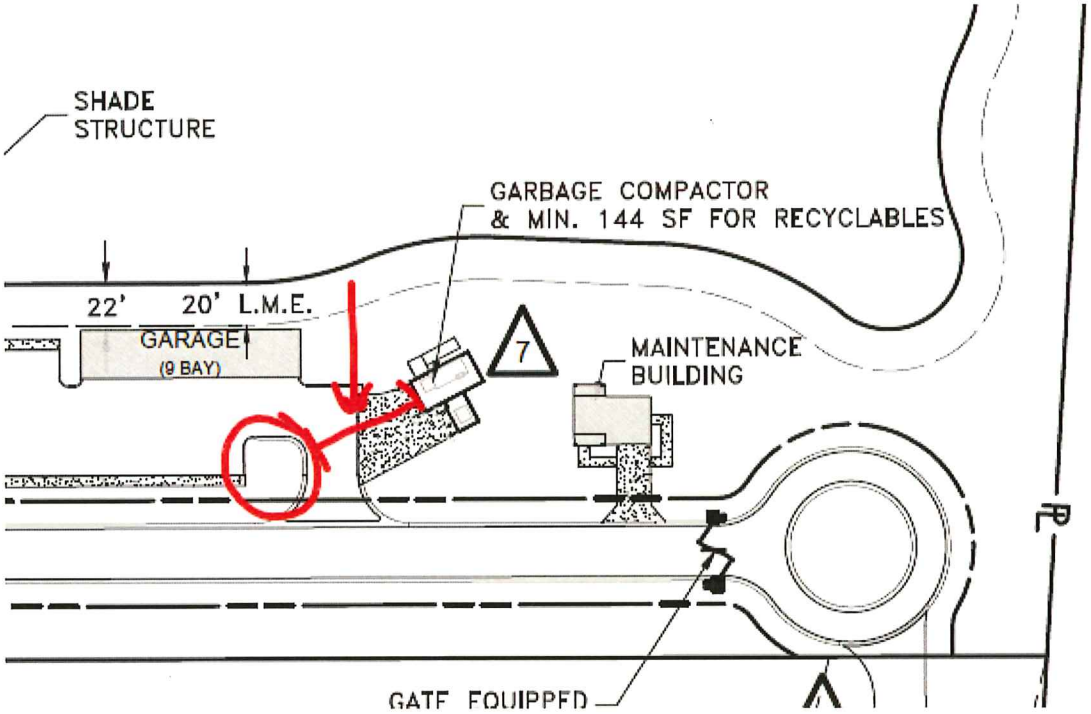
10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

From: Lighthall, Justin <JLighthall@leegov.com>
Sent: Friday, March 8, 2024 1:35 PM
To: Stacy Hewitt <SHewitt@BanksEng.com>
Cc: Jennifer Sheppard <JSheppard@BanksEng.com>
Subject: RE: DCI2023-00050 Diplomat House - Insufficiency

Hi Stacy,

Apologies on the delayed reply. The proposed MCP for DCI2023-00050 has been reviewed and the actual dumpster enclosure dimensions appear to be sufficient for Solid Waste. My only questions are regarding accessibility.

The minimum opening width for the compactor will need to provide 12' per LDC 10-261, it is also recommended to provide 65' of unobstructed collection access. There appears to be a potential obstruction in the highlighted area below, are you able to clarify the distance provided?



Regards,

Lee County
Southwest Florida

Justin Lighthall | Manager, Public Utilities

Solid Waste Department

6431 Topaz Ct, Fort Myers, FL 33966

office: (239) 533-8007

email: Jlighthall@leegov.com

web: www.leegov.com/solidwaste

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From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Friday, March 8, 2024 1:12 PM
To: Lighthall, Justin <JLighthall@leegov.com>
Cc: Jennifer Sheppard <JSheppard@BanksEng.com>
Subject: FW: DCI2023-00050 Diplomat House - Insufficiency

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Good afternoon and happy Friday, Justin I hope all is well.

Following up on the below email. Please do not hesitate to contact me via cell or email if you have any questions or need anything further.
Thank you and hope you have a great weekend if we don't talk before.
Stacy

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Stacy Ellis Hewitt, AICP
Director of Planning

Cell: 239-770-2527
Email: shewitt@bankseng.com
Office : 239-939-5490

10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

From: Stacy Hewitt
Sent: Thursday, February 15, 2024 11:37 AM
To: Lighthall, Justin <JLighthall@leegov.com>
Subject: DCI2023-00050 Diplomat House - Insufficiency

Good morning Justin I hope all is well.

We are working on the above zoning case and proposing a revision to the existing deviation regarding solid waste. There is an existing DO approved on the existing MCP so we have to keep both options in place. Zoning staff has requested that we provide a letter of no objection from Solid Waste in support of the proposed revision to Deviation 7 shown in the attached Schedule of Deviations and Justifications. I have attached both the existing MCP (allowed curbside pickup) and the proposed MCP for reference.

Proposed redlines to existing deviation 7 in snip image:

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi-family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.
   Request to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD.

Please do not hesitate to contact me via cell or email if you have any questions or need anything additional.

Thank you and please take care,
Stacy

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www.banksengfla.com

Stacy Ellis Hewitt, AICP
Director of Planning

Cell: 239-770-2527
Email: shewitt@bankseng.com
Office : 239-939-5490

10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

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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.

Diplomat House RPD
f/k/a Diplomat North RPD Amendment

DCI2023-00050

Applicant Presentation

LEE COUNTY HEARING EXAMINER
PUBLIC HEARING
June 26, 2024

APPLICANT EXHIBIT# 1
Powerpoint

APPLICANT REPRESENTATIVES

Planner
Stacy Ellis Hewitt, AICP

Environmental
Christian Casey

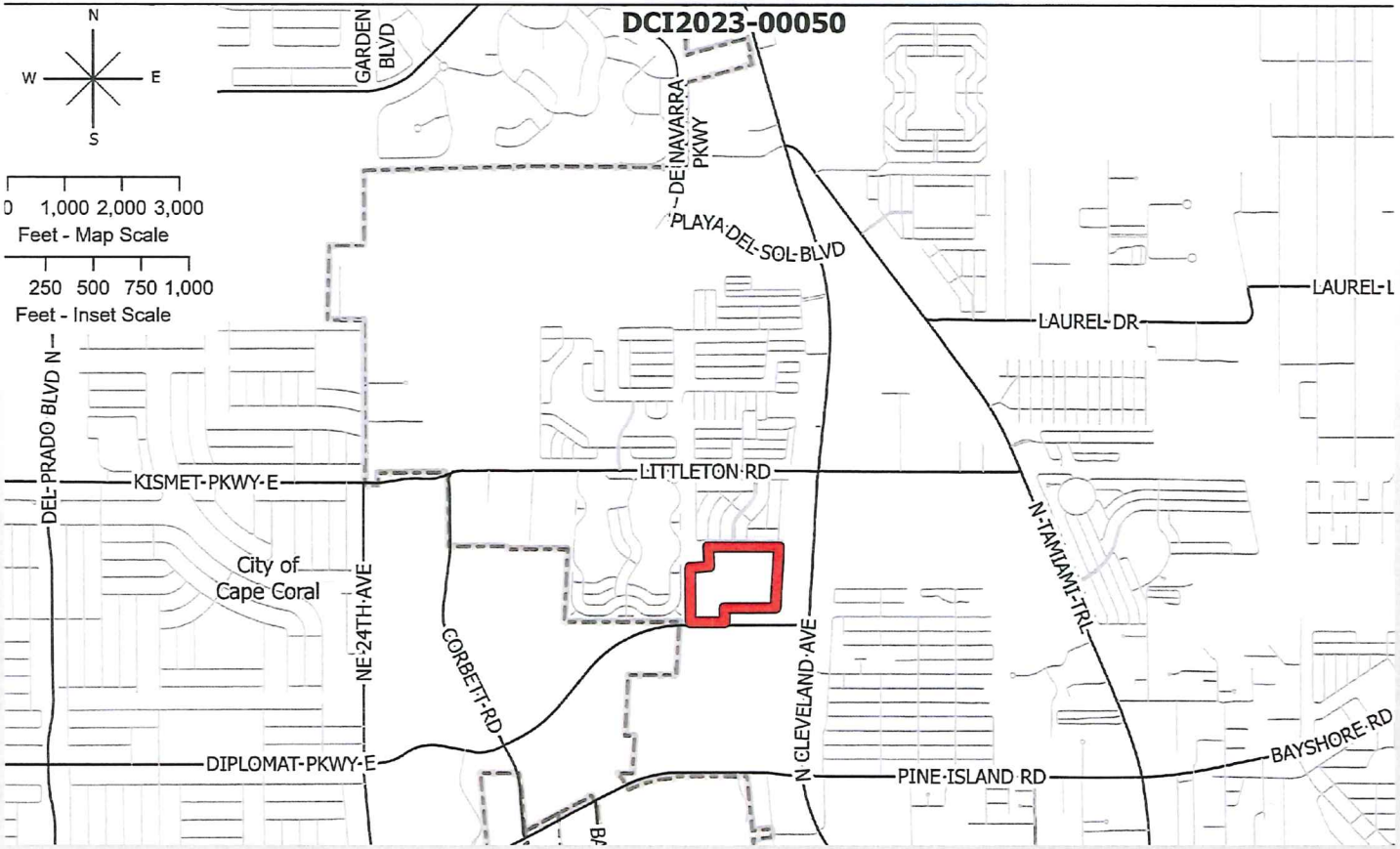
ATWELL

Engineer
Samuel Marshall, PE

Transportation
Ted B. Treesh

TR TRANSPORTATION CONSULTANTS, INC

SITE LOCATION



- **38.13± acres on the north side of Diplomat Parkway E.**
- **0.31± mile west of its intersection with N. Cleveland Ave/U.S. 41**

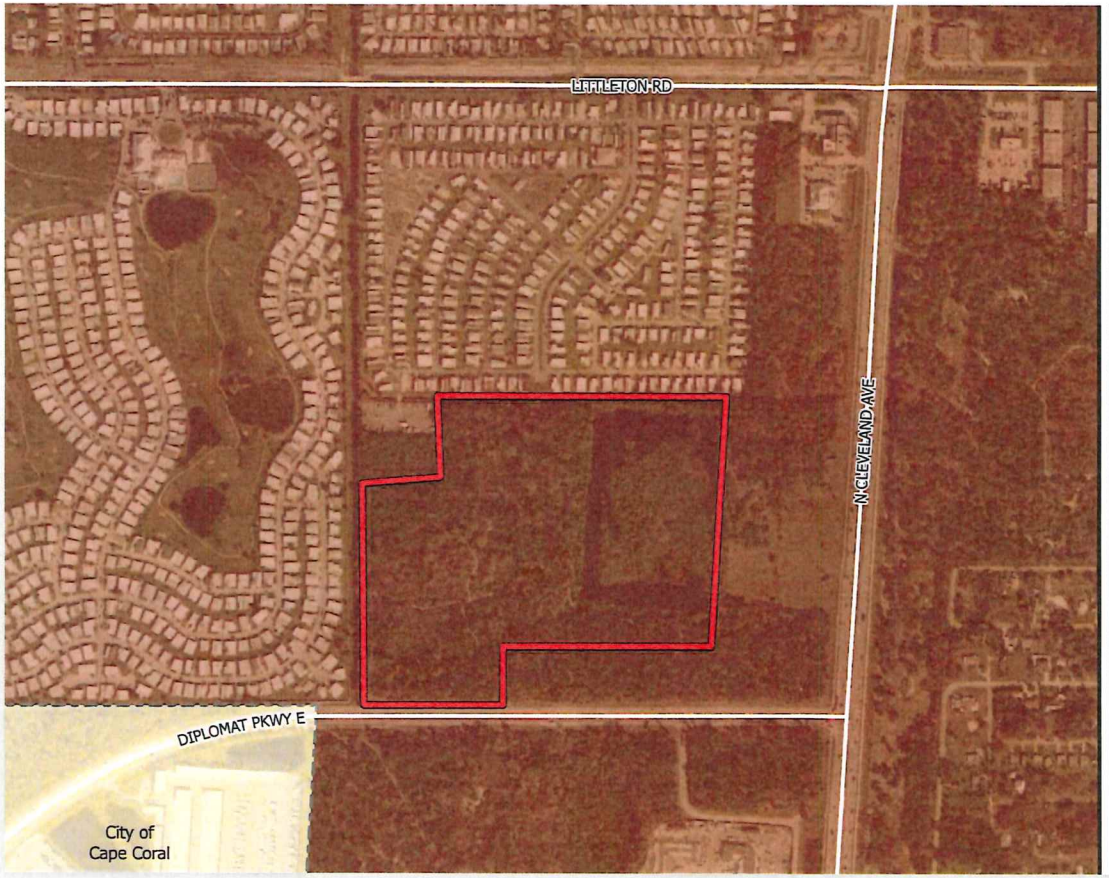
SUMMARY OF REQUEST

Applicant: Diplomat Fort Myers, LLC

Community Planning Area: North Fort Myers

Request: Amendment to 38.13± acres of the Diplomat North RPD/CPD from the Z-11-002/ADD2019-00085 approvals to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; to **allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay.**

FUTURE LAND USE



DCI2023-00050

Future Land Use

Subject Property

Central Urban

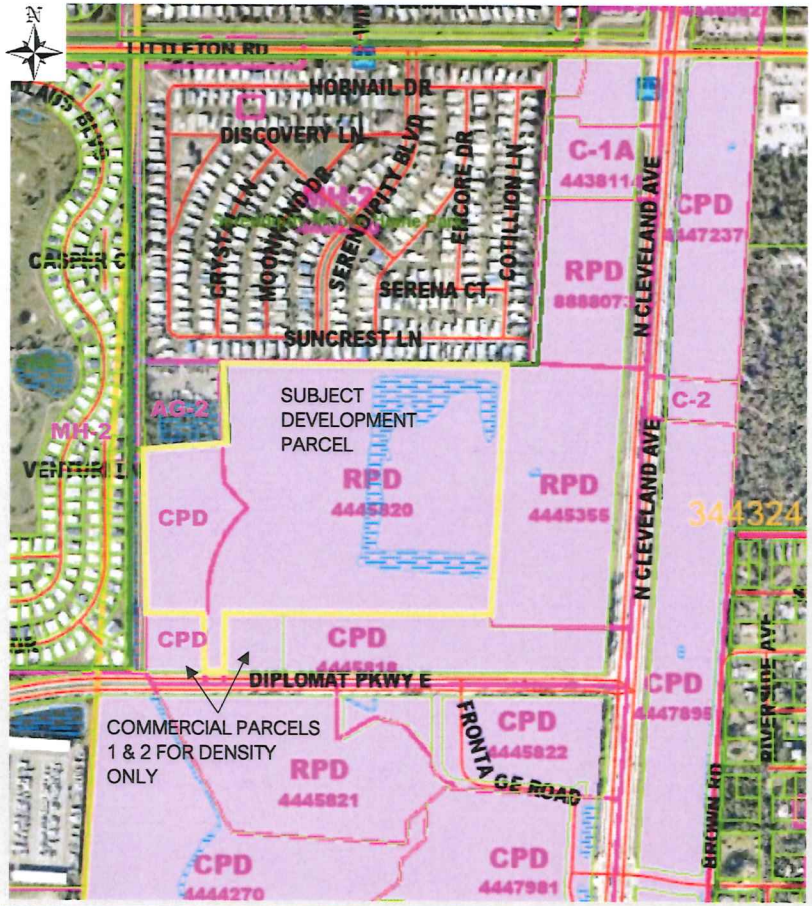
Public Facilities

City Limits

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S

- **Central Urban**
  - 10 DU/AC standard density
  - Up to 20 DU/AC with bonus density
  - Urban Core of county

ZONING/MIXED USE OVERLAY



- **Mixed Use Overlay** allows incentives including density from commercial parcels, height up to 135 feet, reduced property development regulations, reduced parking & reduced buffers
- Proposing to utilize 35.18± subject property plus 2.95± ac commercial parcels 1 & 2 = 38.13± acres
  - Up to 381 DU standard density
  - Up to 763 DU total maximum density with bonus & GPITDU
- **Request is for 360 DU with 60' height**

AERIAL/SURROUNDING PROPERTIES



- **North:** Serendipity Mobile Home Park zoned MH-2 & storage area zoned AG-2
- **West:** 25′ drainage ditch parcel zoned AG-2 then Six Lakes Country Club Mobile Home Park zoned MH-2 with 58′± common elements separating individual lots
- **South:** Vacant lands within subject RPD/CPD
- **East:** MIVO North Fort Myers RPD (285 DU/60′ height) DOS2022-00141 under review

STAFF REPORT

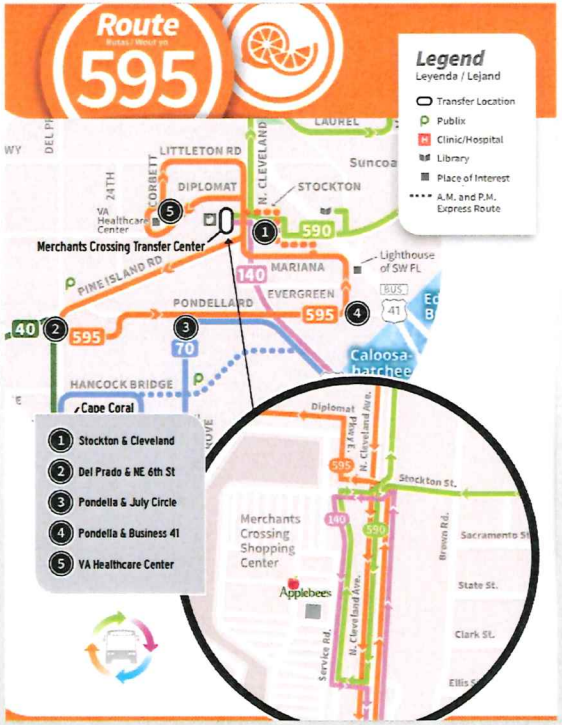
- Recommends approval

- Applicant in agreement with staff report recommendation for approval and conditions and deviation as revised

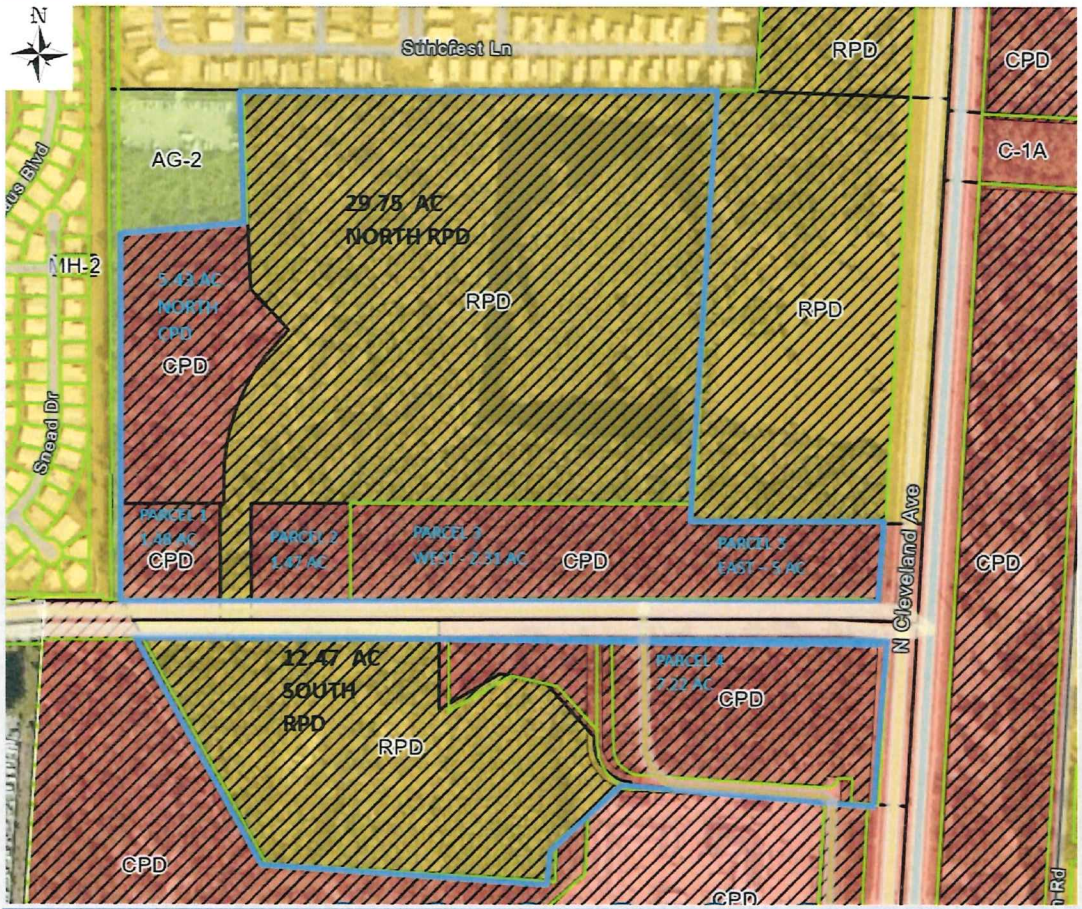
- Incorporate staff report and Applicant's 48-hour notice with attachments into testimony.

EXISTING PUBLIC SERVICES/FACILITIES

Facility Type	Name	Distance from site
Fire	North Fort Myers Fire Station 2	2.6± miles
Fire	North Fort Myers Fires Station 1	4.3± miles
EMS	Lee County EMS Medic 31	3± miles
EMS	Lee County EMS Medic 7	2.6± miles
Sheriff	Lee County Sheriffs Office, North District	2.7± miles
School	Dr. Carrie D. Robinson Littleton Elementary	1.7± miles
School	Diplomat Elementary School	3± miles
School	Diplomat Middle School	3.3± miles
School	North Fort Myers High School	3.4± miles
Park	Judd Community Park	2.3± miles
Park	North Fort Myers Recreation Center	2.9± miles
Park	Mary Moody Park	3.3± miles
Park	Kurt Donaldson Community Park	3.4± miles
Park	North Fort Myers Community Pool	3.5± miles
Transit	Lee Tran Route 595	0 feet
Transit	Lee Tran Transfer Station/ Routes 590 & 140	0.5± mile
Bikeways	Existing Bike lanes on Diplomat Pkwy	0 feet
Shopping/Employment	Merchants Crossing	0.6± mile
Shopping/Employment	Walmart Shopping Center	1± mile



OVERALL RPD/CPD ZONING



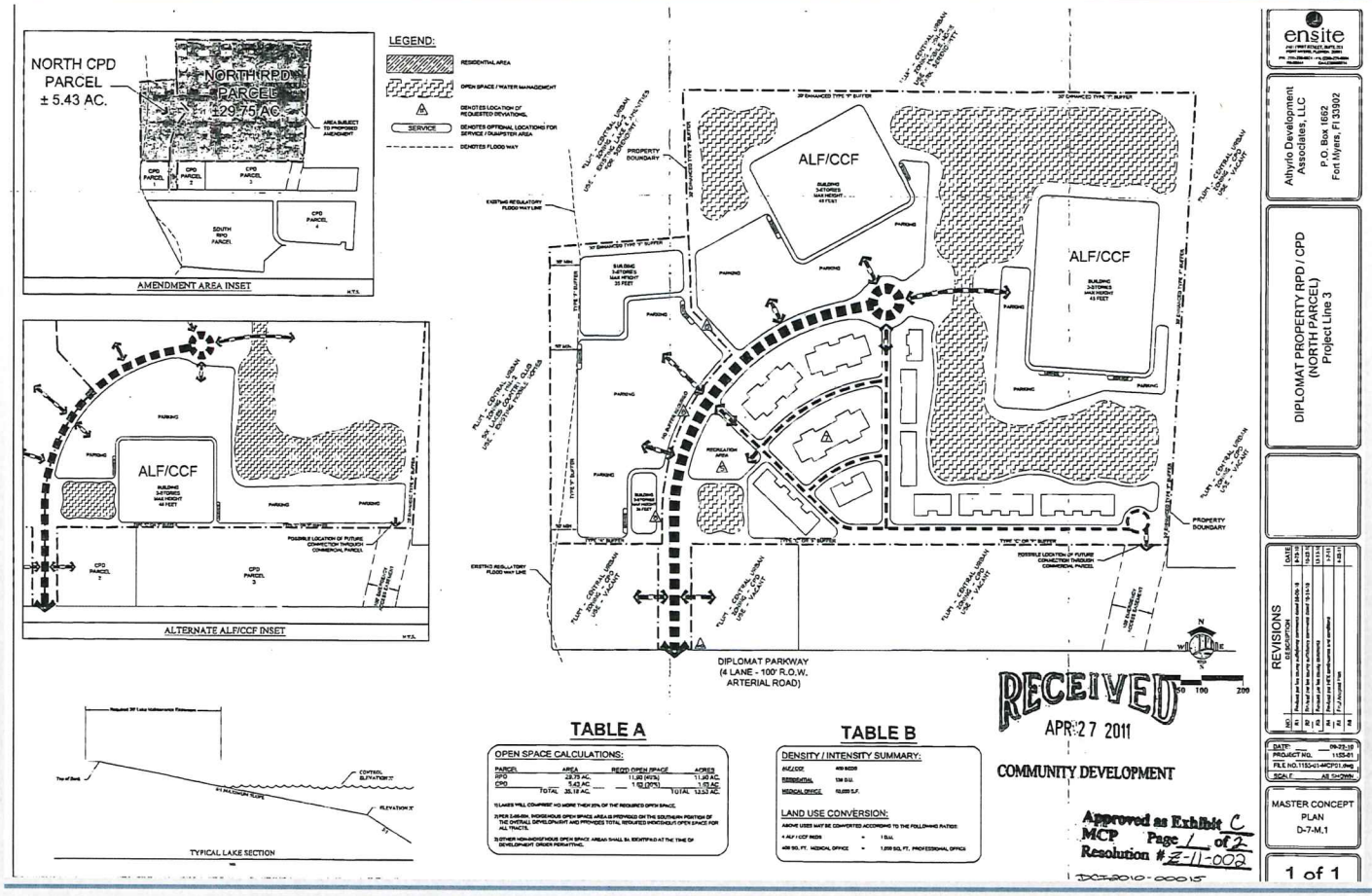
Overall 65.13± acre RPD/CPD north and south of Diplomat

Originally rezoned by Z-06-004 which granted approval for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail and 120 hotel rooms.

Z-11-002 amended northern ±35.18-acre RPD to allow a maximum of 400 assisted living facility beds, 138 standard dwelling units, a 5.43± acre north CPD with a maximum 50,000 square feet of commercial, a conversion table, and an amendment to the master concept plan.

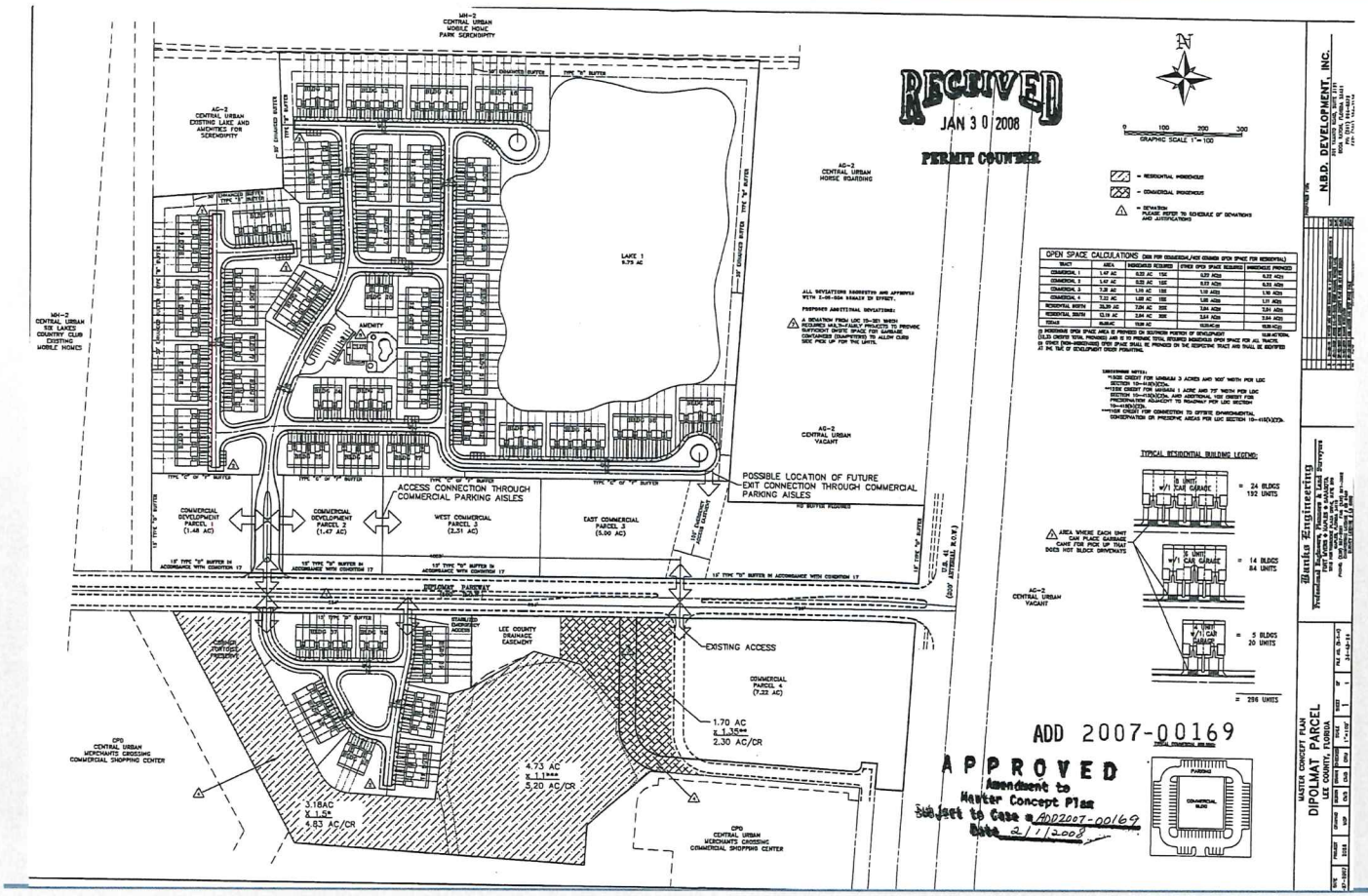
Multiple administrative amendments outlined in Staff Report

Z-11-002 MASTER CONCEPT PLAN



Created 5.43-Acre North CPD

EXISTING MASTER CONCEPT PLAN-PAGE 2 OF 2

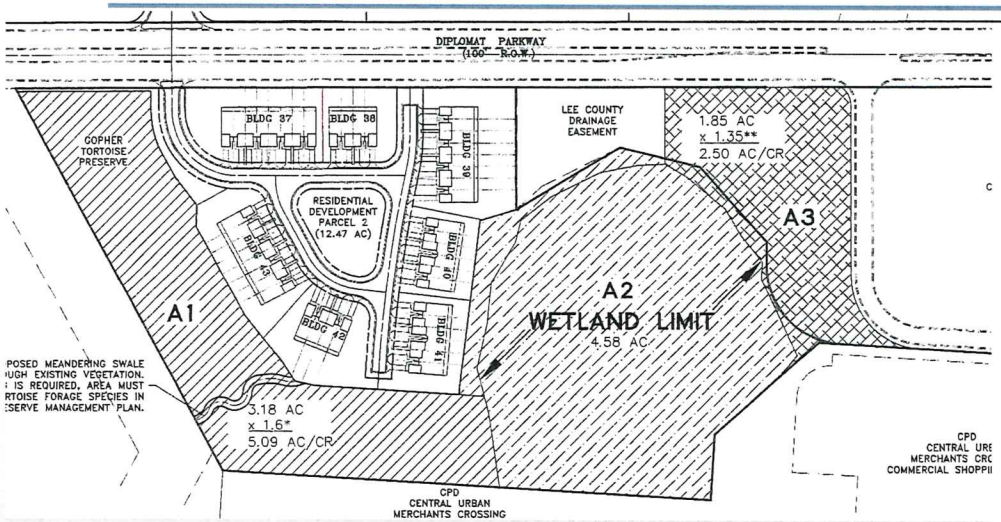


Basis for Existing DO Approvals:

North RPD:
DOS2007-00255: valid until 2/28/2030

South RPD:
DOS2007-00267 valid until 2/15/2030

DOS2007-00267 – OPEN SPACE TABLE REVISIONS



LDC

JUN 0 3 2008

APPROVED

(3) NORTH RPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT
(4) 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF DO FOR NORTH RPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.

~~PER MASTER CONCEPT PLAN~~

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE NORTH RPD & E AD ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

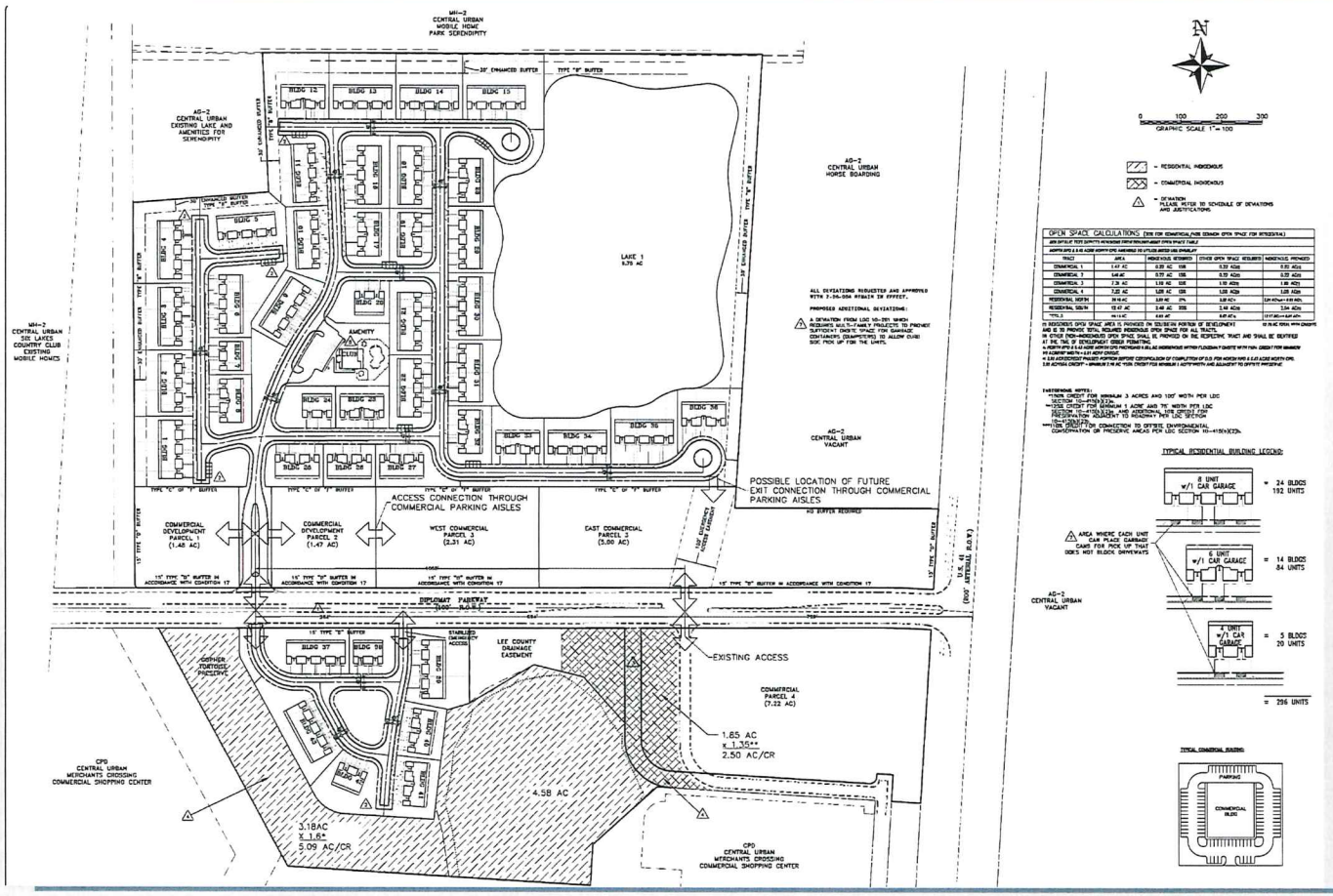
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 ~~1.47~~ AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	35.18 ~~35.19~~ AC	3.52 ~~7.03~~ AC ~~20%~~ 10	3.52 ~~7.03~~ AC(2)	7.01 ~~7.03~~ AC(1)(4)+0.61 AC(3)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	~~12.14~~ AC 8.63	8.63 ~~12.14~~ AC(2)	12.17 AC(1) +0.61 AC(3)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT ~~(12.33 CREDITS TOTAL PROVIDED)~~ AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. ~~12.17 AC TOTAL~~ 12.78 AC TOTAL WITH CREDITS
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS/OPEN SPACE EXHIBIT
DIPOLMAT PARCEL (SOUTH)
LEE COUNTY, FLORIDA

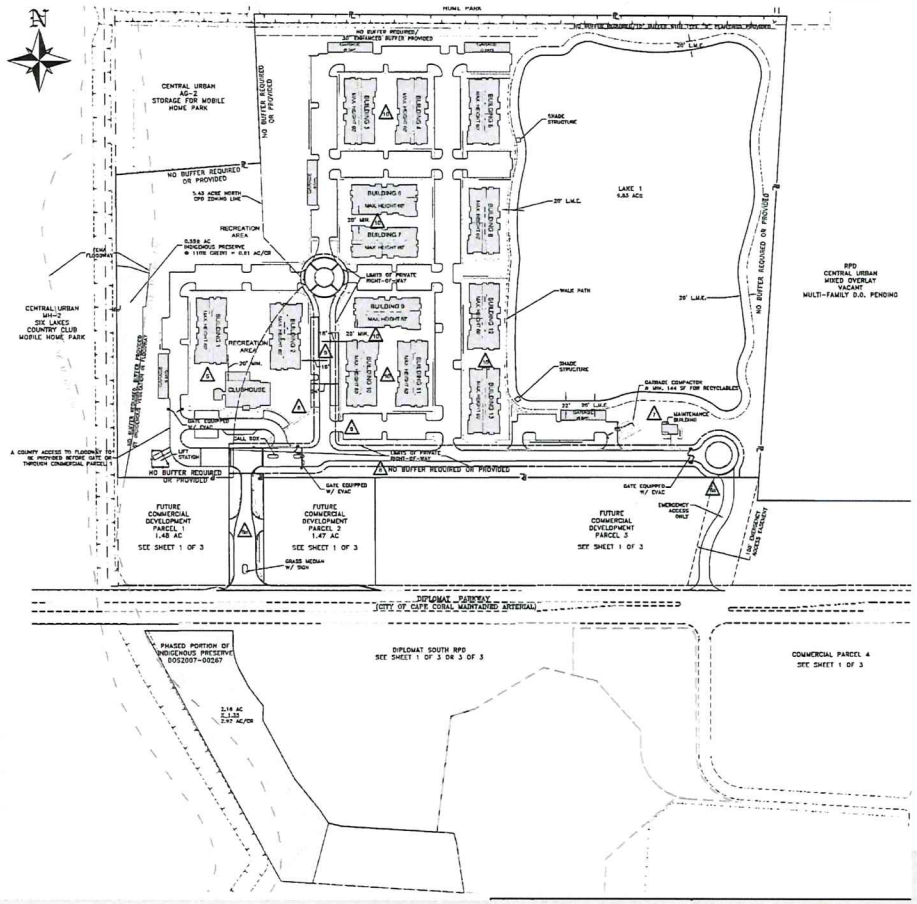
*PLEASE NOTE - MATHEMATICAL ERROR OF 0.02 AC IN TOTAL SO 7.03 AC REVISED TO 7.01 FOR SUBJECT PROPERTY
12.33 CREDITS IS TYPO CARRY OVER FROM ZONING TO BE DELETED*

PROPOSED MASTER CONCEPT PLAN – PAGE 1



ADD2007-00169 MCP with revised Open Space Table & Indigenous to reflect approved DOS2007-00267, Proposed project update & correct typographical errors

PROPOSED MASTER CONCEPT PLAN – PAGE 2



NORTH RPD & 5.43 ACRE NORTH CPD OPEN SPACE:

OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)

- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT. 3.52–0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL.
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH PER DOS2007–00267: (7.03 AC), (UPDATED TO 7.01 AC PER BELOW)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

LEGEND:

DEVIATIONS:

- (5) TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- (6a) TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
- (7) TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
- (8) TO ALLOW NO INTERNAL R.O.W. BUFFER
- (9) TO ALLOW BACKOUT PARKING INTO R.O.W.
- (10) TO ALLOW MINIMUM BUILDING SEPARATION OF 20'

INDIGENOUS PRESERVATION

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	***1.48 AC***	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	***35.18 AC***	***3.52 AC*** 10%	***3.52 AC(2)***	***7.01 AC(1)(4) + 0.61 AC(3)***
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	***8.63 AC***	***8.63 AC(2)***	***12.17 AC(1) + 0.61 AC(3)***

12.78 AC TOTAL WITH CREDITS

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(3) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.

(4) 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.

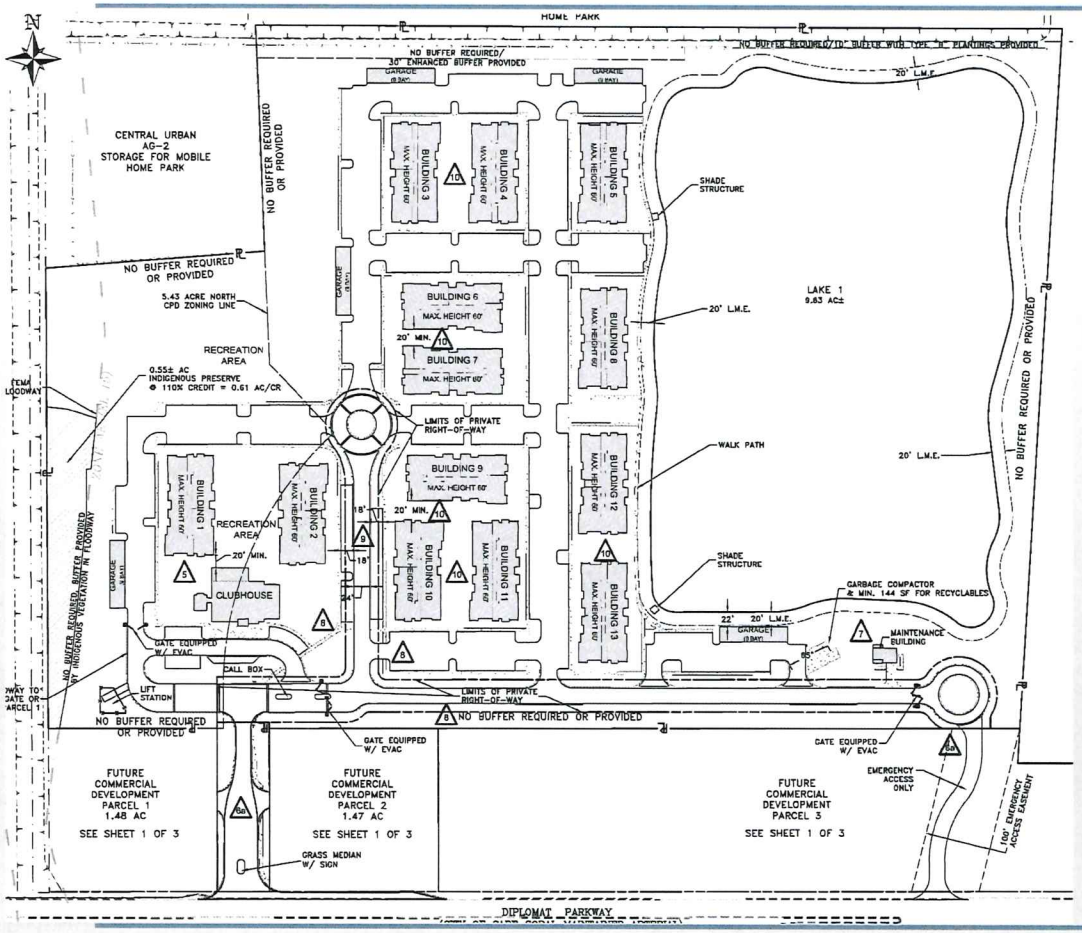
INDIGENOUS NOTES:

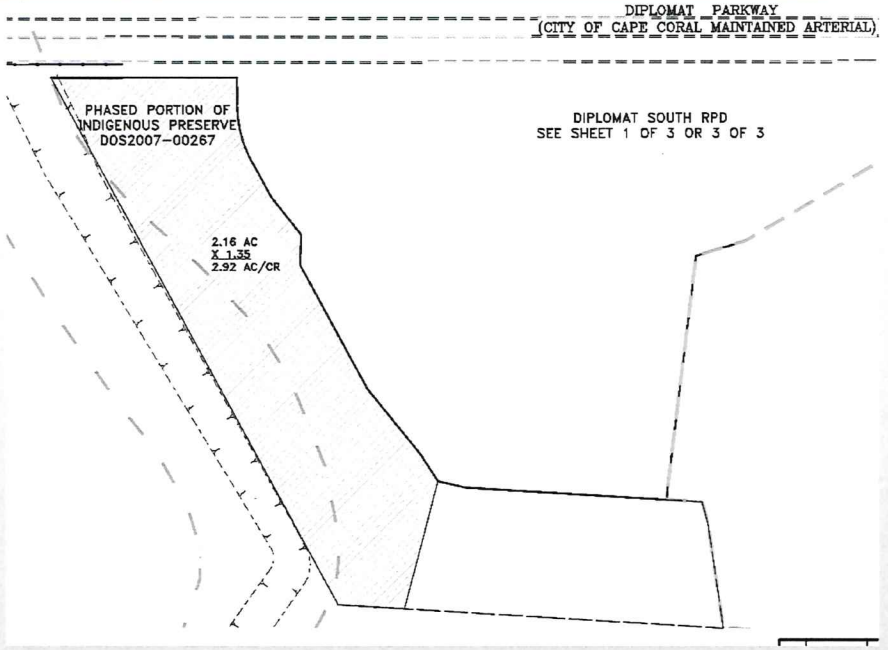
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.

**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.

***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

PROPOSED MASTER CONCEPT PLAN – PAGE 2





PROPOSED MASTER CONCEPT PLAN – PAGE 3

OPEN SPACE CALCULATIONS (DATA FOR COMMERCIAL/MXD COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DENOTES REVISIONS FROM DOS2007-00127 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 ACos	0.22 ACin
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 ACos	0.22 ACin
COMMERCIAL 3	7.39 AC	1.10 AC 15%	1.10 ACos	1.10 ACin
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 ACos	1.08 ACin
RESIDENTIAL NORTH	31.18 AC	3.82 AC 12%	3.82 ACos	7.91 ACin + 1.91 ACin
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 ACos	2.54 ACin
TOTALS	61.19 AC	8.93 AC	8.93 ACos	13.47 ACin + 1.91 ACin

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTH/SW PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. 12.96 AC TOTAL WITH CREDITS

(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

a) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.825 AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 10' ACROSS WIDTH = 0.91 ACRE CREDIT.

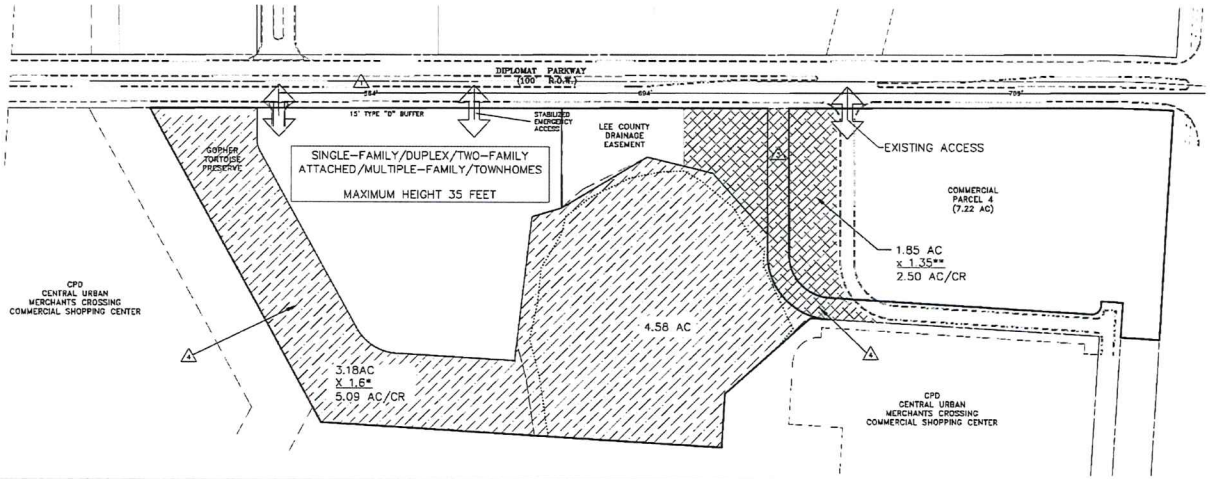
b) 5.33 ACRES (CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF S.D. FOR NORTH RPD & 5.43 ACRE NORTH CPD 7.33 X 0.925% CREDIT = MINIMUM 2.15 AC *125% CREDIT FOR MINIMUM 9 ACRE WIDTH AND ADJACENT TO OFFSITE PRESERVE.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

N

0 100 200 300
GRAPHIC SCALE 1" = 100

- RESIDENTIAL INDIGENOUS
- COMMERCIAL INDIGENOUS
- DEVIATION PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



ADD2019-00181 MCP with revised Open Space Table & Indigenous to reflect approved DOS2007-00267, Proposed project update & correct typographical errors

CONDITIONS

- Codifies all previous approvals
- Subject Property:
  - Removes commercial uses from 5.43 Acre North CPD
  - Establishes 360 multi-family dwelling units with updated site layout with 10' increase in height
  - Removes Assisted Living Facility uses & dwelling unit types except multiple-family & townhomes
  - Applies Mixed Use Overlay Incentives

Open Space:

- Zoning & Development Order approval for south indigenous preserve that meets requirement for entire RPD (40% open space of which 20% indigenous)/CPD (30% open space of which 15% indigenous)
  - 12.17 acres overall preserve utilizing credits, 7.01 acres for subject property

- Mixed Use Overlay only requires 20% open space of which 10% indigenous
  - Subject 35.18 acres only require 3.52 acres indigenous
  - Providing 0.55± acre onsite, 0.61± utilizing credits
  - Applicant proving 2.92± acre/credit phased portion of upland indigenous preserve on south

DEVIATIONS

Amended Deviations

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi- family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

   Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.43 Acre North CPD.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §10-425(f)(1) requirement for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet, to allow no buffer within the North RPD & 5.43 Acre North CPD project to internal rights-of-way. This deviation is APPROVED.

   Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.43 Acre North CPD.

- Deviation 7 - Solid Waste recommends approval
- Deviation 8 – Internal to site & appropriate for MUO

New Deviations

9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on Page 2 of 3 of the MCP.

   Staff Recommends APPROVAL.

   This deviation applies to the North RPD & 5.43 Acre North CPD.

10. **Minimum Building Separation** – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

    Staff Recommends APPROVAL.

    This deviation applies to the North RPD & 5.43 Acre North CPD.

- Deviations 9 - Internal to site where functions like parking lot aisles & appropriate for MUO
- Deviation 10 – Appropriate for MUO

All Deviations enhance the achievements of the Planned Development and protect the public health, safety and welfare.

Environmental

Christian Casey



ENVIRONMENTAL

- No wetlands within subject property
- Protected Species Survey updated August 2022
- No protected species found on site
- Project meets the Environmental Goals and Objectives of the Lee Plan and Land Development Code

Surface Water Management

Samuel W. Marshall, PE

ATWELL

SURFACE WATER MANAGEMENT

- Existing SFWMD & DO Approvals for North & South RPDs
- SFWMD will be modified
- Issuance of ERP ensures that surface & ground water quality won't be adversely impacted
- Proposed plan removes development from the FEMA floodway
- No fill proposed in floodway & exotic vegetation will be removed

Transportation

Ted B. Treesh

TRANSPORTATION CONSULTANTS, INC

TRANSPORTATION

- The request is to rezone the North Parcel to **REDUCE** the transportation impacts from the NORTH parcel by approximately 85% during the Weekday PM Peak Hour
- Reduction is from 238 MF Dwelling Units & 50,000 Sq. Ft. of Retail uses to ONLY 360 MF Dwelling Units on North Parcel
- TIS submitted analyzed both the North & South Parcel (No changes to the South Parcel Proposed as part of this Amendment)
- Roadways will operate at an Acceptable Level of Service at Build-out (North & South Parcels)
- Diplomat Parkway is a City of Cape Coral roadway. Access will be permitted through the City.
- Staff agrees project will not have a detrimental impact on the surrounding roadway system.
- Project is consistent with the Lee Plan & LDC Transportation Element.

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan;

Policy 1.1.3 – Central Urban

- Urban Core of county appropriate for residential and/or commercial infill development
- Consistent with allowable land uses and density range

Objective 2.1, Policy 2.1.1 – Development Location

- Infill - compact & contiguous development in Future Urban Area and Mixed Use Overlay

Objective 2.2, Policy 2.2.1 – Development Timing

- Adequate public facilities exist & compatible with surrounding land uses

Goal 5, Objective 5.1, Policies 5.1.2, 5.1.3, 5.1.5, 5.1.6 & 5.1.7 - Residential

- No development or fill within Floodway
- Near employment, shopping centers, parks, schools, mass transit, & bicycle facilities, provides onsite open space & recreation area
- Remains compatible with surrounding properties

Goal 6, Objective 6.1, Policies 6.1.1, 6.1.4, 6.1.6 & 6.1.7

- Existing zoning & development consistent & proposed plan remains consistent

Objectives 11.1 & 11.2, Policies 11.2.2, 11.2.5 & 11.2.7 – Mixed Use Overlay

- Appropriate for mixed use development where existing infrastructure exists
- Connections to commercial parcels
- Requested revisions provide appropriate urban form & utilize non-residential area for density

LAND DEVELOPMENT CODE ANALYSIS (continued)

Findings/review criteria LDC Section 34-145(d)(4)a.1.

a) Complies with the Lee Plan (continued);

Goal 30, Policy 30.1.3 – North Fort Myers

- Infill, compact, mixed use development with residential adjacent to proposed commercial uses where approved for development since 2006

Goal 125, Objective 125.1, Policies 125.1.1 & 125.1.3 – Water Quality

- Existing SFWMD & DO approvals – SFWMD will be modified - issuance of ERP ensures that surface & ground water quality won't be adversely impacted

Goal 135, Objective 135.1, Policy 135.1.9 – Meeting Housing Needs

- Provides townhouse or multi-family development at appropriate density to assist with meeting housing needs of the county

Goal 158

- Mixed use infill development assisting with diversified & stable economy by providing employment opportunities

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

- Held required Public Information Meeting within North Fort Myers Community Planning Area
- Qualifies for existing, revised & proposed deviations

c) Is compatible with existing and planned uses in the surrounding area;

- Existing development approval since 2006
- Within the Mixed Use Overlay
- Remains compatible with existing & planned uses internal & external to RPD/CPD

d) Will provide access sufficient to support the proposed development intensity;

- Existing access deviation found sufficient with existing DO approvals for development
- Request results in a REDUCTION of trips

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.1.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

- Request results in a REDUCTION of trips
- Applicant & Staff agree request will not have a detrimental impact on roadway network in area

f) Will not adversely affect environmentally critical or sensitive areas and natural resources;

- Existing zoning & DO approval for indigenous preservation area
- Request increases overall indigenous open space although MUO reduces amount required

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category;

- Future Urban Area with adequate urban services previously outlined

LAND DEVELOPMENT CODE ANALYSIS

Findings/review criteria LDC Section 34-145(d)(4)a.2.

a. The proposed use or mix of uses is appropriate at the proposed location; ✓

b. The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development. ✓

a. If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1. *Enhances the achievement of the objectives of the planned development;* ✓ *and*
2. *Protects public health, safety and welfare.* ✓

CONCLUSION

Based upon my experience, preparation of the request, and review of the staff report, it is my professional opinion that the requested rezoning:

- Meets required findings & review criteria
- Is entitled to approval

QUESTIONS?

ATWELL

June 26, 2024

Donna Marie Collins, Esq.
Lee County Chief Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

Reference: **DCI2023-00050 -DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD AMENDMENT**
HEARING DATE: JUNE 26, 2024
APPLICANT'S ADDITIONAL INFORMATION

Dear Madam Hearing Examiner:

The Applicant offers the following attachments and discussion in response to the email received from Lee County Hearing Examiner's Office on June 24, 2024 regarding Instruction on Revised Conditions and the email received from Lee County Hearing Examiner's Office on June 25, 2024 regarding request for legal description and MCP for the entire RPD and CPD.

1) **Applicant's Proposed Changes to Staff Report Attachment C – Revised June 26, 2024 –** Conditions from Z-06-004 codified to reflect subsequent approvals and proposed Applicant and Staff revisions.
    - The previous conditions were prepared based on codification after Z-11-002. While updating the conditions to the new format, a review and color codification of the prior zoning resolutions (Z-06-004 and ADD2007-00169) was also conducted which uncovered some discrepancies that conflict with the existing South RPD DO approval so are proposed to be revised. Additionally, please note that it appears condition 13 from Z-06-004 was replaced by condition 23 in Z-11-002.
2) **Applicant's Proposed Changes to Staff Report Attachment C – Revised June 26, 2024 - Clean Version**
3) **Revised 3 Page MCP (24"x36" & 11"x17")**
    - The MCP order of pages has been revised to make Page 1 the MCP from ADD2007-00169 which provides the entire RPD and CPD with the Alternates following on Pages 2 and 3. The open space tables as well as the indigenous plan labels on MCP Pages 2 and 3 have been updated to reflect DOS2007-00267 Diplomat Parcel (South) approval which is the basis for the updated open space table, as amended with subject request and typographical corrections demonstrated on slide 13 of Applicant's Presentation.
4) Pages from Diplomat South DO Approved Plans-DOS2007-00267 submitted with application as attachment to Applicant's Narrative
5) Atwell resumes for Stacy Ellis Hewitt, Samuel W. Marshall and Christian Casey

In regard to the request for legal description for entire RPD and CPD, The Applicant respectfully requests that the record be left open for submittal of the requested revised legal description and sketch. Applicant originally submitted the same legal description and sketch attached to Z-11-002 as the overall RPD/CPD Legal Description since the legal and sketch submitted with the Applicant's 48-hour notice from DCI2010-00015 file that created the 5.43 acre North CPD were never included in the resolution.

Sincerely,
ATWELL, LLC

Stacy Ellis Hewitt, AICP
Planner
cc: Dirk Danley Jr, AICP

10511 Six Mile Cypress Parkway, Fort Myers, FL 33966
www.atwell-group.com

APPLICANT EXHIBIT# 2
Composite Ex: Revised Conditions / MCP / Resume

DCI2023-00050 - Applicant's Proposed Changes to Staff Report Attachment C – Revised June 26, 2024
Conditions from Z-06-004: Codified to reflect ADD2007-00169, Z-11-002, ADD2019-00085, ADD2019-00181, ADD2020-00034 (language added for codification underlined)
*Proposed Applicant/Staff Revisions in ~~strikethrough~~/underline below. Color of strikethrough language not changed to keep color codification.
*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

SECTION B. CONDITIONS:

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

1. ~~Development north of Diplomat Parkway East must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter,". Development south of Diplomat Parkway East must be substantially consistent with the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," OR the 1-page MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10-28-2019 except as modified by the conditions below.~~

   Development must be substantially consistent with the three-page Master Concept Plan (MCP) entitled:

   Page 1 of 3 of the MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 6/25/2024; OR

   Page 2 of 3 of the MCP entitled "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 6/25/2024; OR

   Page 3 of 3 of the MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10/28/2019, last revised 6/25/2024, except as modified by the conditions below.

   ~~NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 35.2 acre site that may be Developed either with RPD uses, and/or ALF/CCF, with or without a Commercial component on the westerly portion of that site Identified as the 5.43-acre North CPD Parcel.~~

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

~~Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.~~

Maximum number of dwelling units (North RPD and 5.43 Acre North CPD Parcel): 360 dwelling units (Standard Density utilizing North RPD and 5.43 Acre North CPD (35.18 acres), Commercial Parcel 1 (1.48 Acres) and Commercial Parcel 2 (1.47 acres).

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to affordability requirements above.

~~Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.~~

~~Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses.~~

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3, and 4): 200,000 square feet of commercial uses. North RPD and 5.43 Acre North CPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay. Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres).

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

   a. **Schedule of Uses:**

      RPD – South of Diplomat Parkway

      Accessory Uses and Structures
      Administrative Office

Clubs, Private - As shown on the approved MCP.
Community Garden
Dwelling Units – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)
- Single-family
- Duplex
- Two-family attached,
- Multiple-family
- Townhomes ~~– 105 (up to 126 pursuant to Condition 1)~~

Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses
Temporary Real Estate Sales Office

CPD – Parcels 1, 2, 3 & 4 – North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores

Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34 Division 11)
A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (~~**Note**: *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)*~~
Consumption on Premises - Indoors. In conjunction with Group III restaurants only.
Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Group I and II ~~(Not Group III)~~
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multifamily (Limited to Parcels 3 and 4) See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls~~.~~
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II~~,~~ and III (~~but not Group IV).~~
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores – (indoor only, no outdoor display)
Library

Medical Office
Model Home, Model Dispay Center, Model Unit (Limited to Parcels 3 and 4)
Nonstore Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales
Limited to rental/sales of units within multifamily development permitted on Parcel 3 and 4
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III and IV
Residential accessory uses (Limited to Parcels 3 and 4)
Restaurants, Group I, II, III, IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs ~~in Accordance with Chapter 30~~
Social Services Group I only
Specialty Retail, Group I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

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*Proposed Applicant/Staff Revisions in ~~strikethrough~~/underline below. Color of strikethrough language not changed to keep color codification.
*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

RPD – North of Diplomat Parkway & 5.43 Acre North CPD

Accessory Uses and Structures
Administrative Office
~~Assisted Living Facilities – (Pursuant to Condition 1)~~
Clubs, Private - As shown on the approved MCP. (Recreation Areas)
Community Garden
~~Continuing Care Facilities~~
Dwelling Units – (pursuant Condition 1), ~~single-family, duplex, two-family attached,~~
Multifamily,
Townhomes ~~- (pursuant to Condition 1)~~
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Religious Facilities
Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses~~,~~
Temporary Real Estate Sales Office

~~**CPD – 5.43-Acre Parcel north of Diplomat Parkway**~~

~~Administrative Office~~
~~Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.~~
~~Automatic Teller Machine~~
~~Banks and Financial Establishments, Group I and II~~

~~Business Services, Group I and II (no impound yards or armored car services)~~
~~Cleaning and Maintenance Services~~
~~Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11)~~
~~A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.~~
~~Community Garden (**Note**: *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)*~~
~~Cultural Facilities~~
~~Entrance Gate and Gatehouse~~
~~Emergency Operations Center~~
~~EMS, Fire or Sheriff's Station~~
~~Essential Services~~
~~Essential Service Facilities, Group I~~
~~Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.~~
~~Fences and Walls.~~
~~Health Care Facility, Group I, II, III (no Group IV).~~
~~Insurance Companies~~
~~Medical Office~~
~~Parking Lot, Accessory~~
~~Personal Services, Groups I and II~~
~~Pharmacy – accessory to medical office use only~~
~~Real Estate Sales Office~~
~~Religious Facilities~~
~~Research and Development Laboratories, Group I, II, III and IV~~
~~Schools, Commercial and Non-Commercial~~
~~Signs in Accordance with Chapter 30~~
~~Social Services Group I only~~
~~Temporary Uses~~

b. **SITE DEVELOPMENT REGULATIONS**

RPD – South of Diplomat Parkway

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/ 20 feet (private)
Side	5 feet
Rear	30 feet – on all lots containing enhanced buffer 20 feet —on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet —on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED~~, TOWNHOUSE:~~

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/ 20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet – on all lots containing enhanced buffer 20 feet – on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

30 feet – on all lots containing an enhanced buffer.

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent.

TOWNHOUSE

Minimum Lot Areas and Dimensions
Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks
Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall unit)
Rear 30 feet on all lots containing enhanced buffer.
20 feet on all other lots
Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures) 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer.

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 65 percent

MULTIPLE-FAMILY

Minimum Lot Areas and Dimensions
Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)~~/~~
	20 feet (private)
Side	10 feet
Rear	30 feet – on all lots containing enhanced buffer.
	20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet – on all lots containing an enhanced buffer.

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

Street	25 feet (public)~~/~~
	20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

CPD – Parcels 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions
- Lot Size: 10,000 square feet
- Lot Width: 100 feet
- Lot Depth: 100 feet

Minimum Setbacks
- Street: 25 feet (public)/ 20 feet (private)
- Side: 10 feet
- Rear: 20 feet
- Water body: 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/ 2 stories – adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD – NORTH OF DIPLOMAT PARKWAY & 5.43 ACRE NORTH CPD:

~~**ASSISTED LIVING:**~~

~~Minimum Lot Areas and Dimensions~~
- ~~Lot Size: 10,000 square feet~~
- ~~Lot Width: 100 feet~~
- ~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
- ~~Street 25 feet (public)/20 feet (private)~~
- ~~Side 10 feet~~

~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~
~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing enhanced buffer~~

~~Minimum Building Separation: ½ building height, but not less than 15 feet~~

~~Maximum Building Height: 45 feet~~

~~Maximum Lot Coverage: 45 percent~~

~~**SINGLE-FAMILY**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,200 square feet~~
~~Lot Width: 60 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet – all lots containing enhanced buffer~~
~~20 feet - all other lots~~
~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet – all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

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*Proposed Applicant/Staff Revisions in ~~strikethrough~~/underline below. Color of strikethrough language not changed to keep color codification.
*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

~~**DUPLEX**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,000 square feet~~
~~Lot Width: 70 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~
~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

TOWNHOME

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 1,600 square feet~~
~~Lot Width: 16 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~0 feet (for a common wall)~~
~~Rear 30 feet on all lots containing enhanced buffer.~~
~~20 feet on all other lots~~

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*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures) 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer.~~

~~Minimum Building Separation: 20 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 55 percent~~

Minimum Lot Size and Dimensions

Lot Size	0 square feet
Lot Width	16 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet
All Accessory Uses	0 feet

Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	No Maximum

MULTIPLE-FAMILY

~~Minimum Lot Areas and Dimensions~~

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*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~

~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 30 feet on all lots containing enhanced buffer.~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height, but not less than 15 feet~~

~~Maximum Building Height: 50 feet~~
~~Maximum Lot Coverage: 45 percent~~

Minimum Lot Size and Dimensions

Lot Size	0 square feet
Lot Width	25 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet

All Accessory Uses	0 feet

Setbacks from Preserves (All Structures)	per the LDC.

Conditions from Z-06-004: Codified to reflect ADD2007-00169, Z-11-002, ADD2019-00085, ADD2019-00181, ADD2020-00034 (language added for codification underlined)
*Proposed Applicant/Staff Revisions in ~~strikethrough~~/underline below. Color of strikethrough language not changed to keep color codification.
*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

Minimum Perimeter Setbacks 15 feet

Minimum Building Separation : 20 feet

Maximum Building Height 60 feet

Maximum Lot Coverage No Maximum

RECREATIONAL AREA/CLUBHOUSE:

~~Minimum Lot Areas and Dimensions~~

~~Lot Size: 9,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~

~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 20 feet~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~
~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

Minimum Lot Size and Dimensions
Lot Size 0 square feet
Lot Width 25 feet
Lot Depth 0 feet

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*Proposed Applicant/Staff Revisions in ~~strikethrough~~/underline below. Color of strikethrough language not changed to keep color codification.
*Townhome regulations updated to reflect ADD2007-00169 which match active Development Orders on North and South RPD

Minimum Setbacks
Street 0 feet (public)
0 feet (private)
Side 0 feet
Rear 0 feet
Waterbody 25 feet

All Accessory Uses 0 feet

Setbacks from Preserves
(All Structures) per the LDC.

Minimum Perimeter Setbacks 15 feet

Minimum Building Separation 10 feet

Maximum Building Height 35 feet

Maximum Lot Coverage No Maximum

~~CPD – 5.43-acre North CPD Parcel:~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 20 feet~~
~~20 feet all other lots~~
~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height not less than 15 feet~~

~~Building Height: 35 feet~~
~~Maximum Lot Coverage: 60 percent~~

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. DELETED ~~Any model homes or units must be developed within the areas identified as "models" on the approved MCP~~.

g. Real Estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **DELETED ~~BLASTING~~**

~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. ~~**ADDITIONAL BUILDING SEPARATION REQUIRED**~~

~~Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).~~

ADDITIONAL BUILDING SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

~~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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of~~

~~gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.~~

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 Allocation Table, Map 16 and Table 1(b), as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

~~The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.~~

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Parkway if requested by Florida Department of Transportation or City of Cape Coral.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. **ACCESORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

~~Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.~~

Prior to local development order approval, the landscape plans must demonstrate that each parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

~~Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.~~

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must

be buffered, from Diplomat Parkway, by, at a minimum, a two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. **PRIOR ZONING**

~~The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.~~

move to condition 1

The terms and conditions of Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020-00034 are superseded by this zoning action and are rendered null and void by this approval.

20. ~~**INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**~~

INDIGENOUS PRESERVATION/HERITAGE TREES (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be

replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **DELETED ~~OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~**

~~Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.~~

23. **~~BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~**

~~a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.~~

~~b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.~~

BUFFERS (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way.

b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. ~~**NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**~~

NATIVE PLANTINGS REQUIRED (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition 25.

27. (Condition 5 from ADD2020-00034) With any local development order application proposing multifamily residential development on CPD Parcels 3 and 4, the applicant must submit a report itemizing:

a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.

b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.

c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition 27(a).

SECTION C. DEVIATIONS:

~~*(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)*~~

(Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations 9 and 10 are new.)

1. ~~**Intersection Separation -** Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.~~

   Intersection Separation - Deviation 1 (previously contained in Resolution Z- 06-004 and subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. ~~**One dead-end street permitted -** Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.~~

   One dead-end street permitted - Deviation 2 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. ~~**Calculation of Open Space -** Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:~~

Calculation for Open Space - Deviation 3 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

This deviation applies to the southern RPD and CPD.

4. ~~**Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:~~

Installation of storm water management system - Deviation 4 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences Staff review and approval.

This deviation applies to the southern RPD and CPD.

5. ~~**Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any~~

~~recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:~~

Separation from residential uses - Deviation 5 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

~~This deviation applies to the recreation area shown on the RPD to the north.~~

This deviation applies to the recreation area shown on the RPD & 5.43 Acre North CPD to the north.

6. a. ~~**Single ingress into the development** Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC§ 10-291 (3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:~~

Single ingress into the development - Deviation 6a (previously contained in Resolution Z-06- 004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as

shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. ~~Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:~~

Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. ~~**Curbside garbage collection for townhouse units -** Deviation 7 (previously contained in ADD2007-00169) seeks relief from LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.~~

Curbside garbage collection for townhouse units and reduction in collection area for multi- family units - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.43 Acre North CPD.

8. ~~**Certain internal buffers not required** – Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the property by a private road. This deviation is APPROVED.~~

Certain internal buffers not required - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §10-425(f)(1) requirement for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet, to allow no buffer within the North RPD & 5.43 Acre North CPD project to internal rights-of-way. This deviation is APPROVED.

Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.43 Acre North CPD.

9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on Page 2 of 3 of the MCP.

Staff Recommends APPROVAL.

This deviation applies to the North RPD & 5.43 Acre North CPD.

10. **Minimum Building Separation** – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

Staff Recommends APPROVAL.

This deviation applies to the North RPD & 5.43 Acre North CPD.

SECTION B. CONDITIONS:

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

1. Development must be substantially consistent with the three-page Master Concept Plan (MCP) entitled:

   Page 1 of 3 of the MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 6/25/2024; OR

   Page 2 of 3 of the MCP entitled "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 6/25/2024; OR

   Page 3 of 3 of the MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10/28/2019, last revised 6/25/2024, except as modified by the conditions below.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum number of dwelling units (North RPD and 5.43 Acre North CPD Parcel): 360 dwelling units (Standard Density utilizing North RPD and 5.43 Acre North CPD (35.18 acres), Commercial Parcel 1 (1.48 Acres) and Commercial Parcel 2 (1.47 acres).

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to affordability requirements above.

   Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3, and 4): 200,000 square feet of commercial uses. North RPD and 5.43 Acre North CPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay. Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units (8 dwelling units per acre on 14.53 acres).

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

a. **Schedule of Uses:**

RPD – South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Community Garden
Dwelling Units – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)
- Single-family
- Duplex
- Two-family attached,
- Multiple-family
- Townhomes

Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

CPD – Parcels 1, 2, 3 & 4 – North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II

Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34 Division 11)
A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden
Consumption on Premises - Indoors. In conjunction with Group III restaurants only.
Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Group I and II
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multifamily (Limited to Parcels 3 and 4) See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II and III
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores – (indoor only, no outdoor display)
Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)
Nonstore Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents,

Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.

Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales
Limited to rental/sales of units within multifamily development permitted on Parcel 3 and 4
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III and IV
Residential accessory uses (Limited to Parcels 3 and 4)
Restaurants, Group I, II, III, IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs
Social Services Group I only
Specialty Retail, Group I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD – North of Diplomat Parkway & 5.43 Acre North CPD

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP. (Recreation Areas)
Community Garden
Dwelling Units – (pursuant Condition 1)
Multifamily,
Townhomes
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material

from the site.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Religious Facilities
Residential Accessory Uses
Signs
Temporary Uses~~,~~
Temporary Real Estate Sales Office

b. **SITE DEVELOPMENT REGULATIONS**

RPD – South of Diplomat Parkway

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer
	20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer.

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent.

TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	1,600 square feet
Lot Width:	16 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
	0 feet (for a common wall unit)
Rear	30 feet on all lots containing enhanced buffer.
	20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures) 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer.

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 65 percent

MULTIPLE-FAMILY

Minimum Lot Areas and Dimensions
Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks
Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer.
20 feet on all other lots
Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer.

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions
Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks (Also see Deviation 5):
Street 25 feet (public)
20 feet (private)
Side 10 feet

Rear 20 feet
Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

CPD – Parcels 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions
Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks
Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 20 feet
Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/ 2 stories – adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD – NORTH OF DIPLOMAT PARKWAY <u>& 5.43 ACRE NORTH CPD</u>:

TOWNHOME

Minimum Lot Size and Dimensions
Lot Size 0 square feet

Lot Width	16 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet
All Accessory Uses	0 feet

Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	No Maximum

MULTIPLE-FAMILY

Minimum Lot Size and Dimensions

Lot Size	0 square feet
Lot Width	25 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet

All Accessory Uses	0 feet
Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation :	20 feet
Maximum Building Height	60 feet
Maximum Lot Coverage	No Maximum

RECREATIONAL AREA/CLUBHOUSE:

Minimum Lot Size and Dimensions

Lot Size	0 square feet
Lot Width	25 feet
Lot Depth	0 feet

Minimum Setbacks

Street	0 feet (public)
	0 feet (private)
Side	0 feet
Rear	0 feet
Waterbody	25 feet

All Accessory Uses	0 feet
Setbacks from Preserves (All Structures)	per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	No Maximum

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. DELETED

g. Real Estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

No agricultural uses are permitted on site.

6. **DELETED**

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Parkway if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. ACCESORY USES

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020-00034 are superseded by this zoning action and are rendered null and void by this approval.

20. <u>INDIGENOUS PRESERVATION/HERITAGE TREES (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)</u>

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED

23. **BUFFERS (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way.

b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (5.43 ACRE NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition 25.

27. (Condition 5 from ADD2020-00034) With any local development order application proposing multifamily residential development on CPD Parcels 3 and 4, the applicant must submit a report itemizing:

    a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.

    b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.

    c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition 27(a).

SECTION C. DEVIATIONS:

(Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations 9 and 10 are new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z- 06-004 and subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their

open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD & 5.43 Acre North CPD to the north.

6. a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06- 004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi- family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD & 5.43 Acre North CPD.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §10-425(f)(1) requirement for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet, to allow no buffer within the North RPD & 5.43 Acre North CPD project to internal rights-of-way. This deviation is APPROVED.

   Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD & 5.43 Acre North CPD.

9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on Page 2 of 3 of the MCP.

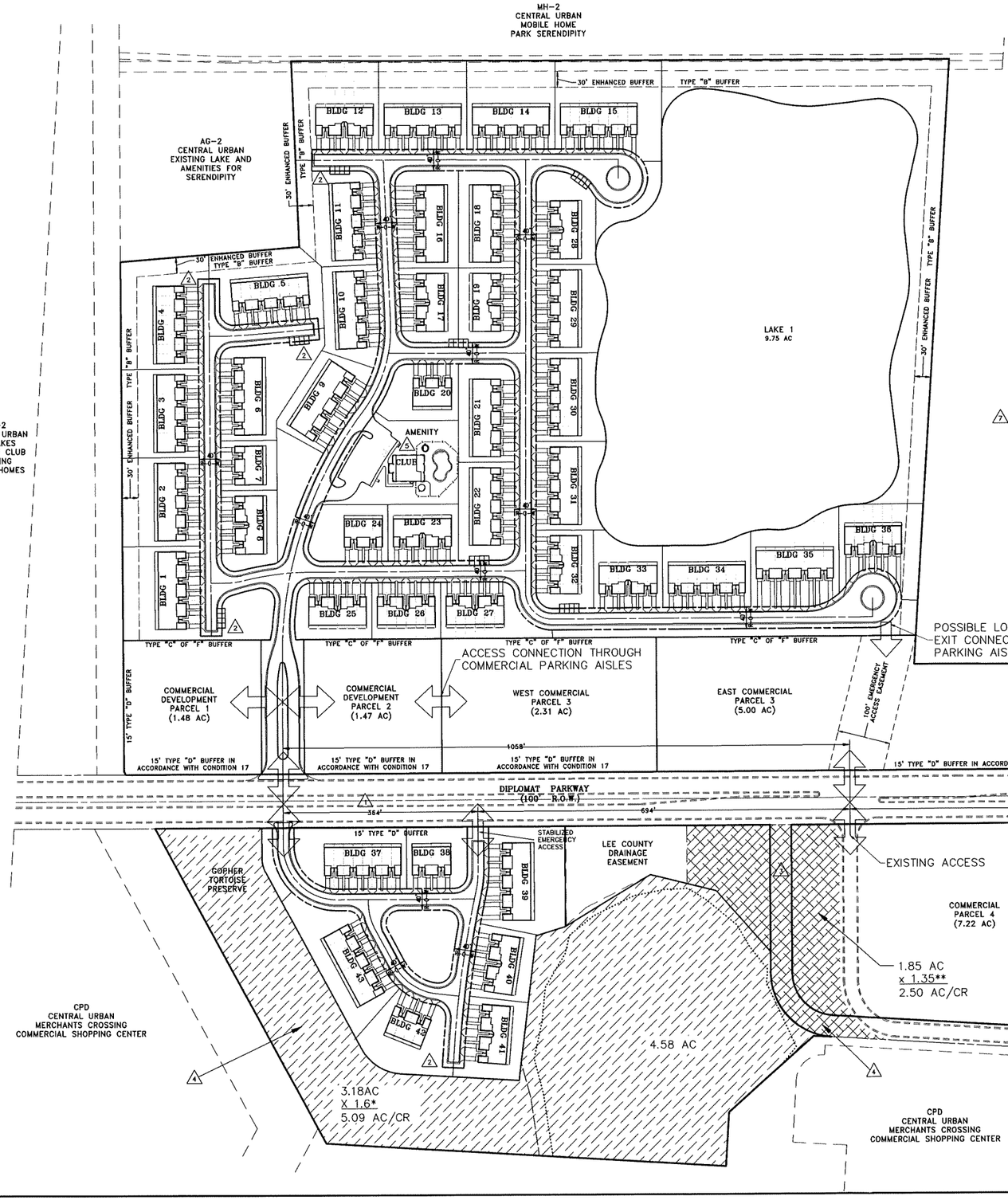
   Staff Recommends APPROVAL.

   This deviation applies to the North RPD & 5.43 Acre North CPD.

10. **Minimum Building Separation** – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

    Staff Recommends APPROVAL.

    This deviation applies to the North RPD & 5.43 Acre North CPD.



= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-06-004 REMAIN IN EFFECT.

PROPOSED ADDITIONAL DEVIATIONS:

△7 A DEVIATION FROM LDC 10-261 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ONSITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	*35.18 AC*	*3.52 AC 10%*	*3.52 AC(2)*	*7.01 AC(1)(6) + 0.41 AC(7)*
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.54 AC(2)	2.54 AC(1)
TOTALS	66.13 AC	*8.63 AC*	*8.63 AC(2)*	*12.17 AC(1) + 0.41 AC(7)*

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. *12.76 AC TOTAL WITH CREDITS*

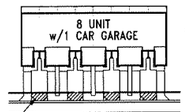
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(6) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.

(7) 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

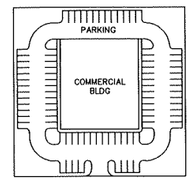
INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a, AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

TYPICAL RESIDENTIAL BUILDING LEGEND:



= 296 UNITS

TYPICAL COMMERCIAL BUILDING:



PREPARED FOR:
N.B.D. DEVELOPMENT, INC.
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 994-7145

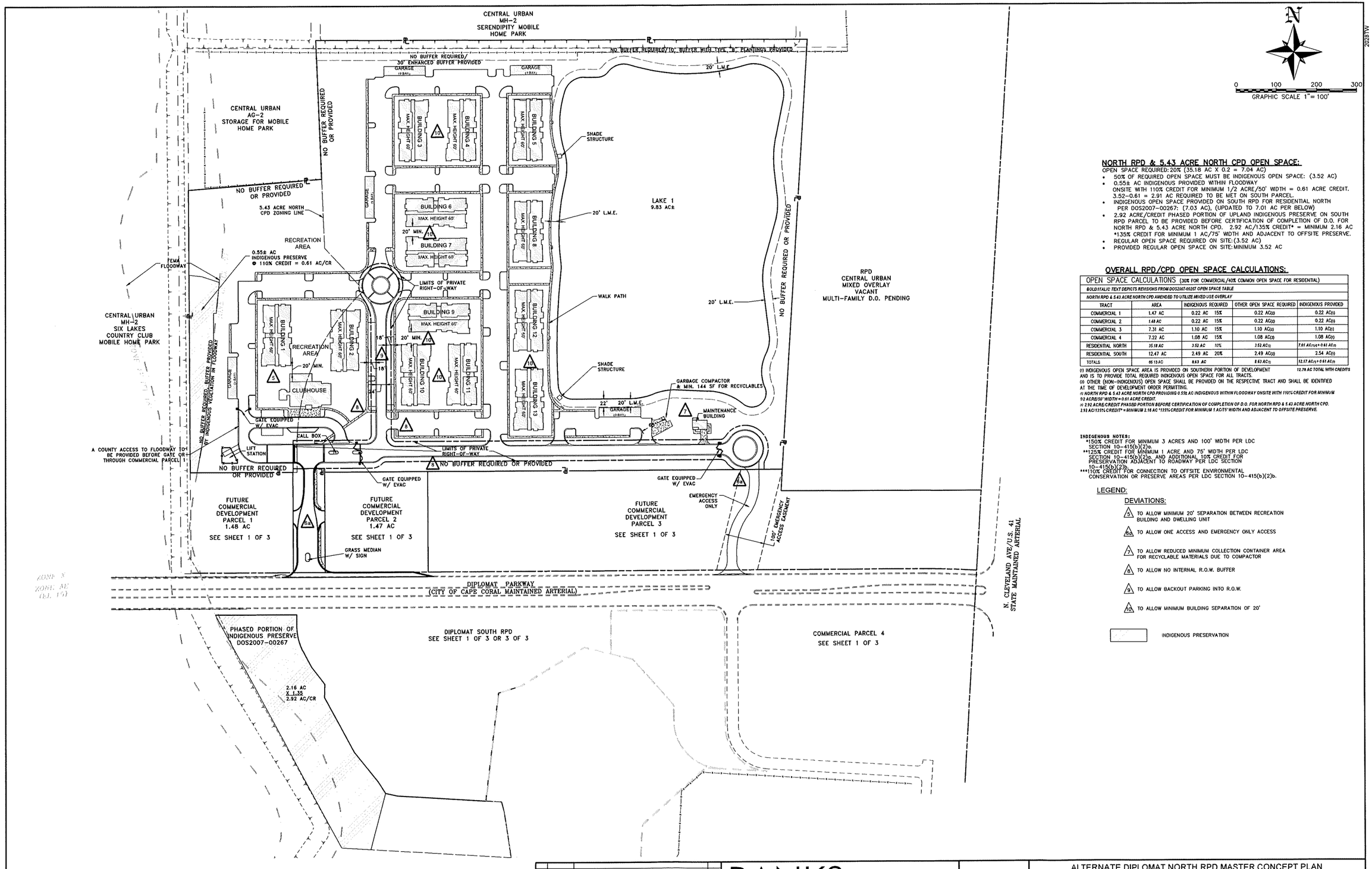
2028 DIPLOMAT PARCEL

NO	DATE	DESCRIPTION	BY
1	2-23-2004	CLARIFY INDICATED OPEN SPACE	MPK
2	5-11-2004	SHIFTED ENTRY, REVISED OPEN SPACE TABLE	MPK
3	8-13-2004	REVISED BLDG LAYOUT, ADDED 15' SPACES, REVISED DEVIATION 8	MPK
4	8-30-2004	REVISED BLDG LAYOUT, ADDED 15' SPACES, REVISED DEVIATION 8	MPK
5	4-25-2007	REVISED BLDG LAYOUT, ADDED 15' SPACES, REVISED DEVIATION 8	MPK
6	04-30-2007	REVISE MASTER CONCEPT PLAN PER REV. COMM.	CMD
7	11-05-2008	ZONING RESUBMITTAL PER REV. COMM.	SDS
8	6-15-2009	ADD ACCESS AND OPEN SPACE TABLE	SDS

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2619 NORTH TAMIAMI TRAIL, SUITE 300
NAPLES, FLORIDA 34119
PHONE: (239) 597-3061 FAX: (239) 597-3062
CERTIFICATE OF AUTHORIZATION #LB 6690
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-I-R)
08-27-2007	2028	MCP	CMD	CMD	DRU	1"=100'	1	3	34-43-24



NORTH RPD & 5.43 ACRE NORTH CPD OPEN SPACE:

OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)

- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT. 3.52–0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL.
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH PER DOS2007-00267: (7.03 AC), (UPDATED TO 7.01 AC PER BELOW)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC
  *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	35.18 AC	3.52 AC 10%	3.52 AC(2)	7.01 AC/yr+ 0.61 AC/3
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	8.63 AC	8.63 AC(2)	12.17 AC/yr+ 0.61 AC/3

12.78 AC TOTAL WITH CREDITS

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
/1 NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
/2 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

LEGEND:

DEVIATIONS:

- 5 TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- 6A TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
- 7 TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
- 8 TO ALLOW NO INTERNAL R.O.W. BUFFER
- 9 TO ALLOW BACKOUT PARKING INTO R.O.W.
- 10 TO ALLOW MINIMUM BUILDING SEPARATION OF 20'

INDIGENOUS PRESERVATION

NO.	DATE	REVISION DESCRIPTION	BY
3	6/25/2024	CLARIFY INDIGENOUS OPEN SPACE	NFK
2	6/19/2024	48-HOUR NOTICE	SDJ
1	3/12/2024	FIRST SUFFICIENCY	NFK

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN

DIPLOMAT HOUSE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/7/2023	2028TW	ALT_MCP	NFK	NFK	SWM	1"=100'	2 OF 3

S:\JOBS\2020\2028TW\ENGINEERING\MCP\02_2028TW_ALT MCP.DWG 6/25/2024 3:38 PM ROY ADKINS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE				
NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	*35.18 AC*	*3.52 AC 10%*	*3.52 AC(2)*	*7.01 AC(1)(4) + 0.61 AC(3)*
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	*8.63 AC*	*8.63 AC(2)*	*12.17 AC(1)+ 0.61 AC(3)*

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. *12.78 AC TOTAL WITH CREDITS*

(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(3) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.

(4) 2.92 ACRE CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b, AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

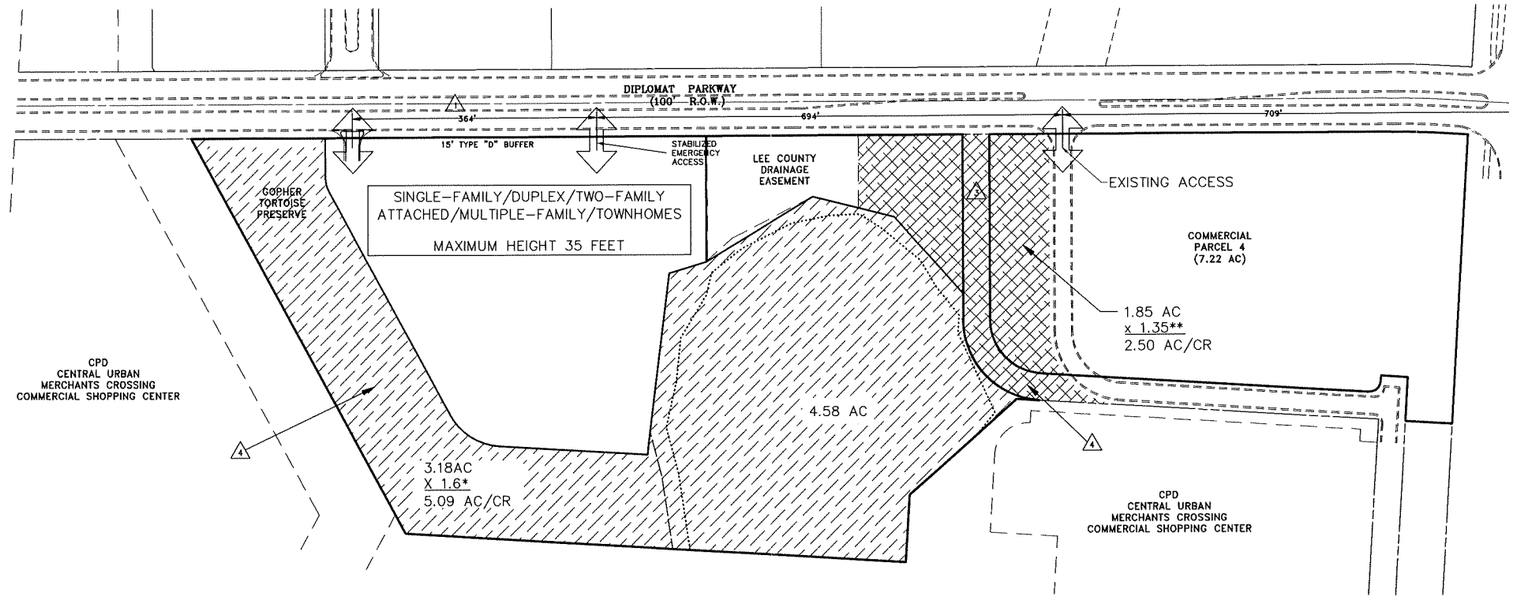
N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
14170 WARNER CIRCLE
NORTH FORT MYERS, FL 33903

2028 DIPLOMAT PARCEL

NO	DATE	REVISION DESCRIPTION	BY
3	8-20-2024	JUMP MIDWAY OPEN SPACE	MFK
2	8-15-2024	SW-WEB REVISE	SDJ
1	10-28-2019	REVISED OPEN SPACE TABLE	SDJ

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2515 NORTH HORSESHOE DRIVE, SUITE 200
NAPLES, FLORIDA 34104
PHONE: (239) 597-3061 FAX: (239) 597-3062
CERTIFICATE OF AUTHORIZATION #LB 6598
SURVEY LICENSE # LB 6990

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
10/28/2019	2028	MCP	SEH	SDJ	SWM	1"=100'	3	3	34-43-24

STACY ELLIS HEWITT, AICP

PLANNER

EDUCATION

Edison Community College
Fort Myers, Florida

CERTIFICATIONS

Certified Planner, #022886
American Institute of Certified Planners since 2009

AFFILIATIONS

American Planning Association

YEARS OF EXPERIENCE

28+

Stacy has extensive knowledge of planning and permitting with over 28 years of experience in land planning, civil engineering, and land development. She has been responsible for comprehensive plan amendments, zoning amendments, planned developments, variances, special exceptions, conditional uses, and the associated development permitting of various projects, including single-family and multi-family residential, commercial and mixed-use, industrial and office parks, recreational vehicle parks, and assisted living facilities.

Stacy is experienced in dealing with local development agencies and representing clients before various government boards and public groups for hearings or public meetings in the Village of Estero, Lee County, City of Bonita Springs, City of Cape Coral, City of Fort Myers, City of Labelle and the Town of Fort Myers Beach.

RECENT RELEVANT EXPERIENCE *Additional Experience Available Upon Request*

SINGLE-FAMILY & MULTI-FAMILY RESIDENTIAL

LEETANA
LEE COUNTY, FLORIDA
216± acre residential planned development with up to 201 single-family homes.

PEPPERLAND
LEE COUNTY, FLORIDA
6,375± acre environmental enhancement project, including a 700-unit single-family residential development with 50,000± square foot amenities entitlements which included a comprehensive plan amendment, planned development rezoning and transfer of development units.

SUMMERLIN RIDGE MPD
LEE COUNTY, FLORIDA
28.77± acre development, 224 multi-family units (including 20 bonus density units) and 85,000 SF commercial.

COMMERCIAL & MIXED-USE:

PHOENIX AT ESTERO
VILLAGE OF ESTERO, FLORIDA
7± acre planned development amendment for 140-unit assisted living facility development and associated development order.

DOWNTOWN ESTERO
VILLAGE OF ESTERO, FLORIDA
34.41± acre mixed-use planned development with up to 310 multi-family dwelling units (includes 104 TDR/bonus density units and optional assisted living facility), 200,000 SF of commercial and a 125-unit hotel.

CITY WALK
CITY OF FORT MYERS, FLORIDA
12.34± acre mixed-use planned unit development including 324 residential units. 108,000 SF of commercial and 130 hotel rooms.

ATWELL

SAMUEL W. MARSHALL, P.E.

SENIOR PROJECT MANAGER

EDUCATION

Bachelor of Science
Civil Engineering
University of Florida
Gainesville, Florida

REGISTRATIONS

Professional Engineer
State of Florida, #48881

YEARS OF EXPERIENCE

33+

Samuel ("Sam") is a Civil Engineer with over 30 years of experience in Southwest Florida. He received a Bachelor of Science Degree in Civil Engineering from the University of Florida and is a registered Professional Engineer in the State of Florida. Sam has comprehensive experience in the design, permitting, and construction of a large range of land development projects. His diverse portfolio includes industrial, commercial, multi-family and single-family residential, and mixed-use projects. His clients include government agencies and private developers. As a Senior Project Manager, Sam is responsible for managing the design, production, permitting, and client coordination from preliminary project planning through completion of the project. In addition, his contributions include managing the project budget and ensuring adherence to the project schedule.

RECENT RELEVANT EXPERIENCE *Additional Experience Available Upon Request*

HERITAGE PALMS
LEE COUNTY, FLORIDA

A 540-acre RPD/CPD in Lee County (then annexed into the City of Fort Myers) including design, permitting, and construction services for the roadways, drainage, stormwater management system, potable water, and irrigation distribution systems and the wastewater collection system. Engineer of Record for the Heritage Palms CDD, a Chapter 190 Community Development District. Services as Engineer of Record include preparation of engineering reports for district creation, providing ongoing engineering services as the district engineer, and preparing and reviewing developer's request for reimbursement.

MIROMAR LAKES
LEE COUNTY, FLORIDA

Drainage study and design for 1200± acre Miromar Lakes Property bounded by I-75 and bisected by Ben Hill Griffin Parkway. Completed the conceptual storm water design and permitted it through the SFWMD and completed the backbone water management system and first several phases of construction from design and permitting through construction certification.

HERITAGE LAKES
LEE COUNTY, FLORIDA

Drainage study and design for 1,600± acre Heritage Lakes property within the Six Mile Slough, Billy's Creek and Orange River Drainage basins. Drainage study of this property adjacent to I-75 and SR 82 to facilitate drainage discharges to those facilities and to allow access connection of a mixed-use development to SR-82. The 1,600± acre property is within three different drainage basins, including being the headwater tributary to the Six Mile Slough preserve.

NORTH BROOK
LEE COUNTY, FLORIDA

A 745-acre residential community located in North Fort Myers. Services include drainage, water, sewer, and roadway master planning, engineering design, permitting, and construction services.

ATWELL

Christian Casey, Associate Project Manager

Current Responsibilities

Specific responsibilities include all aspects of environmental permitting, environmental studies, permit compliance, and preparation of mitigation, maintenance, and monitoring plans. Procures required environmental permits (local: city and county, state: WMD, DEP, FWC, and federal: COE and FWS). Conducts protected species surveys and prepares due diligence land evaluation reports. Obtains and executes protected species take and relocation permits.

Experience

Several years of experience in Southwest Florida working for private landowners and public entities to provide protected species assessments, threatened and endangered species surveys including burrowing owl, gopher tortoise, Florida bonneted bat, Florida scrub jay, and Sherman's fox squirrel. Has obtained and executed numerous permits for protected species from appropriate agencies. Prepares environmental resource permit applications, vegetation maps by FLUCCS, and development suitability reports.

Education and Certifications

Bachelor of Science – Civil Engineering, Florida Gulf Coast University, 2016
Bachelor of Science - Biology, Florida Gulf Coast University, 2019
Authorized Gopher Tortoise Agent (Permit No. GTA-20-00087B), Florida Fish and Wildlife Conservation Commission
Burrowing Owl Agent (Permit No. RAG-20-00003), Florida Fish and Wildlife Conservation Commission

Continuing Education

Florida Statewide (62-340 FAC) Wetland Delineation Training Program. Environmental Training, Inc. 2020. Richard Chinn

MH-2
CENTRAL URBAN
MOBILE HOME
PARK SERENDIPITY

AG-2
CENTRAL URBAN
EXISTING LAKE AND
AMENITIES FOR
SERENDIPITY

MH-2
CENTRAL URBAN
SIX LAKES
COUNTRY CLUB
EXISTING
MOBILE HOMES

AG-2
CENTRAL URBAN
HORSE BOARDING

AG-2
CENTRAL URBAN
VACANT

AG-2
CENTRAL URBAN
VACANT

CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER

CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER

30' ENHANCED BUFFER TYPE "B" BUFFER

30' ENHANCED BUFFER TYPE "B" BUFFER

30' ENHANCED BUFFER TYPE "B" BUFFER

30' ENHANCED BUFFER TYPE "B" BUFFER

30' ENHANCED BUFFER TYPE "B" BUFFER

TYPE "B" BUFFER

TYPE "B" BUFFER

TYPE "C" OF "F" BUFFER

TYPE "C" OF "F" BUFFER

TYPE "C" OF "F" BUFFER

NO BUFFER REQUIRED

15' TYPE "D" BUFFER

15' TYPE "D" BUFFER

15' TYPE "D" BUFFER IN ACCORDANCE WITH CONDITION 17

15' TYPE "D" BUFFER IN ACCORDANCE WITH CONDITION 17

15' TYPE "D" BUFFER IN ACCORDANCE WITH CONDITION 17

15' TYPE "D" BUFFER IN ACCORDANCE WITH CONDITION 17

15' TYPE "D" BUFFER

BLDG 1 BLDG 2 BLDG 3 BLDG 4 BLDG 5 BLDG 6 BLDG 7 BLDG 8 BLDG 9 BLDG 10 BLDG 11 BLDG 12 BLDG 13 BLDG 14 BLDG 15 BLDG 16 BLDG 17 BLDG 18 BLDG 19 BLDG 20 BLDG 21 BLDG 22 BLDG 23 BLDG 24 BLDG 25 BLDG 26 BLDG 27 BLDG 28 BLDG 29 BLDG 30 BLDG 31 BLDG 32 BLDG 33 BLDG 34 BLDG 35 BLDG 36 BLDG 37 BLDG 38 BLDG 39 BLDG 40 BLDG 41 BLDG 42 BLDG 43

AMENITY CLUB

LAKE 1
9.75 AC

ACCESS CONNECTION THROUGH
COMMERCIAL PARKING AISLES

POSSIBLE LOCATION OF FUTURE
EXIT CONNECTION THROUGH COMMERCIAL
PARKING AISLES

COMMERCIAL
DEVELOPMENT
PARCEL 1
(1.48 AC)

COMMERCIAL
DEVELOPMENT
PARCEL 2
(1.47 AC)

WEST COMMERCIAL
PARCEL 3
(2.31 AC)

EAST COMMERCIAL
PARCEL 3
(5.00 AC)

COMMERCIAL
PARCEL 4
(7.22 AC)

1058'

100' EMERGENCY ACCESS EASEMENT

U.S. 41
(200' ARTERIAL R.O.W.)

DIPLOMAT PARKWAY
(100' R.O.W.)

364'

694'

709'

EXISTING ACCESS

STABILIZED EMERGENCY ACCESS

LEE COUNTY
DRAINAGE
EASEMENT

GOPHER
TORTOISE
PRESERVE

1.85 AC
x 1.35**
2.50 AC/CR

4.58 AC

3.18AC
X 1.6*
5.09 AC/CR

ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-06-004 REMAIN IN EFFECT.

PROPOSED ADDITIONAL DEVIATIONS:

7 A DEVIATION FROM LDC 10-261 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ONSITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00287 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	*1.48 AC*	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	*35.18 AC*	*3.52 AC 10%*	*3.52 AC(2)*	*7.01 AC(1)(4) + 0.61 AC(3)*
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	*8.63 AC*	*8.63 AC(2)*	*12.17 AC(1) + 0.61 AC(3)*

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. *12.78 AC TOTAL WITH CREDITS*

(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(3) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 1/0% CREDIT FOR MINIMUM 1/2 ACRE/80' WIDTH = 0.61 ACRE CREDIT.

(4) 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD.

2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 ACRE/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:

*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.

**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.

***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

TYPICAL RESIDENTIAL BUILDING LEGEND:

8 UNIT w/1 CAR GARAGE = 24 BLDGS 192 UNITS

7 AREA WHERE EACH UNIT CAN PLACE GARBAGE CANS FOR PICK UP THAT DOES NOT BLOCK DRIVEWAYS

6 UNIT w/1 CAR GARAGE = 14 BLDGS 84 UNITS

4 UNIT w/1 CAR GARAGE = 5 BLDGS 20 UNITS

= 296 UNITS

TYPICAL COMMERCIAL BUILDING:

PARKING

COMMERCIAL BLDG

PREPARED FOR:

N.B.D. DEVELOPMENT, INC.
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

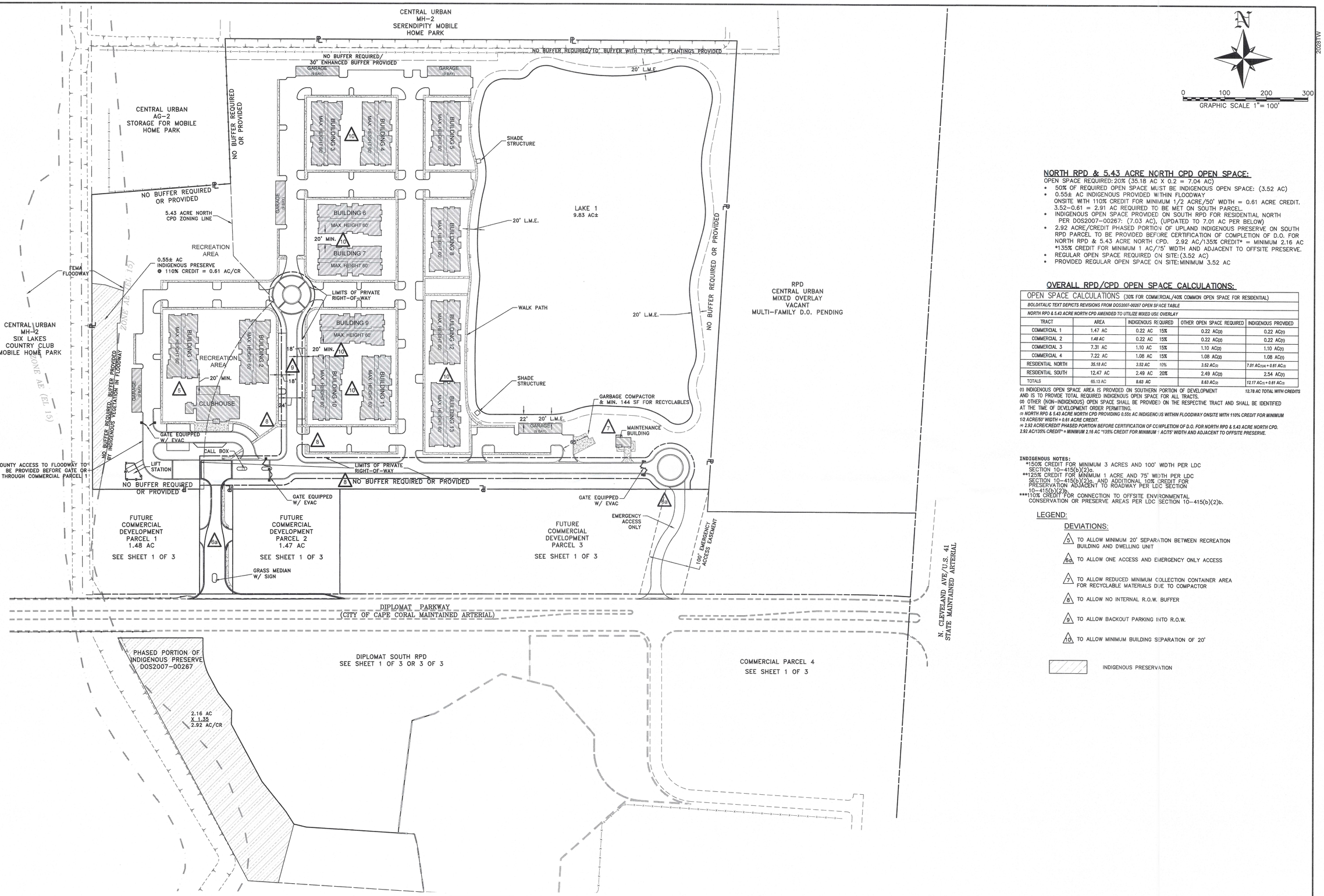
2028 DIPLOMAT PARCEL

NO.	DATE	DESCRIPTION	BY
8	5-20-2024	CLARIFY INDIGENOUS OPEN SPACE	MEK
7	5-13-2024	RA-HOUR NOTICE	SDJ
6	1-25-2024	REVISED PER STAFF TABLE	MEK
5	01-24-08	REVISED SDP, DIRECT PARKING TO 4 SPACES, ENHOD DEVIATION 8	MEK
4	10-11-2007	ADDED D2-DC-SACS, GUEST PARKING, PICKERS LAKE	MJK
3	09-26-2007	REVISED PER SUFFICIENCY COMMENTS	MJK
2	11-02-2006	ZONING RESOLUTION	SDJ
1	01-24-2006	ADD ACCESS AND OPEN SPACE TABLE	SDJ

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2315 NORTHBROOKE PLAZA DRIVE, SUITE 200
NAPLES, FLORIDA 34119
PHONE: (239) 597-2061 FAX: (239) 597-3062
CERTIFICATE OF AUTHORIZATION #LB 7709
SURVEY LICENSE # LB 6869

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
08-27-2007	2028	MCP	CMD	CMD	DRU	1"=100'	1	3	34-43-24



NORTH RPD & 5.43 ACRE NORTH CPD OPEN SPACE:

OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)

- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT. 3.52–0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL.
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH PER DOS2007-00267: (7.03 AC), (UPDATED TO 7.01 AC PER BELOW)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC
  *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED		OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	*1.48 AC*	0.22 AC	15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	*35.18 AC*	*3.52 AC*	*10%*	*3.52 AC(3)*	*7.01 AC(1)(4) + 0.61 AC(3)*
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	8.63 AC		*8.63 AC(2)*	*12.17 AC(1) + 0.61 AC(3)*

12.78 AC TOTAL WITH CREDITS

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
(3) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
(4) 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

LEGEND:

DEVIATIONS:

- 5 — TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- 6a — TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
- 7 — TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
- 8 — TO ALLOW NO INTERNAL R.O.W. BUFFER
- 9 — TO ALLOW BACKOUT PARKING INTO R.O.W.
- 10 — TO ALLOW MINIMUM BUILDING SEPARATION OF 20'

INDIGENOUS PRESERVATION

NO.	DATE	REVISION DESCRIPTION	BY
3	6/25/2024	CLARIFY INDIGENOUS OPEN SPACE	NFK
2	6/19/2024	48-HOUR NOTICE	SDJ
1	3/12/2024	FIRST SUFFICIENCY	NFK

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN
DIPLOMAT HOUSE
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/7/2023	2028TW	ALT_MCP	NFK	NFK	SWM	1"=100'	2 OF 3

S:\JOBS\2028TW\ENGINEERING\MCP\02_2028TW_ALT MCP.DWG 6/25/2024 3:38 PM NICK KOUKOS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLDITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE				
NORTH RPD & 5.43 ACRE NORTH CPD AMENDED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	*35.18 AC*	*3.52 AC 10%*	*3.52 AC(2)*	*7.01 AC(1)(4) + 0.61 AC(3)*
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	*8.63 AC*	*8.63 AC(2)*	*12.17 AC(1) + 0.61 AC(3)*

12.78 AC TOTAL WITH CREDITS

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
(3) NORTH RPD & 5.43 ACRE NORTH CPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
(4) 2.92 ACRE/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD & 5.43 ACRE NORTH CPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***10% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

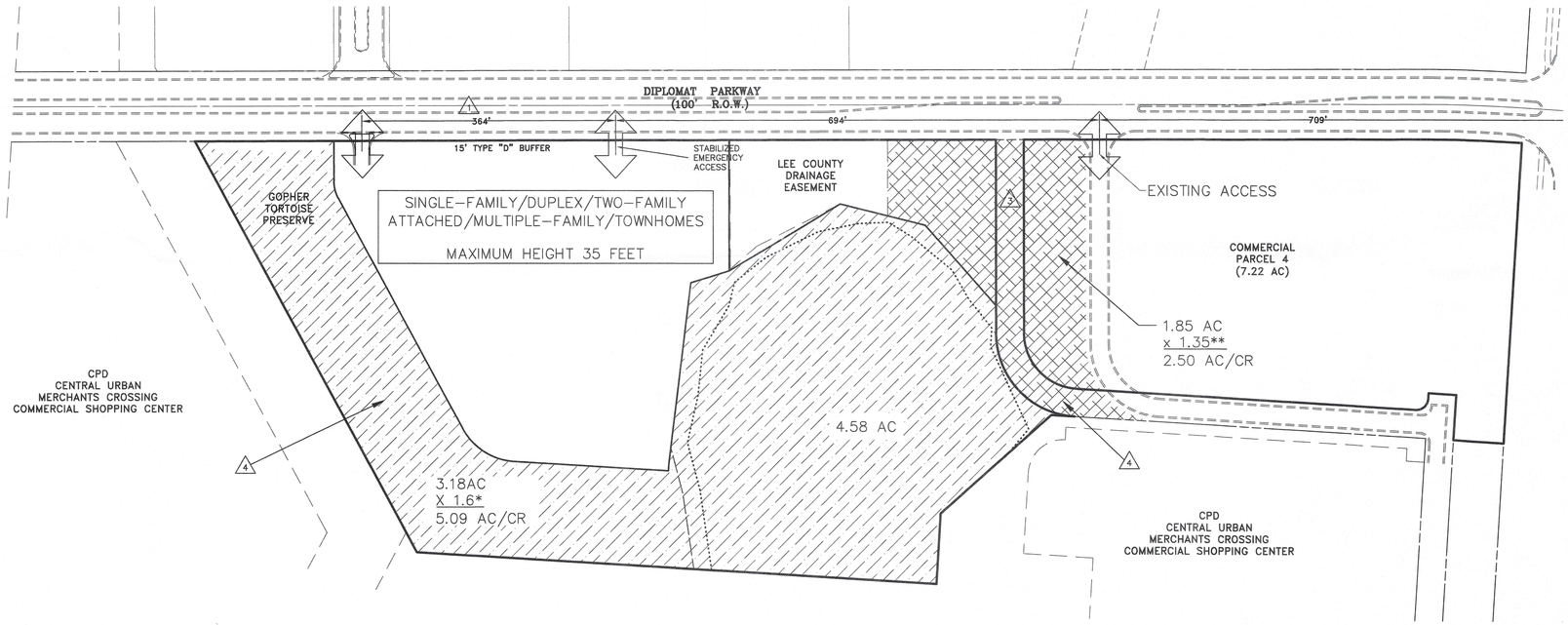
N

0 100 200 300
GRAPHIC SCALE 1"= 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
14170 WARNER CIRCLE
NORTH FORT MYERS, FL 33903

NO.	DATE	REVISION DESCRIPTION	BY
3	6-25-2024	CLARIFY INDIGENOUS OPEN SPACE	MFK
2	6-14-2024	48-HOUR NOTICE	SDJ
1	03-13-2024	UPDATED OPEN SPACE TABLE	MFK

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2515 NORTHBROOKE PLAZA DRIVE, SUITE 200
NAPLES, FLORIDA 34119
PHONE: (239) 597-2661 FAX: (239) 597-3062
DESIGN LICENSE # EB 8949
SURVEY LICENSE # LB 6989

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
10/28/2019	2028	MCP	SEH	SDJ	SWM	1"=100'	3	3	34-43-24

2028 DIPLOMAT PARCEL

DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

EXHIBIT "A"
(Page 1 of 6)

APPLICANT EXHIBIT# 3
DCI2023-00050

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 11/08/06 CSJ

EXHIBIT "A"
(Page 2 of 6)

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856687.83	686334.48
NE#2	856389.35	686692.18
NE#3	856228.53	686316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 46°26'24" W
C4	80.00'	88°28'24"	123.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'31" W	8.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (80' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.37'(D) 2337.35'(M)

U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

PROPOSED
NORTH RPD
ZONING PARCEL
35.18± AC.

PROPOSED
ADDITIONAL NORTH
CPD ZONING PARCEL
1.48± AC.

257.48'
N 89°51'48" E

NE#8
244.12'
N 00°08'12" W
250.00'
S 00°08'12" E
253.42'
S 89°51'48" W

NE#2
CPD ZONING PARCEL
ADDITIONAL NORTH
P.O.C.
POINT "B"

N 89°51'48" E 1145.24'

PROPOSED
NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'

P.O.B.
NORTH CPD
ZONING PARCEL
NE#1
S 89°54'50" E 500.85'

NORTHERLY RIGHT-OF-WAY

POINT "A"
P.O.C.
SOUTH CPD
ZONING PARCEL

P.O.B.
ADDITIONAL SOUTH CPD
ZONING PARCEL
NE#7

SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156)
P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL

DIPLOMAT PARKWAY (100' WIDE)

NE#6
S 89°51'48" W 383.07'

NE#5
N 89°51'48" E 575.20'

P.O.B.
SOUTH CPD
ZONING PARCEL
NE#3

PROPOSED
ADDITIONAL SOUTH
CPD
ZONING PARCEL
1.22± AC.

POINT "C"
P.O.C.
ADDITIONAL SOUTH
CPD ZONING
PARCEL
NE#4

PROPOSED
SOUTH CPD ZONING
PARCEL
6.00± AC.

N 00°08'12" W 274.66'
S 03°25'50" W 429.00'

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED
SOUTH RPD
ZONING PARCEL
12.47± AC

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

CSJ 11/4/08

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
- PREPARED NOVEMBER 2, 2008.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2618 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20ca\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Biehschmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 2 7 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.90	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

S 89°54'50" E 1231.65'
N 51°52'20" W 346.19'
NE#2 N 85°23'00" E 335.22'
N 00°25'50" W 701.76'
PROPOSED NORTH RPD ZONING PARCEL
35.18± AC
S 03°25'50" W 1023.15'
N 03°25'50" E
S 03°25'50" W 2336.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE
U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
(O.R. 1972, PG. 335)
PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
POINT OF BEGINNING
NORTH RPD PARCEL
NE#1
S 89°51'48" W 257.48'
S 89°51'48" W 1145.24'
53.49'
N 89°34'50" W 500.85'
N 00°08'12" W 250.00'
S 00°08'12" E 250.00'
PROPOSED NORTH CPD ZONING PARCEL
8.78± AC
L9
NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
DIPLOMAT PARKWAY
100'
SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'
S 03°25'50" W 728.95'
L7
L6
L8
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
N 28°32'51" W 685.19'
50' DRAINAGE EASEMENT O.R. 237, PG. 564 & 565)
PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.
C2
L2
(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'
L3
POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3
N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)
L1
N 86°34'10" W 747.11'
NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S 03°25'50" W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
O.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4909

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
8510 NORTHBROOKE PLAZA DRIVE - SUITE 800
NAPLES, FLORIDA 34119
(239) 597-8001
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\2bon2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

Perez, Maria

From: Stacy Hewitt <shewitt@atwell-group.com>
Sent: Thursday, July 18, 2024 9:13 AM
To: Hearing Examiner
Cc: Danley Jr, Dirk; Perez, Maria
Subject: FW: CASE # DCI2023-00050 CASE NAME: DIPLOMAT HOUSE AKA DIPLOMAT NORTH RPD AMENDMENT
Attachments: DCI2023-00050 - Applicant Response to Hearing Examiner Memo.pdf

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Good morning 😊 I hope all is well.

Please see attached response to the Hearing Examiner's Memorandum.

Thank you and please take care,
Stacy

Note: Our email addresses are changing to @atwell.com on Sept. 1

Stacy Ellis Hewitt, AICP
Planner
ATWELL, LLC
239.939.5490 Office
239-770-2527 Mobile
10511 Six Mile Cypress Pkwy | Suite 101 | Fort Myers, FL 33966
www.atwell.com
Local Solutions | National Presence

Upcoming days off: 7/22-7/29

From: Perez, Maria <MPerez@leegov.com>
Sent: Friday, July 12, 2024 11:16 AM
To: Stacy Hewitt <shewitt@bankseng.com>; Sam Marshall <smarshall@atwell-group.com>; Christian Casey <ccasey@atwell-group.com>; tbt@trtrans.net; Danley Jr, Dirk <DDanleyJr@leegov.com>
Cc: Sweigert, Rebecca <RSweigert@leegov.com>; Toussaint, Tracy <TToussaint@leegov.com>; Princing, Jamie <JPrincing@leegov.com>; Workman, Elizabeth <EWorkman@leegov.com>; Boone, Tina <TBoone@leegov.com>; Schaefer, Lauren <LSchaefer@leegov.com>; Ennis, Audra <AEnnis@leegov.com>; DeFilippo, Nicholas <NDeFilippo@leegov.com>; Kleinmann, Ohdet H <OKleinmann@leegov.com>; Henderson, Abby <AHenderson@leegov.com>; Werst, Lee <LWerst@leegov.com>; Baucom, Warren <WBaucom@leegov.com>; Rozdolski, Mikki <MRozdolski@leegov.com>; Swindle, Amanda <ASwindle@leegov.com>; Rodriguez, Anthony <ARodriguez4@leegov.com>; Danley Jr, Dirk <DDanleyJr@leegov.com>; Adams, Joseph <JADAMS@leegov.com>; Jacob, Michael <MJacob@leegov.com>; Gillogly, Phil <PGillogly@leegov.com>; Evans, Marcus <MEvans@leegov.com>;

APPLICANT'S EXH # 4

Rodriguez, Jennifer <JMRodriguez@leegov.com>
Subject: CASE # DCI2023-00050 CASE NAME: DIPLOMAT HOUSE AKA DIPLOMAT NORTH RPD AMENDMENT

Attached is the Hearing Examiner's Memorandum pertaining to the subject case.

MARIA D. PEREZ
EXECUTIVE ASSISTANT
LEE COUNTY HEARING EXAMINER'S OFFICE
BOARD OF COUNTY COMMISSIONERS
P.O. Box 398
(1500 Monroe Street)
Fort Myers, Florida 33902
Tel: (239) 533-8100

E-mail: perezmd@leegov.com

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, e-mail 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.

Please note our general office email address: hex@leegov.com

External Email: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

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ATWELL

July 18, 2024

VIA ELECTRONIC MAIL ONLY

Donna Marie Collins, Esq.
Lee County Chief Hearing Examiner
1500 Monroe Street – Suite 218
Fort Myers, FL 33901

REFERENCE: DIPLOMAT HOUSE A/K/A DIPLOMAT NORTH RPD
DCI2023-00050

Dear Madam Hearing Examiner:

This letter is written in response to the memo dated July 12, 2024. The Applicant submits the following clarification which has been coordinated with staff with no objection.

Comment 1: The Hearing Examiner requests clarification regarding the legal description of the Diplomat RPD/CPD.

The legal description of the North RPD submitted with the application denotes the parcel size as 38.13 acres. The MCP submitted at hearing shows the North CPD parcels total 8.78 acres. This acreage description is consistent with the legal description submitted at hearing for the entire RPD/CPD.

However, the RPD/CPD legal description submitted at hearing denotes the acreage of the North RPD as 35.18, a discrepancy of 2.94 acres from the legal description supplied with the application and testimony at hearing.

Surveyor Richard M. Ritz prepared both legal descriptions.

Please provide clarification on this matter before Jully 26, 2024.

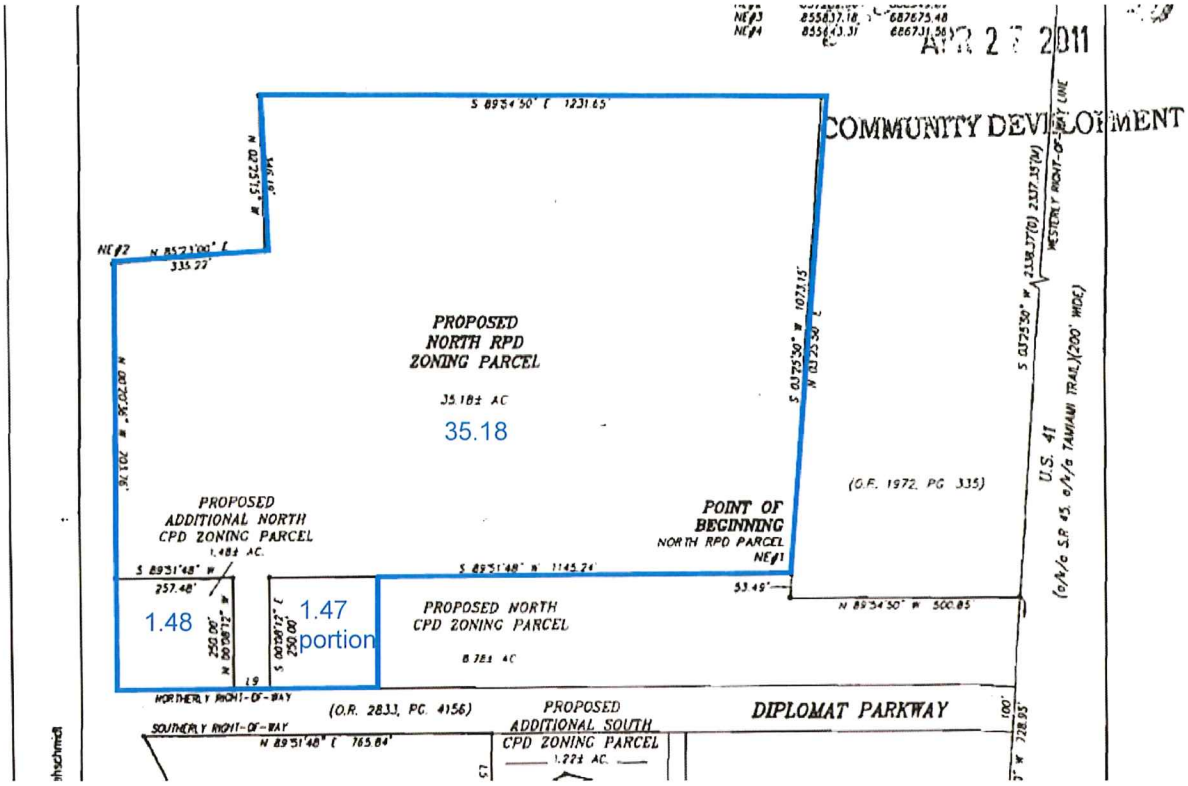
Response: **The 38.13 acre legal description and sketch was requested by staff to demonstrate properties included with the subject application which includes the 35.18 acre RPD and a portion of the CPD parcels for density purposes only.**

The 38.13 acre legal description and sketch includes the following parcels:

- **North RPD (35.18 acres);**
- **1.47 acres of the 8.78 acre North CPD Zoning parcel; and**
- **1.48 acre Additional North CPD Zoning Parcel**

Please see area marked in blue on the sketch to accompany legal description on the following page.

No changes are proposed to the 3-page CPD zoning and 3-page RPD zoning legal descriptions and sketches that were prepared November 2, 2006 and submitted at the hearing.



If you have any questions or I may be of further assistance, please do not hesitate to have staff contact me at (239) 770-2527 or shewitt@atwell-group.com.

Sincerely,
ATWELL, LLC

Stacy Ellis Hewitt, AICP
Planner

SEH:jms

Lee County
Southwest Florida

DCI2023-00050

Diplomat House RPD/CPD - Amendment

Staff Presentation – June 25, 2024

STAFF EXHIBIT# 2

Applicant Request

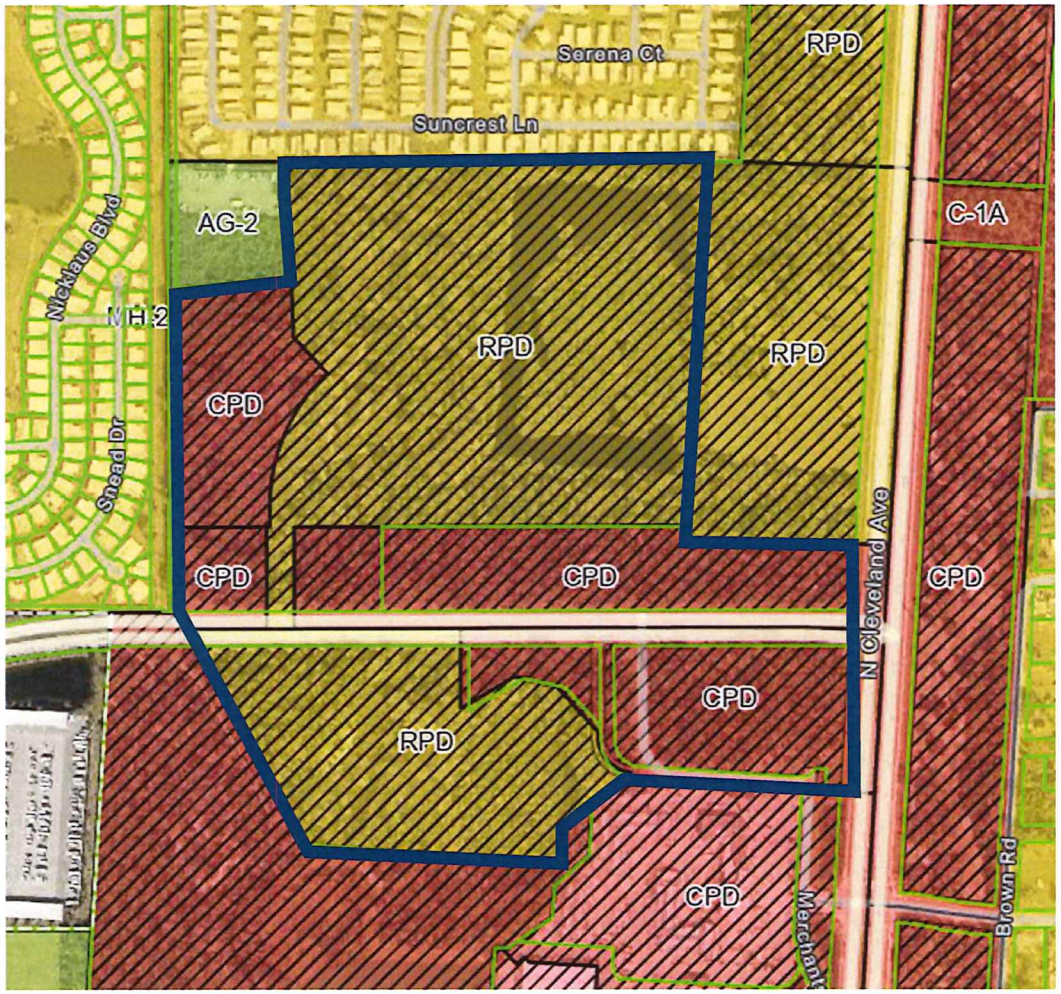
Request and amendment to the Diplomat North RPD/CPD (Resolution Z-11-002, as amended)to:

- replace the previously approved entitlement of 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 square feet of commercial square footage with a maximum height of 50 feet,
- with a maximum entitlement of 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay.

If approved, the maximum development parameters for the entire planned development will be:

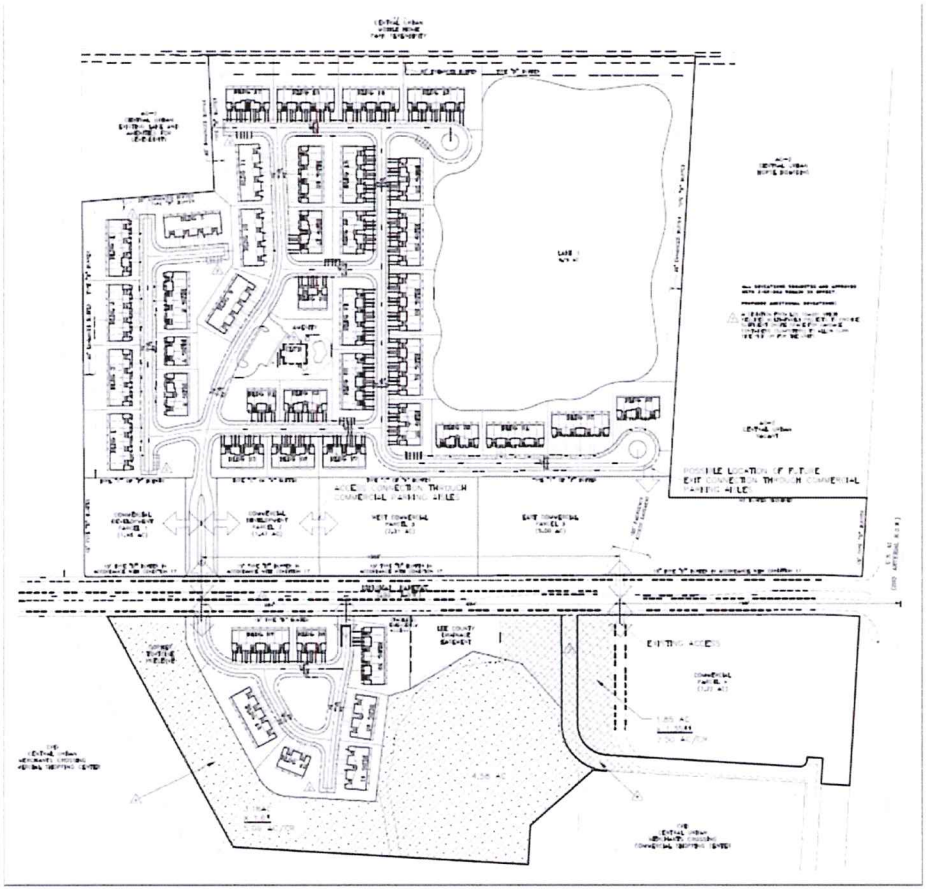
- 360 dwelling units for the northern residential/commercial tract,
- 105 dwelling units (with an additional 21 units of market-rate housing) for the southern residential tract, and
- a maximum of 200,000 square feet of commercial intensity on the remaining commercial tracts.

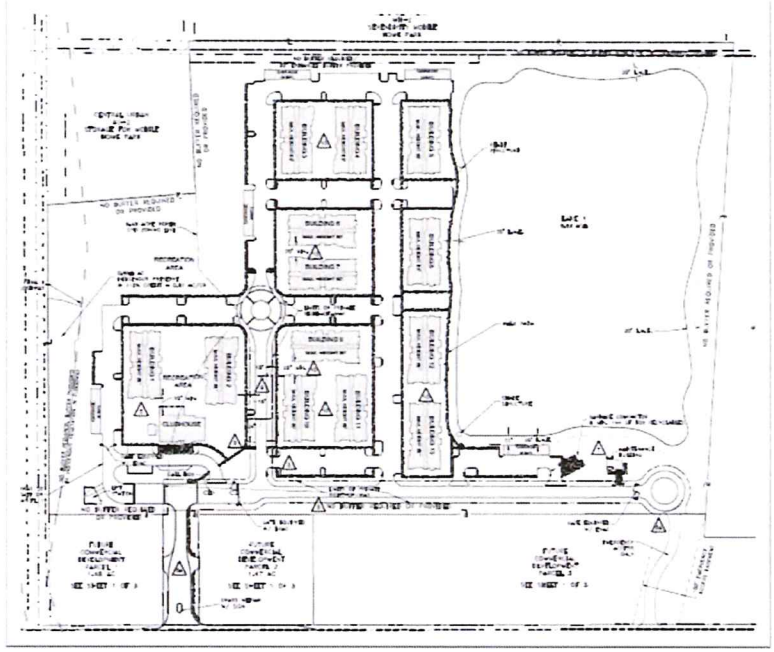
Lee County
Southwest Florida

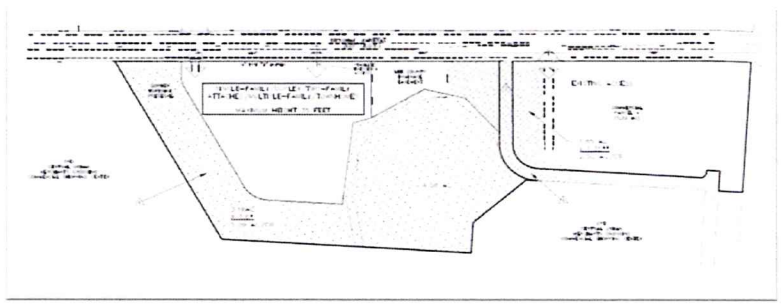


- Property Zoned Residential Planned Development/ Commercial Planned Development (RPD/CPD)
- Property Located in the Mixed Use Overlay
- Property in the Central Urban Future Land Use Category
- Property in the North Fort Myers Community Plan Area

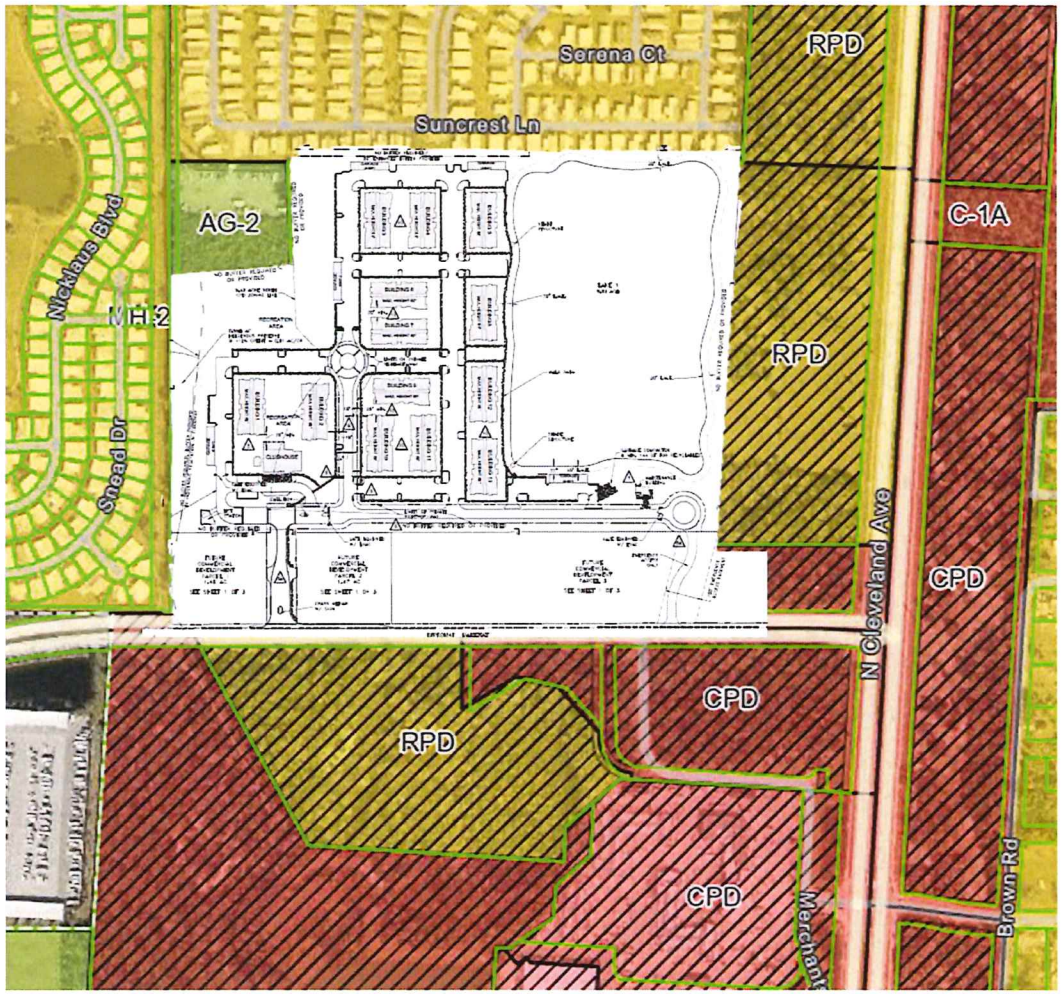
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History of Development

- Resolution Z-06-004 allowed a maximum of400,000 square feet of commercial intensity, including a maximum of 100,000 square feet of retail uses, and up to 120 hotel rooms.
    - ADD2007-00169 revised the property development regulations for townhouses and approved a deviation to allow the use of garbage toters instead of a dumpster.
- Resolution Z-11-002 allowed a maximum of 400 assisted living facility beds and 138 dwelling units. This approval also established a northern Commercial Planned Development (CPD) boundary within the larger planned development.
    - ADD2019-00085 approved a clarification to Condition 1 of Resolution Z-11-002 to allow the residential development without the approved commercial component pursuant to the approved development plan of ADD2007-00169.
    - ADD2019-00181 approved an alternate Master Concept Plan to show a development plan for single-family, duplex, and two-family attached townhomes with a maximum height of 35 feet on property south of Diplomat Parkway.
    - ADD2020-00034 removed references to site location standards and amended the schedule of uses to allow a conversion ratio for commercial intensity to be converted to residential density for up to 116 dwelling units.

Lee County
Southwest Florida

Decision-Making Criteria

LDC Section 34-145(d)(4)a. establishes the decision-making criteria for Planned Development Rezoning requests.

- Complies with the Lee Plan;
- 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;
- The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
- Will not adversely affect environmentally critical or sensitive areas and natural resources; and
- Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

Lee County
Southwest Florida

Decision-Making Criteria

For Planned Development Rezoning requests, the Hearing Examiner must also find:

- The proposed use or mix of uses is appropriate at the proposed location;
- The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
- That each requested deviation:
  - Enhances the achievement of the objectives of the planned development; and
  - Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Lee County
Southwest Florida

Lee Plan Review

Policy 1.1.3 – Central Urban

- 'Urban Core' of the County
- Commercial, Industrial, and Residential uses allowed in this category.
- Up to 10 units per acre standard density.

Objectives 2.1 and 2.2

- Encourage new growth in future urban areas where adequate sufficient infrastructure exist.
- Project will be supported by urban services.
  - Utilities - interlocal agreement with Charlotte County
  - Fire (Cape Coral) – two miles from development
  - EMS – 6.8 miles from property
  - Sheriff's – from Pineland LCSO station
  - Schools – Sufficient Capacity from West Choice Zone



Lee County
Southwest Florida

Lee Plan Review

Objectives 2.1 and 2.2

- Encourage new growth in future urban areas where adequate sufficient infrastructure exist.
- Existing project, sufficient infrastructure to support the proposed increase in density.
- Project will be supported by urban services.

Goal 5 – Residential Land Uses

- Policy 5.1.2 - prohibits residential development where natural physical constraints or hazards exist, including hurricane and flood hazards, soil or geologic conditions, environmental limitations, or aircraft noise.
    - Not in a Coastal High Hazard Area or floodway
    - Flood Insurance Rate Map (FIRM) Zones AE-EL15.1.
- Policy 5.1.5 - protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of residential development.
    - Property Development Regulations are characteristic of the Mixed Use Overlay.
    - Residential Uses to the north and west of the subject property.

Lee Plan Review

Goal 6- Commercial Land Uses

- Policy 6.1.1 – review applications for traffic impacts, landscaping, screening and buffering, and detailed site planning.
- Policy 6.1.4 – commercial uses only when compatible with existing and programmed services and facilities.
- Policy 6.1.6 – commercial use must provide adequate landscaping, open space, and buffering.
- Policy 6.1.7 – prohibit new areas to premature scattered strip development.

Lee Plan Analysis

Goal 125 – Water Quality

- Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards.
- Policies 125.1.2 and 125.1.3 require new development to not degrade surface and ground water quality and require the design of drainage systems that minimize nutrient loading and pollution in off-site charges.

Goal 135 Housing – encourages Lee County to address Lee County to address the housing needs as the County grows.

- Policy 135.1.9 – ensure a mix of residential housing types.

Goal 158 Economic Element

- Establishes the County's intent to provide a diversified and stable economy by providing a positive business climate a maximum employment opportunities for the residents of Lee County.

Lee County
Southwest Florida

Public Information Meeting

LDC Section 33-1482 requires a publicly-held information meeting for rezonings and development orders.

- Public Meeting held; information provided with attached to report.

Lee County
Southwest Florida

Deviations

- Deviation 7 and 8 amended to include proposed development plan.

- Deviation 9 seeks relief from the LDC §34-2013(a)(2) requirement that back-out parking into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses, to allow backout parking spaces for dwelling units and guests limited to the locations shown on the MCP.

- Deviation 10 seeks relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights between two buildings, or 20 feet, whichever is greater, to allow a minimum building separation of 20 feet.

Recommendation

Staff finds that the request meets or exceeds the decision-making criteria for planned development rezonings and amendments.

Staff recommends approval of this request, as conditioned in Attachment C.

Lee County
Southwest Florida

LEE COUNTY
HEARING EXAMINER
2024 JUN 12 PM 2:18

Lee County, Florida
DEPARTMENT OF COMMUNITY DEVELOPMENT
ZONING SECTION
STAFF REPORT

CASE NUMBER: DCI2023-00050
CASE NAME: DIPLOMAT HOUSE F/K/A DIPLOMAT RPD AMENDMENT
TYPE OF CASE: MAJOR PLANNED DEVELOPMENT AMENDMENT
HEARING EXAMINER DATE: JUNE 26, 2024
SUFFICIENCY DATE: MAY 14, 2024

REQUEST:

An application has been submitted by Stacy Ellis Hewitt, AICP of Atwell, LLC on behalf of Diplomat Fort Myers, LLC for an amendment to the Diplomat North RPD/CPD (Resolution Z-11-002, as amended) to replace the previously approved entitlement of 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 square feet of commercial square footage with a maximum height of 50 feet, with a maximum entitlement of 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay.

The subject property is located on the north side of Diplomat Parkway East, approximately 0.3 miles west of the intersection with North Cleveland Avenue (US 41), Lee County, FL. (District #4). The STRAP Number for the property is 34-43-24-00-00001.3030 and a Legal Description can be found in Attachment R.

SUMMARY:

Staff recommends APPROVAL of the applicant's request, with the Conditions found in Attachment C. These conditions carry forward the conditions and deviations of prior approvals except as noted in this report. There are two additional deviations from required building separation and backout parking limitations within internal rights-of-way. Staff recommends approval of these deviations, with conditions.

HISTORY OF PARCEL:

The subject property is part of the 65-acre Diplomat Property RPD/CPD, which exists on both sides of Diplomat Parkway. This planned development was approved by Resolution Z-06-004 to allow a maximum of400,000 square feet of commercial intensity, including a maximum of 100,000 square feet of retail uses, and up to 120 hotel rooms. It should be noted that a condition was approved to allow the required indigenous preservation to be located on the property south of Diplomat Parkway.

ADD2007-00169 then amended the planned development to revise the property development regulations for townhouses and approved a deviation to allow the use of garbage toters instead of a dumpster.

Resolution Z-11-002 then amended the planned development to allow a maximum of 400 assisted living facility beds and 138 dwelling units. This approval also established a northern Commercial Planned Development (CPD) boundary within the larger planned development, which allowed for a

STAFF EXHIBIT# 1

maximum development intensity of 50,000 square feet of commercial uses (Attachment J). This approval was subsequently amended by the following zoning actions:

- ADD2019-00085 approved a clarification to Condition 1 of Resolution Z-11-002 to allow the residential development without the approved commercial component pursuant to the approved development plan of ADD2007-00169 (Attachment K).
- ADD2019-00181 approved an alternate Master Concept Plan to show a development plan for single-family, duplex, and two-family attached townhomes with a maximum height of 35 feet on property south of Diplomat Parkway (Attachment L).
- ADD2020-00034 approved removal of references to site location standards and amended the schedule of uses to allow a conversion ratio for commercial intensity to be converted to residential density for up to 116 dwelling units (Attachment M).

The applicant previously sought this development plan through a conventional rezoning, variance, and administrative relief process, but ultimately withdrew that request and pursued the request through this application.

CHARACTER OF THE AREA:

The subject property is located to the west of North Cleveland Avenue, a State-maintained Arterial Road, and north of Diplomat Parkway East, a City-maintained Road. The subject property is part of an overall Residential Planned Development/Commercial Planned Development (RPD/CPD) that exists on the north and south sides of Diplomat Parkway East. The surrounding development pattern is heavily settled within the North Fort Myers Community Plan Area and includes a mix of commercial and residential uses. The subject property is also located in the Mixed-Use Overlay as described in Lee Plan Objective 11.2. The following zoning districts and land use categories surround the subject property:

North

Property to the north is zoned Mobile Home Residential District (MH-2) and is in the Central Urban future land use category. This is developed with a mobile home park named Serendipity Mobile Home Village.

West:

Property to the west is zoned Mobile Home Residential District (MH-2) and is in the Central Urban future land use category. This land is developed with a mobile home subdivision named Six Lakes Country Club Mobile Home Park.

South:

Properties to the south are within the same planned development and are currently vacant. These properties are in the Central Urban future land use category and the Mixed-Use Overlay and are zoned Residential Planned Development (RPD) and Commercial Planned Development (CPD).

East:

Property to the east is zoned Residential Planned Development (RPD) approved by Resolution Z-23-003 (Attachment N). This resolution rezoned property from Commercial (C-1A) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) to allow up to 285 multiple-family dwelling units. This property is currently being reviewed for a development order (DOS2022-00141) but is currently undeveloped.

ANALYSIS

This request is to amend a 38.13± acre northern tract of the Diplomat North RPD/CPD approved by Resolution Z-11-002, as amended to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; with a maximum of 360 multi-family dwelling units with amenities with a maximum height of 60 feet. The 38.13-acre parcel has approximately 29.75 acres designated as Residential Planned Development (RPD) and 5.43 acres as Commercial Planned Development (CPD). The applicant seeks to derive density from an additional two commercial tracts (designated as Future Commercial Development Parcel 1 and 2 on the Master Concept Plan) which adds an additional 2.95 acres to the density calculation. Upon completion of development of the north commercial tract with residential uses, there will be four remaining commercial tracts within the development.

If approved, the maximum development parameters for this planned development will be 360 dwelling units for the northern residential tract, 105 dwelling units (with an additional 21 units of market-rate housing) for the southern residential tract, and a maximum of 200,000 square feet of commercial intensity on the remaining commercial tracts.

Planned Development Amendment:

Section 34-612 of the Lee County Land Development Code describes the intent of the utilization of the Planned Development zoning district. The purpose of planned development zoning is to further implement the goals, objectives, and policies of the Lee Plan, while providing some degree of flexibility in the planning and design of proposed developments.

LDC Section 34-145(d) establishes the review criteria for all rezoning requests. Before recommending approval of a rezoning request, the Hearing Examiner must find the request:

a) Complies with the Lee Plan;
b) Meets the Land Development Code and other applicable County regulations or qualifies for deviations;
c) Is compatible with existing and planned uses in the surrounding area;
d) Will provide access sufficient to support the proposed development intensity;
e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;
f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and
g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban Area category.

For Planned Development rezoning requests, the Hearing Examiner must also find:

a) The proposed use or mix of uses is appropriate at the proposed location;

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and
c) That each requested deviation:
    1) Enhances the achievement of the objectives of the planned development; and
    2) Preserves and promotes the general intent of this Code to protect the public health, safety and welfare.

Section 34-380(a) of the Lee County Land Development Code states that amendments to the Master Concept Plan or its attendant documentation may be requested at any time during the useful life of the Planned Development.

Master Concept Plan:

The applicant has provided a three-page Master Concept Plan which incorporates previous zoning amendments into the approved master concept plan and provides two development alternatives for the north residential tract (Attachment D). The plan also depicts designated preserve areas, deviation locations, access points and development tracts.

Development Pattern Considerations:

Much of the subject property is in the Central Urban future land use category as described in Lee Policy 1.1.3, which describes these areas as the 'urban core' of the county. Areas designated as Central Urban allow for standard densities from four dwelling units per acre to ten units per acre as well as a mix of commercial, public and semi-public, and limited light industrial land uses. The request proposes residential development that maximizes the proposed density while continuing to consider many commercial uses. Staff finds the proposed request consistent with Lee Plan Policy 1.1.3.

Objectives 2.1 and 2.2 of the Lee Plan intend to direct new growth to future urban areas in compact and contiguous growth patterns where adequate public facilities exist. The subject property is located near an arterial corridor where urban services exist. The applicant has provided letters of water and wastewater availability (Attachment O) as well as a Traffic Impact Statement (Attachment H) to demonstrate that the surrounding roadway system can support the proposed uses. Staff finds the rezoning request, as conditioned, consistent with Objective 2.1, Objective 2.2, and Policy 2.2.1.

Policy 5.1.2 prohibits residential development where natural physical constraints or hazards exist, including hurricane and flood hazards, soil or geologic conditions, environmental limitations, or aircraft noise. The subject property is not located in a Coastal High Hazard Area but a small portion on the west side of the development is in floodway. the subject property is located in Flood Insurance Rate Map (FIRM) Zone AE-EL15.1. Regardless of the lack of physical constraints evident on the subject property, the applicant will be required to meet the requirements of Chapter 2, Article XI of the Land Development Code regarding hurricane preparedness and mitigation at the time of application for a local development order. This includes the determination of necessary hurricane sheltering, and mitigation of impacts to state evacuation times for residential development. Staff finds the request, as conditioned, consistent with Policy 5.1.2.

Policy 5.1.5 of the Lee Plan intends to protect the existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of existing and planned residential uses

to the north, east, and west. Within the planned development itself, residential and non-residential uses are proposed to be located in separate tracts, which will continue to provide a mix of commercial and residential uses within the development in a way that is compatible with both internal and neighboring residential uses. Staff finds the request, as conditioned, consistent with Policy 5.1.5.

Policy 6.1.1 of the Lee Plan requires that applications with proposed commercial uses to reviewed for traffic and access impacts, incorporate landscaping and detailed site planning, screening, and buffering, ensure availability of services and facilities, minimize impacts on adjacent uses, be located in proximity to other similar centers, and properly mitigate environmental impacts. The applicant has provided the requisite information for a review of these factors. Staff finds the planned development rezoning request consistent with Policy 6.1.1.

Policy 6.1.4 of the Lee Plan requires that commercial uses be approved only when compatible with adjacent existing and proposed land uses as well as existing and programmed services and facilities. There are sufficient programmed services and facilities to accommodate the proposed development as later described in this report and commercial uses are sufficiently conditioned to be compatible with surrounding residential uses. Staff finds this request consistent with Policy 6.1.4.

Policy 6.1.6 of the Lee Plan requires commercial development to provide adequate and appropriate landscaping, open space, and buffering. The applicant has demonstrated compliance with the landscaping, open space, and buffering requirements of the LDC. Staff finds the request, as conditioned, consistent with Policy 6.1.6.

Policy 6.1.7 of the Lee Plan prohibits commercial developments from locating in a way that opens new areas to premature, scattered, or strip development. The subject property is located in an area that is heavily settled within the North Fort Myers Community Plan Area. Prior zoning approvals included entitlements for commercial uses, and the subject request will continue to do so. This amendment does not open the area to new premature development. Staff finds this planned development rezoning request consistent with Policy 6.1.7.

Goal 11 of the Lee Plan establishes Objectives and Policies to encourage mixed-use development to diversify land use types, facilitate a variety of housing types, and increase connectivity between housing, employment, and retail uses, while reducing vehicle trip lengths and providing greater access to alternative means of transportation. Objective 11.1 allows and encourages mixed use development within future land use categories and at appropriate locations where sufficient infrastructure exists to support the development. The request proposes a mix of uses within a cohesive development that will create new employment opportunities and provide for residential uses where there is sufficient infrastructure for existing and future development. Staff finds this planned development rezoning request consistent with Objective 11.1.

Goal 125 of the Lee Plan establishes objectives and policies to ensure that water quality is maintained or improved for the environment and people of Lee County. Objective 125.1 states that development must maintain high water quality, meeting or exceeding state and federal water quality standards. Policies 125.1.2 and 125.1.3 require new development to not degrade surface and groundwater quality and require the design of drainage systems that minimize nutrient loading and pollution. Staff finds the request, as conditioned, consistent with Goal 125, Objective 125.1, and Policies 125.1.2 and 125.1.3.

Goal 135 of the Lee Plan addresses the necessity to meet housing needs as Lee County grows in population. Policy 135.1.9 states that the county will ensure a mix of residential housing types on a

county-wide basis through the planned development process. This request proposes up to 360 multiple-family dwelling, which assists in meeting the housing needs of the county. Staff finds the request consistent with Goal 135 and Policy 135.1.9.

Goal 158 of the Lee Plan establishes the County's intent to provide a diversified and stable economy by providing a positive business climate and employment opportunities for the residents of Lee County. The request proposes a mix of commercial and residential uses that would facilitate employment in the area that is nearby to compatible non-residential uses consistent with the intent of his Goal. Staff finds the request consistent with Goal 158.

Transportation Considerations:

The applicant has provided a traffic study relative to the proposed planned development amendment (Attachment H). Lee County DOT staff provided an analysis of the traffic study and notes that the request does not significantly impact the surrounding roadway system (Attachment I).

Bicycle and Pedestrian Facilities:

The subject property fronts on Diplomat Parkway East, which is designated as a future bike/pedestrian way on Lee Plan Map 3-D. Currently there are Bicycle facilities on Diplomat Parkway East, but no pedestrian facilities are developed. At the time of development order approval, all new development must comply with the requirements of Chapter 10 of the Land Development Code.

Transit Facilities:

LeeTran Route 595 operates along Diplomat Parkway East. At the time of development order approval, the applicant will be required to comply with the requirements of Chapter 10 of the Land Development Code regarding transit stop improvements.

Urban Services:

The subject property is serviced by the North Fort Myers Fire Station and EMS Station, located approximately 2.6 miles from the property, and a Sheriff's station located approximately 2.7 miles from the property. The proposed development is currently supported by a host of urban services; therefore, the request is consistent with Lee Plan Standards 4.1.1, 4.1.2, and Policy 6.1.1.

Deviation Requests:

The applicant has submitted a revised Schedule of Deviations, carrying forward deviations from previous approvals (Attachment F). The applicant proposes to amend Deviations 7 and 8 to update the language to reflect the subject request; the applicant also seeks approval of two additional deviations. Deviations 7 and 8, as amended in strikethrough/underline format, and the two new deviations are as follows:

7. Curbside garbage collection for townhouse units and reduction in collection area for multi-family units - Deviation 7 (previously approved by ADD2007-00169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse units that are planned within the project and to allow a reduction in required multi-family container space

of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit, to allow space for a compactor and a minimum area of 144 square feet for the storage of recyclable materials within the North RPD.

This request is to amend this deviation to allow a reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for a compactor and a minimum of 144 square feet for a recyclable materials collection area for the North RPD.

Staff recommends continues to recommend **approval** of this deviation.

8. **Certain internal buffers not required** - Deviation 8 [previously approved by Resolution Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §10-416(d)(3) 10-425(f)(1)a requirement ~~that a Type C/F~~ for a five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer ~~between the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the North RPD project ~~to~~ along internal rights-of-way ~~by a private road~~.

This request is to amend this deviation to allow no buffers to along internal rights-of-way for the North RPD. Staff continues to recommend **approval** of this deviation.

9. **Backout parking within internal right-of-way** –Deviation 9 seeks relief from the LDC §34-2013(a)(2) requirement that back-out parking into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses, to allow backout parking spaces for dwelling units and guests limited to the locations shown on the MCP.

The applicant notes that this deviation is to address a specific area interior to the gated portion of the residential development. Staff recommends **approval** of this deviation.

10. **Minimum Building Separation** –Deviation 10 seeks relief from the LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights between two buildings, or 20 feet, whichever is greater, to allow a minimum building separation of 20 feet.

Staff recommends **approval** of this deviation.

CONCLUSION:

Based on the analysis provided above, staff offers the following review of the decision-making criteria for the planned development amendment request. Staff finds that the proposed request:

a) Complies with the Lee Plan;

Based on the analysis above, staff finds that the request is consistent with the Lee Plan. The proposed use and intensity is compatible with existing and proposed uses and meets or exceeds the objectives and policies herein.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The applicant seeks modifications to two previously approved deviations and two additional deviations, and staff recommends approval of these deviations. The applicant held the public information session within the North Fort Myers Community Plan area in accordance with LDC Section 33-1532 and provided the requisite public information session summary in accordance with this section (Attachment Q).

c) Is compatible with existing and planned uses in the surrounding area;

The mix of uses considered within the development has been previously deemed compatible with the surrounding uses and will continue to do so. The request, as conditioned, is consistent with surrounding existing and planned uses.

d) Will provide access sufficient to support the proposed development intensity;

Access is proposed on Diplomat Parkway, a City-maintained arterial roadway. Staff finds that there will be sufficient access to support the request.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

Staff has reviewed the transportation impacts of the development and has concluded that the request does not significantly impact the roadway network in the area.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources;

Staff has reviewed the potential environmental impacts and has determined that the request, as conditioned, meets the requirements of the Land Development Code and Lee Plan and sufficiently protects existing environmentally critical areas and natural resources.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

Additionally, staff has concluded:

a) The proposed use or mix of uses is appropriate at the proposed location;

The proposed mix of uses is appropriate at the location.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development; and

Staff finds the proposed conditions appropriate for approval and sufficiently address the public's interest expected from the proposed development.

c) That each requested deviation enhances the achievement of the objectives of the planned development and reserves and promotes the general intent of the Land Development Code to protect the public health, safety and welfare:

Staff recommends approval of the two requested deviations, and staff finds that each deviation request, as conditioned, serves to protect public health, safety, and welfare.

Staff, therefore, recommends approval of this amendment to the Diplomat North RPD/CPD, as conditioned in Attachment C.

ATTACHMENTS:

A. Expert Witness List
B. Aerial, Current Zoning, and Future Land Use Maps
C. Conditions and Deviations
D. Master Concept Plan
E. Applicant's Proposed Conditions
F. Applicant's Schedule of Deviations and Justifications
G. Applicant's Request Narrative and Lee Plan Consistency
H. Traffic Impact Statement
I. Lee County Infrastructure Planning Staff Memorandum
J. Resolution Z-11-002
K. ADD2019-00085
L. ADD2019-00181
M. ADD2020-00034
N. Resolution Z-23-003
O. Water/Sewer Availability Letters
P. Waiver of Submittal Requirements
Q. Public Information Session Summary
R. Legal Description, Sketch and Boundary Survey

ATTACHMENT A

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

Dirk Danley, AICP, Principal Planner, Zoning, 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.

Elizabeth Workman, Principal Planner, Zoning, 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.

Marcus Evans P.E., Senior Engineer, Development Services, 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, Planning Manager, Planning, 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 Plan 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.

Rebecca Sweigert, Senior Manager, DCD, 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 Plan 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.

Nicholas DeFilippo, Senior Environmental Planner, Planning, 1500 Monroe Street, Fort Myers, FL 33901

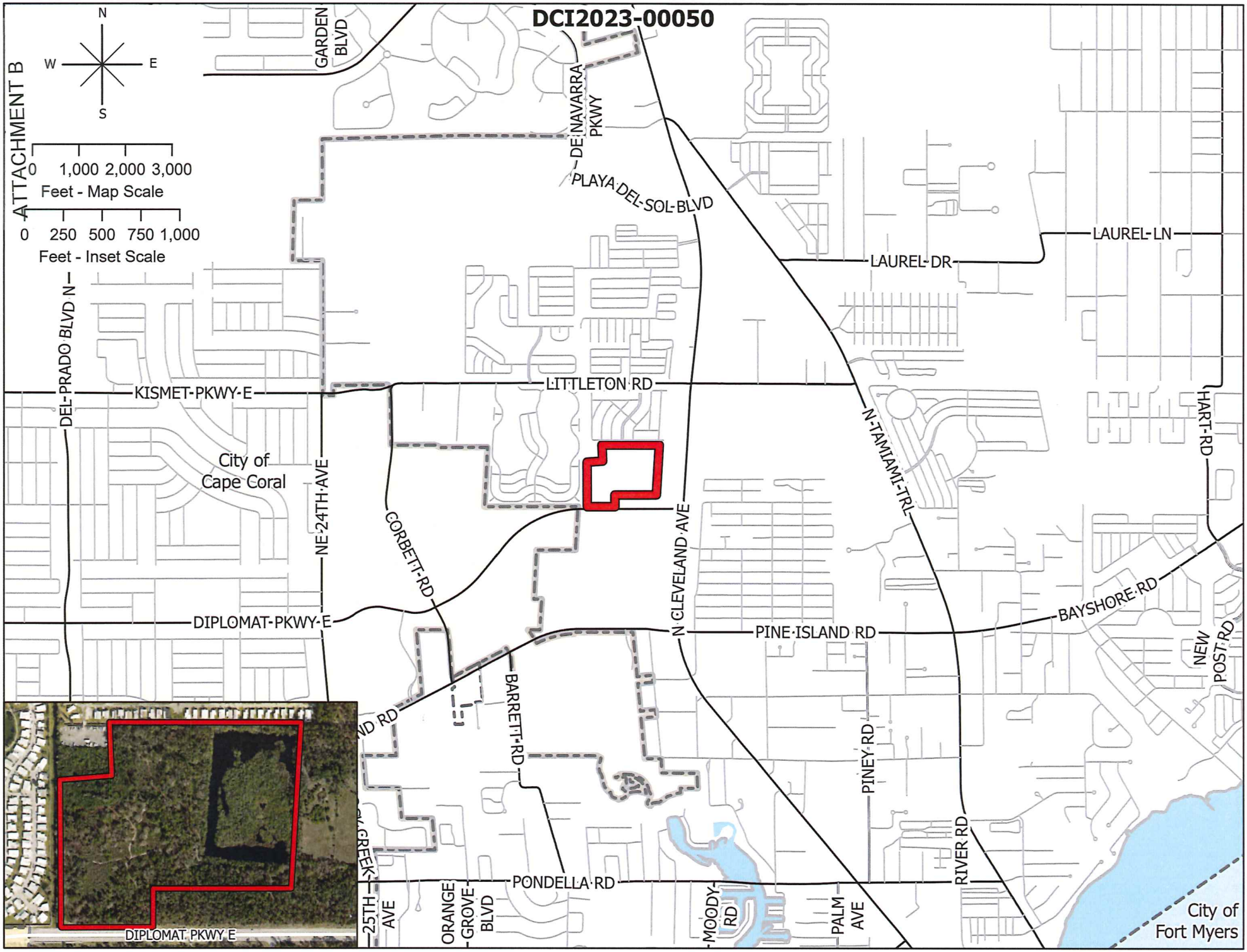
- Previously qualified as an expert witness by the Lee County Hearing Examiner. Current resume is on file with the Hearing Examiner.
- Seeking to be qualified as an expert witness in the Lee Plan and land use planning.
- Report and documents are submitted with the Staff Report for this case. Additional 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.

Phil Gillogly, P.E., Surface Water Manager, Natural Resources, 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 Plan 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.

Lee Werst, Natural Resources Supervisor, Natural Resources, 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 Plan 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.


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ATTACHMENT B
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Feet - Map Scale
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Feet - Inset Scale
GARDEN BLVD
DE NAVARRA PKWY
PLAYA DEL SOL BLVD
LAUREL DR
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DEL PRADO BLVD N
KISMET PKWY E
LITTLETON RD
HART RD
City of Cape Coral
NE 24TH AVE
CORBET RD
N CLEVELAND AVE
N TAMIAMI TRL
DIPLOMAT PKWY E
PINE ISLAND RD
BAYSHORE RD
NEW POST RD
BARRETT RD
PINEY RD
RIVER RD
PONDELLA RD
25TH AVE
ORANGE GROVE BLVD
MOODY RD
PALM AVE
City of Fort Myers
DIPLOMAT PKWY E



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Aerial

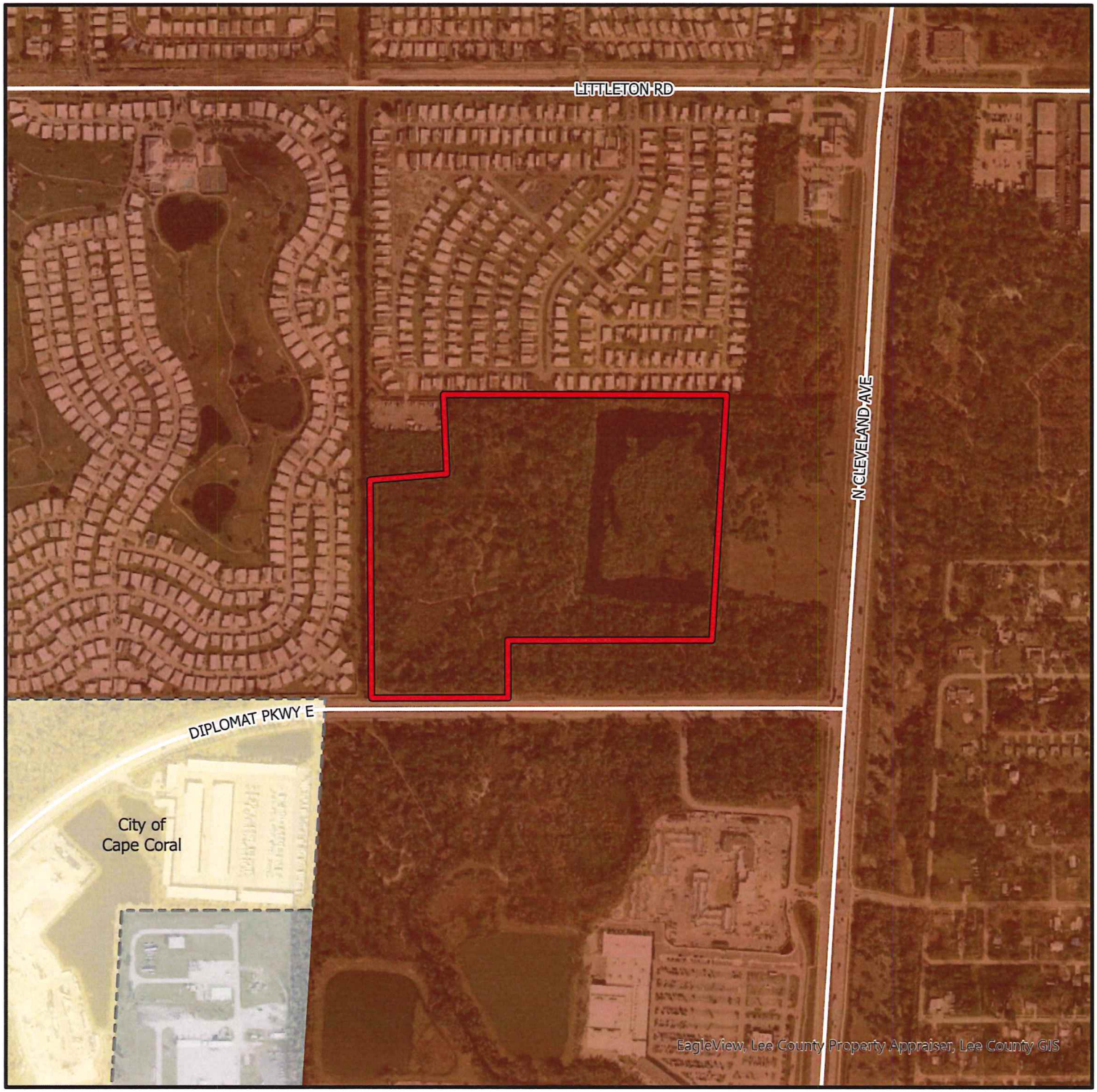
Subject Property

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Future Land Use

Subject Property

Central Urban

Public Facilities

City Limits

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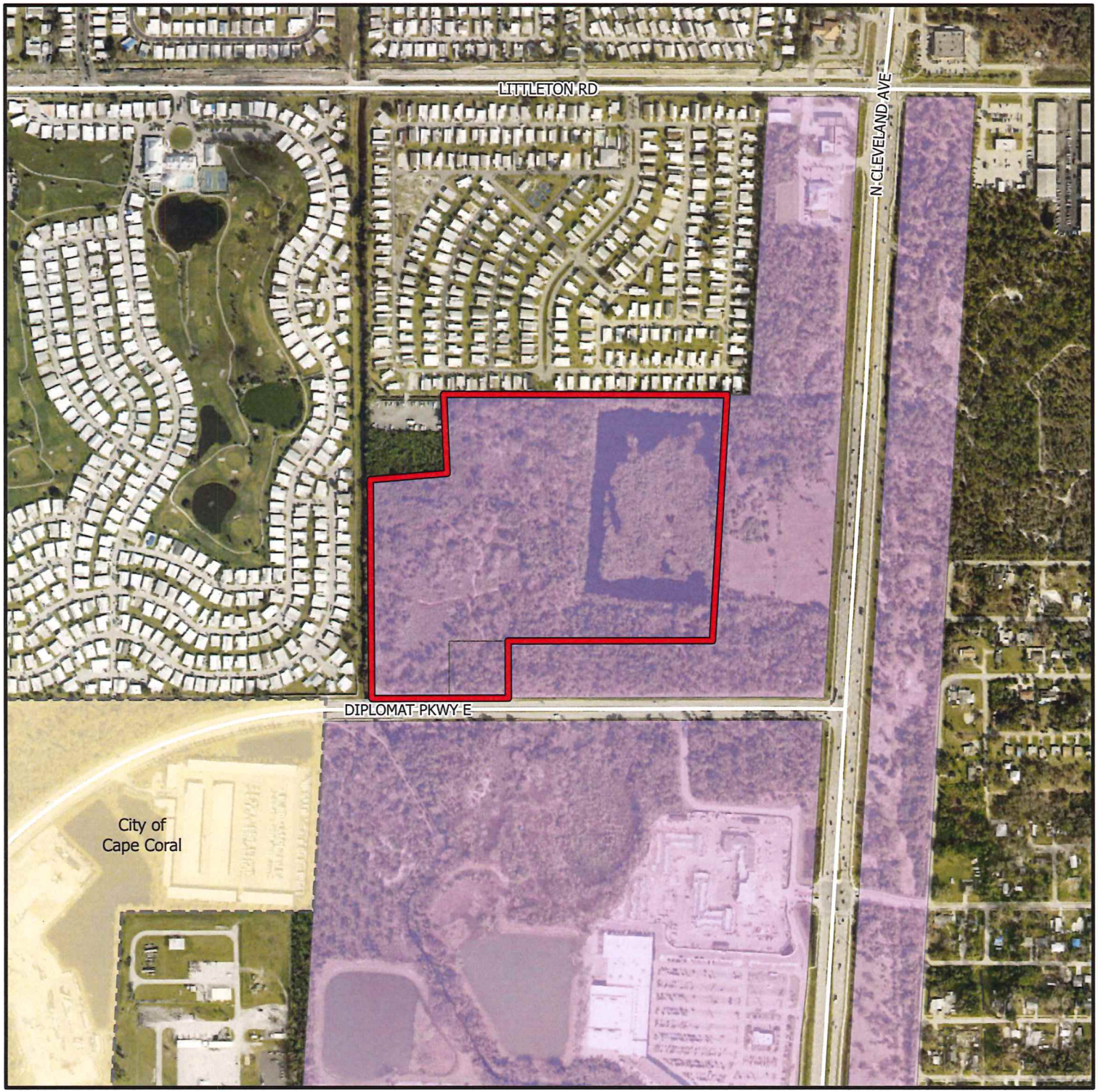
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Mixed Use Overlay

Subject Property

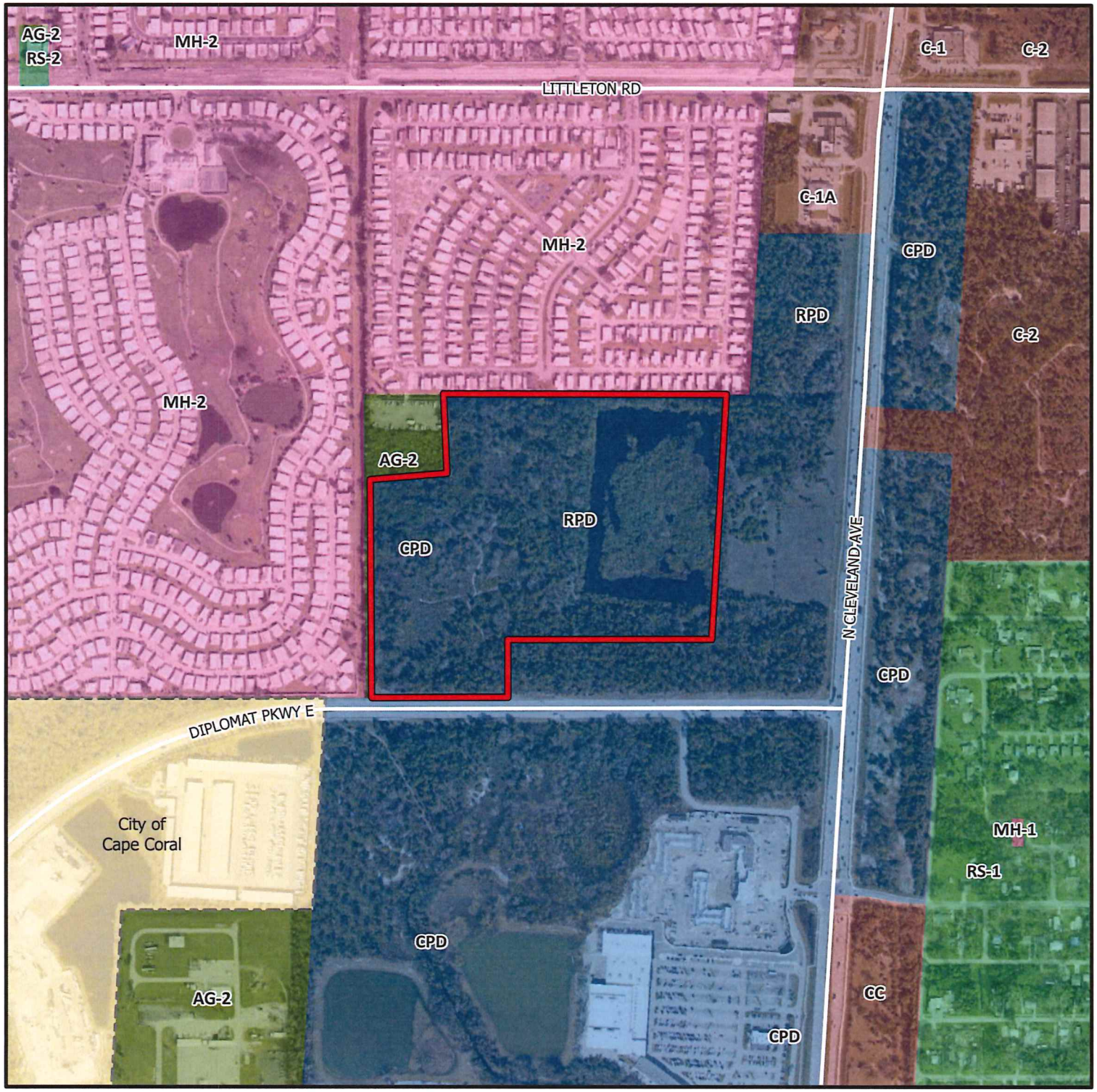
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Zoning

Subject Property

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ATTACHMENT C

DIPLOMAT HOUSE f/k/a DIPLOMAT NORTH RPD AMENDMENT SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & CONDITIONS

1. Development ~~north of Diplomat Parkway East~~ [1] must be substantially consistent with the ~~1-3~~ three-page Master Concept Plan (MCP) entitled:

   Page 1 of 3: "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 3/12/2024; ~~DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated last revised 4-22-21 and date stamped "Received APR 27 2011 Community Development" AND~~ OR

   ~~The 1 page~~ Page 2 of 3 of the Master Concept Plan entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised ~~01-23-2008~~ 03/12/2024; OR

   Page 3 of 3: ~~and date stamped "Received JAN 30 2008 Permit Counter," Development south of Diplomat Parkway East must be substantially consistent with the 1 page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 03/12/2007, last revised 03/12/2025 01-23-2008 and date stamped "Received JAN 30, 2008 Permit Counter," OR the 1 page Page 3 of 3 of the~~ MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10/28/2019, last revised 03/12/2024, except as modified by the conditions below.

~~Note: the portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75-acre~~ 35.2-acre ~~site that may be developed either as an RPD with RPD uses or and and/or an ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.~~

This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

Maximum number of dwelling units (North RPD/CPD Parcel): ~~138~~ 360 dwelling units (Standard Density utilizing North RPD/CPD (38.13 acres), Commercial Parcel 1 (1.48 Acres) and Commercial Parcel 2(1.47 acres) ~~plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.~~

Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units

may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD South of Diplomat Parkway. An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

~~Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical Office may be converted per Table "B" of the approved MCP.~~

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3, and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~ North RPD Parcel utilizes CPD Parcels 1 and 2 acreage for residential density with no impact to approved commercial intensity for these parcels due to the planned development's location within the Mixed Use Overlay.

~~Retail development is limited to Parcel 4 (which meets Commercial Site Location Standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location Standards).~~

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

   a SCHEDULE OF USES

   RPD- South of Diplomat Parkway

   Accessory Uses and Structures
   Administrative Office
   Clubs, Private - as shown on the approved MCP
   Community Garden
   Dwelling Units
      Single-family
      Duplex
      Two-family attached
      Multiple-family
      Townhomes – limited to a maximum of 105 dwelling units (or up to 126 dwelling units pursuant to Condition 1)
   Entrance Gates and Gatehouse
   Essential Services
   Essential Service Facilities, Group I only
   Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~

Fences and Walls
Home Occupation, No outside help Home
Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs
Temporary Uses

CPD - ~~Parcels 1, 2, 3 & 4 -~~ North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Auto Parts Store - No installation service Auto
Repair and Service, Group I only Bait and
Tackle Shop
Banks and Financial Establishments, Groups I and II Boat
Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II ~~(but not Group III)~~
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast-food drive-through
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)

Dwelling units, multiple-family (Limited to North of Diplomat Parkway) See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center EMS,
Fire or Sheriff's Station Essential
Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site.
Fences and Walls
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III ~~(but not Group IV).~~
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)
Non-store Retailer, All Groups
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary Personal
Services, Groups I, II, III and IV. Excluding Laundromats,
Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs
Place of Worship
Plant Nursery Post
Office
Printing and Publishing Processing and Warehousing
Real Estate Sales, Limited to rental/sales of units within multiple-family development
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Residential accessory uses
Restaurants, Groups I, II, III and IV

Restaurant, Fast Food, No stand-alone or drive-through – within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs ~~in Accordance with LDC Chapter 30~~
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
~~Assisted Living Facilities - (pursuant to Condition 1)~~
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
~~Continuing Care Facilities~~
Dwelling Units~~, single-family, duplex, two-family attached,~~
Multi-family
Townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. ~~No blasting.~~
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs~~, in compliance with LDC Chapter 30~~
Temporary Uses
Temporary Real Estate Sales Office

~~CPD - 5.43-Acre Parcel north of Diplomat Parkway~~

~~Administrative Office~~
~~Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs~~
~~Automatic Teller Machine~~
~~Banks and Financial Establishments, Groups I and II~~
~~Business Services, Groups I and II (no impound yards or armored car services)~~
~~Cleaning and Maintenance Services~~
~~Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.~~
~~Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
~~Cultural Facilities~~
~~Entrance Gate and Gatehouse~~
~~Emergency Operations Center~~
~~EMS, Fire or Sheriff's Station~~
~~Essential Services~~
~~Essential Service Facilities, Group I only~~
~~Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.~~
~~Fences and Walls.~~
~~Health Care Facility, Groups I, II and III (no Group IV)~~
~~Insurance Companies~~
~~Medical Office~~
~~Parking Lot, Accessory~~
~~Personal Services, Groups I and II~~
~~Pharmacy - accessory to medical office use only~~
~~Real Estate Sales Office~~
~~Religious Facilities~~
~~Research and Development Laboratories, Groups I, II, III and IV~~
~~Schools, Commercial and Non-Commercial~~
~~Signs in Accordance with LDC Chapter 30~~
~~Social Services Group I only~~
~~Temporary Uses~~

b SITE DEVELOPMENT REGULATIONS

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Size and Dimensions

Lot Size	7,500 square feet
Lot Width	75 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	5 feet
Rear	30 feet on all sides containing the enhanced buffer
	20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
	30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet~~/3 stories~~
Maximum Lot Coverage	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Size and Dimensions

Lot Size	7,500 square feet
Lot Width	75 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all sides containing the enhanced buffer
	20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
	30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet~~/3 stories~~
Maximum Lot Coverage	45 percent

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions	
Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet
Minimum Setbacks	
Street	25 feet (public) 20 feet (private)
Side	10 feet
Rear	30 feet on all sides containing the enhanced buffer 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC
Minimum Perimeter Setbacks	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation	10 feet
Maximum Building Height	35 feet~~/2 stories~~
Maximum Lot Coverage	45 percent

RECREATIONAL AREA/FACILITIES:

Minimum Lot Size and Dimensions	
Lot Size	9,000 square feet
Lot Width	50 feet
Lot Depth	120 feet
Minimum Setbacks	(See Deviation 5)
Street	25 feet (public) 20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	10 feet
Maximum Building Height	35 feet/2 stories
Maximum Lot Coverage	45 percent

Commercial Development North and South of Diplomat Parkway

Minimum Lot Size and Dimensions

Lot Size	10,000 square feet
Lot Width	100 feet
Lot Depth	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	10 feet
Rear	20 feet
Waterbody	25 feet
All Accessory Uses	Per the LDC
Setbacks from Preserves (All Structures)	25 feet, per the LDC.
Minimum Perimeter Setbacks	25 feet
Minimum Building Separation	20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC Section 34-2174
Maximum Building Height	50 feet/ 3 stories 35 feet/2 stories – adjacent to west boundary
Maximum Lot Coverage	60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

~~ASSISTED LIVING:~~

~~Minimum Lot Areas and Dimensions~~

~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~

~~Street 25 feet (public)/20 feet (private)~~
~~Side 10 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~
~~All Accessory Uses: Per the LDC.~~
~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~
~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing and enhanced buffer~~

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions
- Lot Size: 7,200 square feet
- Lot Width: 60 feet
- Lot Depth: 100 feet

Minimum Setbacks
- Street: 25 feet (public)/20 feet (private)
- Side: 5 feet
  20 feet on all other lots

- Water body: 25 feet

- All Accessory Uses: Per the LDC.

- Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

DUPLEX:

Minimum Lot Areas and Dimensions
- Lot Size: 7,000 square feet
- Lot Width: 70 feet
- Lot Depth: 100 feet

Minimum Setbacks
- Street: 25 feet (public)
  20 feet (private)
- Side: 5 feet
  20 feet on all other lots

- Water body: 25 feet

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

TOWNHOME:

Minimum Lot Size and Dimensions

Lot Size	~~1,600~~ square feet
Lot Width	16 feet
Lot Depth	~~100~~ feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	10 feet 0 feet (for a common wall)
Rear	~~30~~ feet ~~on all sides containing the enhanced buffer~~ 20 feet on all other lots
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet
Setbacks from Preserves (All Structures)	~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks	15 feet
Minimum Building Separation	20 feet
Maximum Building Height	35 feet
Maximum Lot Coverage	~~55 percent~~ No Maximum

MULTIPLE-FAMILY:

Minimum Lot Size and Dimensions

Lot Size	~~10,000~~ square feet
Lot Width	~~100~~25 feet
Lot Depth	~~100~~ feet

Minimum Setbacks

Street	~~25~~0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
	0 feet (for a common wall)
Rear	~~3~~0 feet ~~on all sides containing the enhanced buffer~~
	~~20 feet on all other lots~~
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet

Setbacks from Preserves (All Structures)	~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks	~~2~~15 feet
Minimum Building Separation	20 feet
Maximum Building Height	~~5~~60 feet
Maximum Lot Coverage	~~55 percent~~ No Maximum

RECREATION AREA/CLUBHOUSE:

Minimum Lot Size and Dimensions

Lot Size	~~9,00~~0 square feet
Lot Width	~~100~~25 feet
Lot Depth	~~1~~00 feet

Minimum Setbacks

Street	~~25~~0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
	0 feet (for a common wall)
Rear	~~3~~0 feet ~~on all sides containing the enhanced buffer~~
	~~20 feet on all other lots~~
Waterbody	25 feet
All Accessory Uses	~~Per the LDC~~ 0 feet
Setbacks from Preserves (All Structures)	~~25 feet~~, per the LDC.
Minimum Perimeter Setbacks	~~2~~15 feet
Minimum Building Separation	20 feet
Maximum Building Height	~~5~~60 feet
Maximum Lot Coverage	~~45 percent~~ No Maximum

~~CPD - 5.43-acre North CPD Parcel:~~

~~Minimum Lot Areas and Dimensions~~

~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~

~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 20 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height not less than 15 feet~~

~~Building Height: 35 feet~~
~~Maximum Lot Coverage: 60 percent~~

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
b. All model sites must be designated on the development order plans.
c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
d. Dry models are prohibited.
e. The number of model homes or model units will be limited to no more than 10 within the

development at one time.

f. ~~Any model homes or units must be developed within the areas identified as "models" on the approved MCP.~~ Deleted.
g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.
h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

No agricultural uses are permitted on site.

~~6. BLASTING~~

~~No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.~~

7. NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD

All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING ~~SEPARATION~~ SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback ~~separation~~ as regulated by LDC §34-2174(a).

9. TRAFFIC

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. LEE PLAN

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 Allocation Table, Map 16 and Table 1(b), ~~be reviewed for, and found consistentwith, the retail commercial standards for site area, including range of gross floor area, location,tenant mix and general function,~~ as well as all other Lee Plan provisions.

11. INTERSECTION IMPROVEMENTS

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat ~~Road~~Parkway if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES

a Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. ACCESSORY USES

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. OPEN SPACE

Prior to local development order approval, the landscape plans must demonstrate that each ~~commercial~~ parcel is providing a minimum of the open space requirement consistent with the open space table provided on the MCP. ~~30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.~~

15. ENVIRONMENTAL

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c The landscape plans must delineate a double staggered native hedge (minimum three- gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet. ~~Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.~~

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of ~~the original~~ Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020- 00034 are superseded by this zoning action and are rendered null and void by this approval. ~~T he terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.~~

20. INDIGENOUS PRESERVATION/HERITAGE TREES (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)
    a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.
    b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per

a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20- foot like species to a suitable open space area· where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. PROTECTED SPECIES
    a Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
    b A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED ~~OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~

    ~~Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD~~.

23. BUFFERS (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)
    a Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. ~~T his vegetation may be utilized to m eet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural~~ a ~~rea through the use of similar species and random planting throughout the area.~~
    b An enhanced type “F” buffer must be <u>provided along the north property line west of the lake</u>, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48” in height at time of planting.

24. NATIVE PLANTINGS REQUIRED (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)

    All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. <u>(Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:</u>

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition ~~3~~25.

27. With any local development order application proposing multifamily residential development on CPD Parcels 3 and 4, the applicant must submit a report itemizing:
    a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.
    b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.
    c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition ~~5~~27(a).

SECTION C. DEVIATIONS:

(Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations 9 and 10 are new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z- 06-004 and A ~~DD2007- 00169~~subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. Calculation for Open Space - Deviation 3 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. Installation of storm water management system - Deviation 4 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~ subsequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:
   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. Separation from residential uses - Deviation 5 (previously contained in Resolution Z-06-004 and~~ A DD2007-00169~~subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD to the north.

6a. Single ingress into the development - Deviation 6a (previously contained in Resolution Z-06-004 and ~~A DD2007-00169~~ subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a. Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
b. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. Curbside garbage collection for townhouse units and reduction in collection area for multi-family units - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pickup at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

Request is to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §~~10-416(d)(3)~~ 10-425(f)(1) requirement ~~that a Type C/F~~ for five-foot wide buffer along rights-of-way planted with five trees per 100 linear feet ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer b~~etween the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the North RPD project to internal rights-of-way ~~by a private road~~. This deviation is APPROVED.

   Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD.

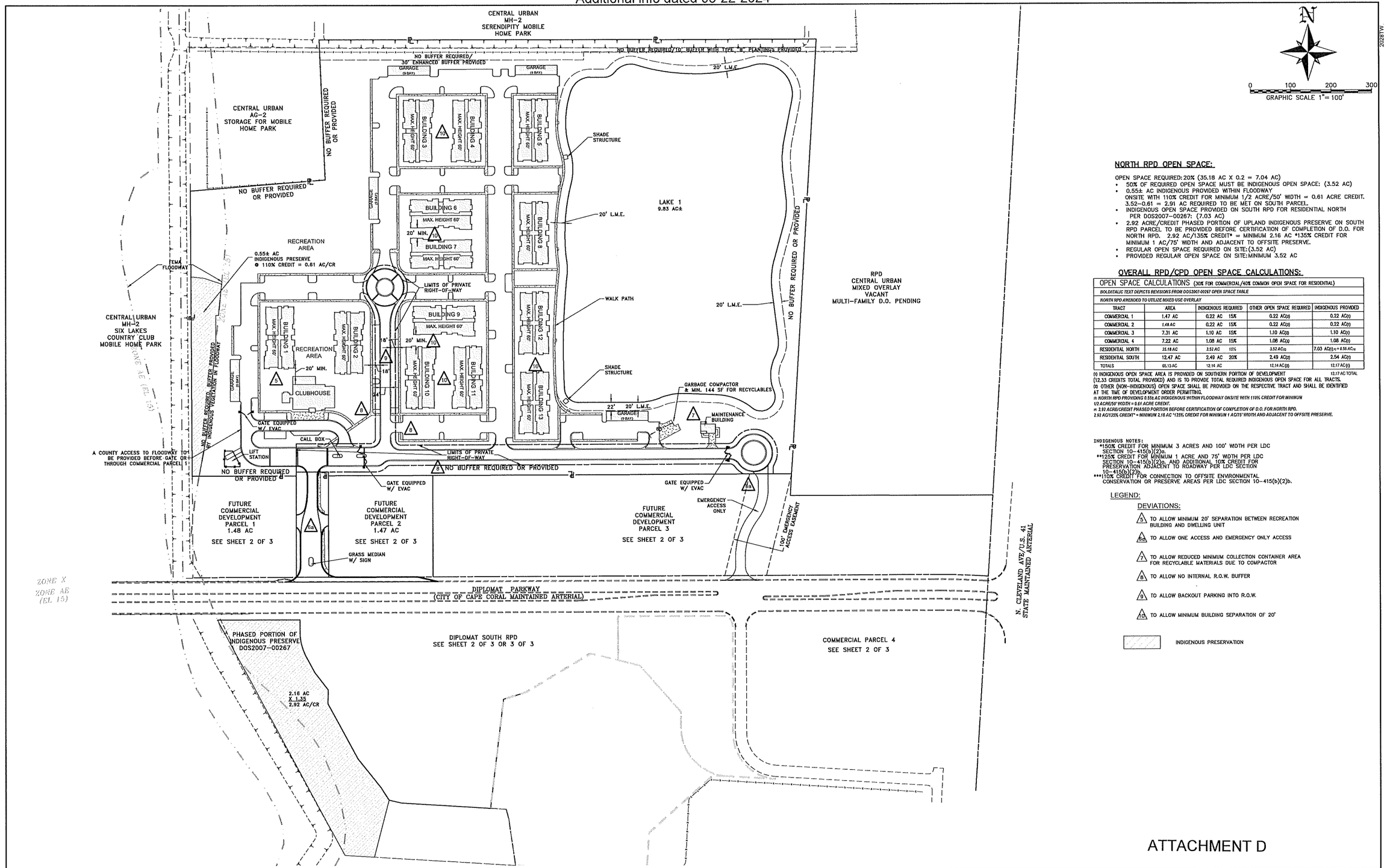
9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC Section 34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.

   This Deviation is APPROVED.

10. **Minimum Building Separation –** New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

    This Deviation is APPROVED.

Additional info dated 03-22-2024



NORTH RPD OPEN SPACE:

OPEN SPACE REQUIRED: 20% (35.18 AC X 0.2 = 7.04 AC)

- 50% OF REQUIRED OPEN SPACE MUST BE INDIGENOUS OPEN SPACE: (3.52 AC)
- 0.55± AC INDIGENOUS PROVIDED WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT. 3.52-0.61 = 2.91 AC REQUIRED TO BE MET ON SOUTH PARCEL.
- INDIGENOUS OPEN SPACE PROVIDED ON SOUTH RPD FOR RESIDENTIAL NORTH PER DOS2007-00267: (7.03 AC)
- 2.92 ACRE/CREDIT PHASED PORTION OF UPLAND INDIGENOUS PRESERVE ON SOUTH RPD PARCEL TO BE PROVIDED BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD. 2.92 AC/135% CREDIT* = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.
- REGULAR OPEN SPACE REQUIRED ON SITE: (3.52 AC)
- PROVIDED REGULAR OPEN SPACE ON SITE: MINIMUM 3.52 AC

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00267 OPEN SPACE TABLE

NORTH RPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	35.18 AC	3.52 AC 10%	3.52 AC(2)	7.03 AC(1)+ 0.55 AC(3)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	12.14 AC	12.14 AC(2)	12.17 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. 12.17 AC TOTAL

(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

(3) NORTH RPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.

(4) 2.92 ACRES/CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD. 2.92 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

LEGEND:

DEVIATIONS:

- 5 TO ALLOW MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT
- 5a TO ALLOW ONE ACCESS AND EMERGENCY ONLY ACCESS
- 7 TO ALLOW REDUCED MINIMUM COLLECTION CONTAINER AREA FOR RECYCLABLE MATERIALS DUE TO COMPACTOR
- 8 TO ALLOW NO INTERNAL R.O.W. BUFFER
- 9 TO ALLOW BACKOUT PARKING INTO R.O.W.
- 10 TO ALLOW MINIMUM BUILDING SEPARATION OF 20'

INDIGENOUS PRESERVATION

ATTACHMENT D

NO.	DATE	REVISION DESCRIPTION	BY
1	3/12/2024	FIRST SUFFICIENCY	NFK

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida
10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2523
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690
WWW.BANKSENG.COM

ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN

DIPLOMAT HOUSE

LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/7/2023	2028TW	ALT_MCP	NFK	NFK	SWM	1"=100'	1 OF 3

S:\JOBS\2028TW\DRAWINGS\MCP\ALT_2028TW_ALT MCP.DWG 3/5/2024 3:09 PM STEVE JOHNSON

Additional info dated 03-22-2024

MH-2
CENTRAL URBAN
MOBILE HOME
PARK SERENDIPITY

AG-2
CENTRAL URBAN
EXISTING LAKE AND
AMENITIES FOR
SERENDIPITY

MH-2
CENTRAL URBAN
SIX LAKES
COUNTRY CLUB
EXISTING
MOBILE HOMES

AG-2
CENTRAL URBAN
HORSE BOARDING

AG-2
CENTRAL URBAN
VACANT

AG-2
CENTRAL URBAN
VACANT

CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER

CPD
CENTRAL URBAN
MERCHANTS CROSSING
COMMERCIAL SHOPPING CENTER

30' ENHANCED BUFFER TYPE "B" BUFFER
TYPE "C" OF "F" BUFFER
15' TYPE "D" BUFFER
15' TYPE "D" BUFFER IN ACCORDANCE WITH CONDITION 17
NO BUFFER REQUIRED

BLDG 1 · BLDG 2 · BLDG 3 · BLDG 4 · BLDG 5 · BLDG 6 · BLDG 7 · BLDG 8 · BLDG 9 · BLDG 10 · BLDG 11 · BLDG 12 · BLDG 13 · BLDG 14 · BLDG 15 · BLDG 16 · BLDG 17 · BLDG 18 · BLDG 19 · BLDG 20 · BLDG 21 · BLDG 22 · BLDG 23 · BLDG 24 · BLDG 25 · BLDG 26 · BLDG 27 · BLDG 28 · BLDG 29 · BLDG 30 · BLDG 31 · BLDG 32 · BLDG 33 · BLDG 34 · BLDG 35 · BLDG 36 · BLDG 37 · BLDG 38 · BLDG 39 · BLDG 40 · BLDG 41 · BLDG 42 · BLDG 43

AMENITY CLUB

LAKE 1
9.75 AC

COMMERCIAL DEVELOPMENT PARCEL 1 (1.48 AC)

COMMERCIAL DEVELOPMENT PARCEL 2 (1.47 AC)

WEST COMMERCIAL PARCEL 3 (2.31 AC)

EAST COMMERCIAL PARCEL 3 (5.00 AC)

COMMERCIAL PARCEL 4 (7.22 AC)

ACCESS CONNECTION THROUGH COMMERCIAL PARKING AISLES

POSSIBLE LOCATION OF FUTURE EXIT CONNECTION THROUGH COMMERCIAL PARKING AISLES

EXISTING ACCESS

1058'

150' EMERGENCY ACCESS EASEMENT

DIPLOMAT PARKWAY (100' R.O.W.)

354'

694'

709'

U.S. 41 (200' ARTERIAL R.O.W.)

STABILIZED EMERGENCY ACCESS

LEE COUNTY DRAINAGE EASEMENT

GOPHER TORTOISE PRESERVE

1.70 AC
x 1.35**
2.30 AC/CR

4.73 AC
x 1.1***
5.20 AC/CR

3.18AC
X 1.5*
4.83 AC/CR

ALL DEVIATIONS REQUESTED AND APPROVED WITH Z-05-004 REMAIN IN EFFECT.

PROPOSED ADDITIONAL DEVIATIONS:

1 A DEVIATION FROM LDC 10-261 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ONSITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.

N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00187 OPEN SPACE TABLE

NORTH RPD AMENDED TO UTILIZE MIXED USE OVERLAY

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.49 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	25.18 AC	3.52 AC 10%	3.52 AC(2)	7.03 AC(1)(4) + 0.55 AC(5)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	12.14 AC	12.14 AC(2)	12.17 AC(1) 12.17 AC TOTAL

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
(3) NORTH RPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.61 ACRE CREDIT.
(4) 2.90 ACRE CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD.
2.90 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

TYPICAL RESIDENTIAL BUILDING LEGEND:

8 UNIT w/1 CAR GARAGE = 24 BLDGS 192 UNITS

1 AREA WHERE EACH UNIT CAN PLACE GARBAGE CANS FOR PICK UP THAT DOES NOT BLOCK DRIVEWAYS

6 UNIT w/1 CAR GARAGE = 14 BLDGS 84 UNITS

4 UNIT w/1 CAR GARAGE = 5 BLDGS 20 UNITS

= 296 UNITS

TYPICAL COMMERCIAL BUILDING:

PARKING
COMMERCIAL BLDG

PREPARED FOR:
N.B.D. DEVELOPMENT, INC.
3501 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

2028 DIPLOMAT PARCEL

NO.	DATE	REVISION DESCRIPTION	BY
1	2-2-2007	ADD 2ND ACCESS AND 4TH BLDG	LMK
2	11-26-2008	ZONING RESUBMITTAL	LMK
3	12-15-2008	ADD ACCESS AND 4TH BLDG	DRU
4	12-31-2007	ADDED SALES CENTER, PARKING, BOARD LANE	LMK
5	03-24-08	REVISED SET BACK FROM 15' TO 9' PARCEL MIXED USE/ADD 1	LMK
6	03-22-2024	ZONING RES TO SHEET ONE	LMK

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2619 NORTHBROOKE PLAZA DRIVE, SUITE 200
NAPLES, FLORIDA 34119
PHONE (239) 597-3181 FAX (239) 597-3682
DESIGNED BY: CMD
SURVEY LICENSE # LB 6988

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
08-27-2007	2028	MCP	CMD	CMD	DRU	1"=100'	2	3	34-43-24

Additional info dated 03-22-2024

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2021-00181 OPEN SPACE TABLE				
NORTH RPD AMENDED TO UTILIZE MIXED USE OVERLAY				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.48 AC	0.22 AC 15%	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(2)	1.08 AC(1)
RESIDENTIAL NORTH	35.18 AC	3.52 AC 10%	3.52 AC(3)	7.03 AC(1)[n] + 0.33 AC[n]
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(1)
TOTALS	65.13 AC	12.14 AC	12.14 AC(2)	12.17 AC(1)

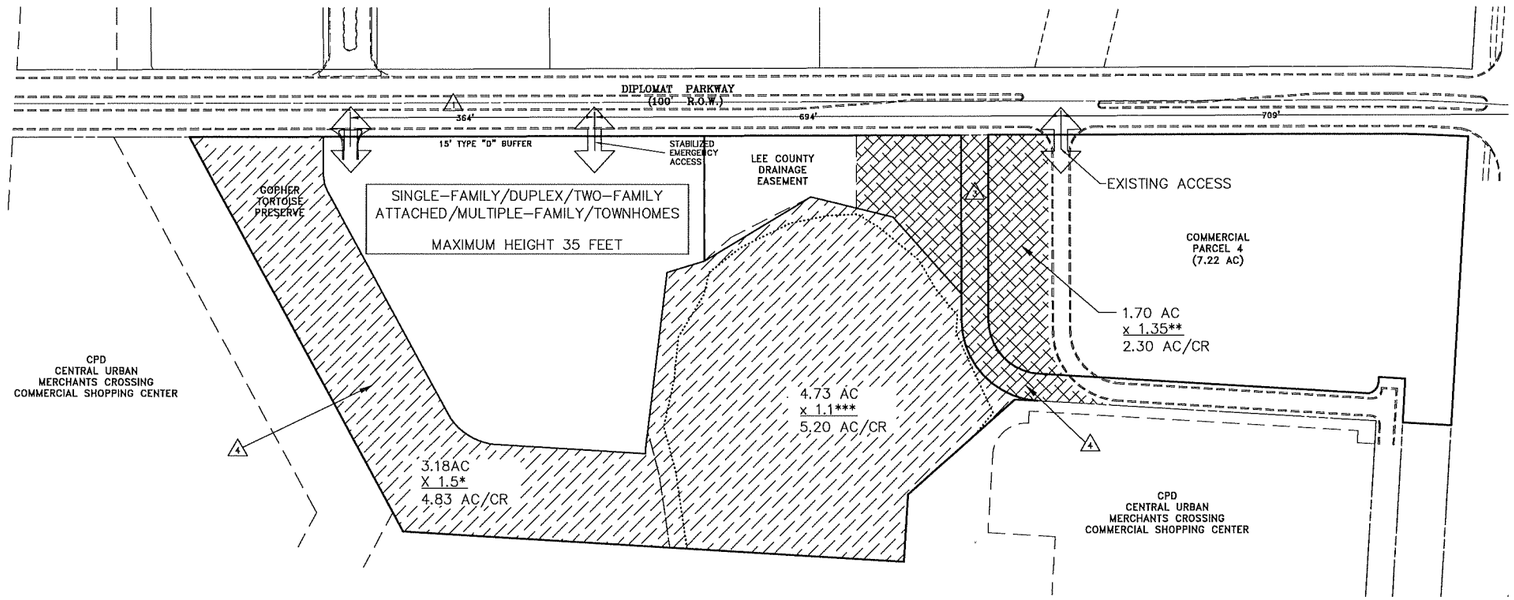
(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT 12.17 AC TOTAL (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
(3) NORTH RPD PROVIDING 0.55± AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRES/50' WIDTH = 0.61 ACRE CREDIT.
(n) 2.93 ACRES CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD.
2.93 AC/135% CREDIT = MINIMUM 2.16 AC *135% CREDIT FOR MINIMUM 1 AC/75' WIDTH AND ADJACENT TO OFFSITE PRESERVE.*

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)c, AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS
= COMMERCIAL INDIGENOUS
1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
14170 WARREN CIRCLE
NORTH FORT MYERS, FL 33903

2028 DIPLOMAT PARCEL

NO.	DATE	REVISION DESCRIPTION	BY
1	10/28/2019	ADDED OPEN SPACE TABLE	SDJ

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
2315 NORTHBROOKE PLAZA DRIVE, SUITE 200
NAPLES, FLORIDA 34119
PHONE: (239) 597-3061 FAX: (239) 597-3062
EMAIL: info@BanksEngineering.com
CERTIFICATE OF AUTHORIZATION #3539

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
10/28/2019	2028	MCP	SEH	SDJ	SWM	1"=100'	3	3	34-43-24

DIPLOMAT HOUSE f/k/a DIPLOMAT NORTH RPD AMENDMENT
SCHEDULE OF USES, PROPERTY DEVELOPMENT REGULATIONS & CONDITIONS

Conditions from Z-11-002 with footnotes to approved subsequent ADDs and proposed revisions for this amendment application provided in red strike-through/underline text.

1. Development ~~north of Diplomat Parkway East~~ [1] must be substantially consistent with the ~~1~~ 3-page Master Concept Plan (MCP) entitled:

   Page 1 of 3: "ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN, DIPLOMAT HOUSE" last revised 3/12/2024; ~~DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND~~ OR[2]

   ~~the 1-page~~ Page 2 of 3: ~~MCP entitled~~"Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," ~~dated 08-27-2007,~~ last revised ~~01-23-2008~~ 03/12/2024, OR

   Page 3 of 3: ~~and date-stamped "Received JAN 30 2008 Permit Counter,"~~. ~~Development south of Diplomat Parkway East must be substantially consistent with the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 03/12/2024 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," OR the 1-page Page 3 of 3 of the MCP entitled~~ "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" ~~dated 10-28-2019~~[1] last revised 03/12/2024, except as modified by the conditions below.

   ~~**NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres[2] 35.2 acre site [2]that may be developed either as an RPD with RPD uses[2], or and and/or[2] ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.**~~

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): ~~138~~ 360 dwelling units (standard density utilizing North RPD 35.18 acres and Commercial Parcel 1 – 1.48 acres and Commercial Parcel 2 – 1.47 acres ~~plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP~~.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

---

[1] ADD2019-00181

[2] ADD2019-00085

Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

~~Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.~~

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~[3] North RPD utilizing CPD Parcels 1 and 2 acreage for residential density with no impact to commercial use since within Mixed Use Overlay.

~~Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).~~[3]

2. The following limits apply to the project and uses:
   a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

[3] ADD2020-00034

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Dwelling units, multifamily (Limited to Parcels 3 and 4)[3] See Conditions 25, 26 & 27
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, .Groups I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store

Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)[3]
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales
Limited to rental/sales of units within multifamily development permitted on Parcels 3 and 4[3]
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Residential accessory uses (Limited to Parcels 3 and 4)[3]
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through – within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios Supermarkets
Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
~~Assisted Living Facilities - (pursuant to Condition 1)~~
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
~~Continuing Care Facilities~~
Dwelling Units~~, single-family, duplex, two-family attached,~~ multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

~~**CPD - 5.43-Acre Parcel north of Diplomat Parkway**~~

~~Administrative Office~~
~~Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs~~
~~Automatic Teller Machine~~
~~Banks and Financial Establishments, Groups I and II~~
~~Business Services, Groups I and II (no impound yards or armored car services)~~
~~Cleaning and Maintenance Services~~
~~Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.~~
~~Community Garden (Note: This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.)~~
~~Cultural Facilities~~
~~Entrance Gate and Gatehouse~~
~~Emergency Operations Center~~

~~EMS, Fire or Sheriff's Station~~
~~Essential Services~~
~~Essential Service Facilities, Group I only~~
~~Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.~~
~~Fences and Walls.~~
~~Health Care Facility, Groups I, II and III (no Group IV)~~
~~Insurance Companies~~
~~Medical Office~~
~~Parking Lot, Accessory~~
~~Personal Services, Groups I and II~~
~~Pharmacy - accessory to medical office use only~~
~~Real Estate Sales Office~~
~~Religious Facilities~~
~~Research and Development Laboratories, Groups I, II, III and IV~~
~~Schools, Commercial and Non-Commercial~~
~~Signs in Accordance with LDC Chapter 30~~
~~Social Services Group I only~~
~~Temporary Uses~~

b. **SITE DEVELOPMENT REGULATIONS – South RPD and Commercial Parcels 1, 2, 3 and 4 may request administrative amendment to request to apply Mixed Use Overlay incentives.**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street·	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet~~/ 3 stories~~[1]
Maximum Lot Coverage:	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet.
Maximum Building Height:	35 feet~~/ 2 stories~~[1]
Maximum Lot Coverage:	45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet on all lots containing enhanced buffer
	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet~~/ 2 stories~~[1]
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions
Lot Size: 9,000 square feet
Lot Width: 50 feet

Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

~~**ASSISTED LIVING:**~~

~~Minimum Lot Areas and Dimensions~~

~~Lot Size:~~	~~10,000 square feet~~
~~Lot Width:~~	~~100 feet~~
~~Lot Depth:~~	~~100 feet~~

~~Minimum Setbacks~~

~~Street~~	~~25 feet (public)/20 feet (private)~~
~~Side~~	~~10 feet~~
~~Rear~~	~~30 feet on all lots containing enhanced buffer~~
	~~20 feet on all other lots~~
~~Water body~~	~~25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing and enhanced buffer~~

~~Minimum Building Separation: ½ building height, but not less than 15 feet~~

~~Maximum Building Height: 45 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~**SINGLE-FAMILY:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,200 square feet~~
~~Lot Width: 60 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)/20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

~~**DUPLEX:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 7,000 square feet~~
~~Lot Width: 70 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 5 feet~~
~~Rear 30 feet on all lots containing enhanced buffer~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC.~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC.~~

~~Minimum Perimeter Setbacks: 25 feet~~
~~30 feet on all lots containing an enhanced buffer~~

~~Minimum Building Separation: 10 feet.~~

~~Maximum Building Height: 35 feet~~
~~Maximum Lot Coverage: 45 percent~~

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size:	~~1,600~~0 square feet
Lot Width:	16 feet
Lot Depth:	~~10~~0 feet

Minimum Setbacks

Street	~~25~~ 0 feet (public)
	~~2~~0 feet (private)
Side	~~1~~0 feet
	0 feet (for a common wall)
Rear	~~3~~0 feet ~~on all lots containing enhanced buffer~~
	~~20 feet on all other lots~~

Water body 25 feet

All Accessory Uses: ~~Per the LDC.~~ 0

Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC.

Minimum Perimeter Setbacks: ~~2~~15 feet
~~30 feet on all lots containing an enhanced buffer~~

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: ~~55 percent~~ No maximum

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions
- Lot Size: ~~10,000~~ square feet
- Lot Width: ~~100~~25 feet
- Lot Depth: ~~10~~0 feet

Minimum Setbacks
- Street: ~~25~~0 feet (public)
  ~~2~~0 feet (private)
- Side: ~~1~~0 feet
- Rear: ~~3~~0 feet ~~on all lots containing enhanced buffer~~
  ~~20 feet on all other lots~~
- Water body: 25 feet

All Accessory Uses: ~~Per the LDC.~~0

Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC

Minimum Perimeter Setbacks: ~~2~~15 feet

Minimum Building Separation: ~~½ building height, but not less than 15~~20 feet

Maximum Building Height: ~~5~~60 feet
Maximum Lot Coverage: ~~45 percent~~ No maximum

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions
- Lot Size: ~~9,000~~ square feet
- Lot Width: ~~100~~25 feet
- Lot Depth: ~~10~~0 feet

Minimum Setbacks
- Street: ~~25~~0 feet (public)
  ~~2~~0 feet (private)

Side ~~1~~0 feet
Rear ~~2~~0 feet

Water body 25 feet

All Accessory Uses: ~~Per the LDC.~~ 0
Setbacks from Preserves (All structures): ~~25 feet,~~ per the LDC.

Minimum Perimeter Setbacks: ~~2~~15 feet
~~30 feet on all lots containing an enhanced buffer~~

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: ~~45 percent~~ No maximum

~~**CPD - 5.43-acre North CPD Parcel:**~~

~~Minimum Lot Areas and Dimensions~~
~~Lot Size: 10,000 square feet~~
~~Lot Width: 100 feet~~
~~Lot Depth: 100 feet~~

~~Minimum Setbacks~~
~~Street 25 feet (public)~~
~~20 feet (private)~~
~~Side 10 feet~~
~~Rear 20 feet~~
~~20 feet on all other lots~~

~~Water body 25 feet~~

~~All Accessory Uses: Per the LDC~~

~~Setbacks from Preserves (All structures): 25 feet, per the LDC~~

~~Minimum Perimeter Setbacks: 25 feet~~

~~Minimum Building Separation: ½ building height not less than 15 feet~~

~~Building Height: 35 feet~~
~~Maximum Lot Coverage: 60 percent~~

3. CONCURRENCY

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. MODEL HOME AND REAL ESTATE SALES

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.
b. All model sites must be designated on the development order plans.
c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.
d. Dry models are prohibited.
e. The number of model homes or model units will be limited to no more than 10 within the development at one time.
~~f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.~~DELETED
g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.
h. Real estate sales within the RPD are limited to within model homes or clubhouse only.
i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. NO AGRICULTURAL USES APPROVED

No agricultural uses are permitted on site.

6. BLASTING

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD

All required buffers must utilize 100 percent all native vegetation.

8. ADDITIONAL BUILDING ~~SEPARATION~~ SETBACK REQUIRED

Buildings exceeding 35 feet in height must maintain additional building setback~~paration~~ as regulated by LDC §34-2174(a).

9. TRAFFIC

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. LEE PLAN

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 Allocation Table, Map 16 and Table 1(b), ~~be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function,~~ as well as all other Lee Plan provisions.

11. INTERSECTION IMPROVEMENTS

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road if requested by Florida Department of Transportation or City of Cape Coral.

12. WIRELESS COMMUNICATION FACILITIES
    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).
    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, et. seq. (Commercial parcels only).

13. ACCESSORY USES

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. OPEN SPACE

Prior to local development order approval, the landscape plans must demonstrate that each ~~commercial~~ parcel is providing a minimum of the open space requirement consistent with the

open space table provided on the MCP~~30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract~~.

15. ENVIRONMENTAL

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and
b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and
c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.
d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. ~~Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.~~

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

17. NOT UTILIZED

18. SOLID WASTE/RECYCLING

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. PRIOR ZONING

The terms and conditions of ~~the original~~ Zoning Resolution Nos. Z-06-004 and Z-11-002 and Administrative Amendments ADD2007-00169, ADD2019-00085, ADD2019-00181 and ADD2020-00034 are superceded by this zoning action and are rendered null and void by this approval. ~~The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.~~

20. INDIGENOUS PRESERVATION/HERITAGE TREES (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)
    a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.
    b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area· where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. PROTECTED SPECIES
    a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.
    b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. DELETED ~~OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)~~

~~Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.~~

23. BUFFERS (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)
    a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. ~~This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is~~

~~found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.~~

b. An enhanced type "F" buffer must be provided along the north property line west of the lake, as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. NATIVE PLANTINGS REQUIRED (~~NORTH CPD PARCEL AND~~ NORTH RPD PARCEL)

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

25. (Condition 3 from ADD2020-00034) CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

26. (Condition 4 from ADD2020-00034) A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition ~~3~~**25**.

27. (Condition 5 from ADD2020-00034) With any local development order application proposing multifamily residential development **on CPD Parcels 3 and 4**, the applicant must submit a report itemizing:
    a. The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.
    b. The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.
    c. The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition ~~5~~**27**(a).

SECTION C. DEVIATIONS:

(Deviations 1 through ~~7~~8 were previously approved and remain applicable to the RPD/CPD and are recited below with minor language clarifications. Deviations 7 and 8 are proposed to be revised and Deviations ~~8~~9 and 10 ~~is~~are new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z- 06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequesnt approvals) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~susequent approvals) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:
   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.
   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

   Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

   This deviation applies to the recreation area shown on the RPD to the north.

6. a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ~~ADD2007-00169~~subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:
   a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and
   b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and
   c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.
   d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004 and subsequent approvals) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a. Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and
b. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and
c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi-family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.
Request to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC §~~10-416(d)(3)~~ 10-425(f)(1) requirement ~~that a Type C/F~~ for five-foot wide buffer along rights-of-wy plnted with five trees per 100 linear feet ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer ~~between the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the North RPD project to internal rights-of-way ~~by a private road~~. This deviation is APPROVED.
Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD.

9. **Backout parking within internal right-of-way** – New Deviation 9 seeks relief from LDC §34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.

10. **Minimum Building Separation –** New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.

ATTACHMENT F

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Diplomat House f/ka Diplomat North RPD Amendment Schedule of Deviations and Justifications

DCI2023-00050 – Revised March 2024

Deviations 1 through 8 were previously approved and remain applicable to the RPD/CPD and are included in the submitted Schedule of Uses, Property Development Regulations and Conditions document with minor language clarifications shown in strike-through/underline. Revisions to Deviations 7 and 8 are proposed and new Deviations 9 and 10 are provided below with justifications.

7. **Curbside garbage collection for townhouse units and reduction in collection area for multi-family units** - Deviation 7 (townhouse previously contained in ADD2007-000169 and subsequent approvals) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.
   Request to amend this deviation to allow reduction in required multi-family container space of 216 SF (120 + 96) for first 25 multi-family units plus 8 SF for each additional unit; to allow space for the compactor and a minimum 144 square feet for recyclable materials collection area for the North RPD.

   Justification: The requested deviation is included in LDC Section 10-104(a)(1) list of provisions where the Development Services Director is authorized to grant administrative deviations. This deviation is necessary for the multi-family option only since the townhome option was previously approved for curbside pickup. The amended request is for the multi-family to allow one central location for the trash compactor and recyclable area instead of requiring multiple stops for solid waste collection.
   LDC Section 10-261 (a) provides the breakdown between garbage and recyclable area for the first 25 dwelling units (DU), then combines the requirement for DU over 25. The recyclable calculation for the first 25 DU is 96 SF out of 216 SF total so 44%. 44% of 8 is 3.5 SF per unit for recyclable collection for each dwelling unit above 25.

   First 25 DU = 96 SF
   360 DU – 25 DU = 335 DU
   335 DU x 3.5 SF = 1,172.5 SF
   Total: 1,268.5 SF recyclable collection area required
   Provided: 144 SF recyclable collection area provided

   Consistent with LDC 10-261(d), sufficient space for the compactor and receiver is provided. According to Lee County's 2022 Concurrency Report, historic level-of-service demand for recyclables has consistently been 0.6 pounds/person/day for 2018 through 2021. According to U.S. Census bureau Population Estimates, July 1, 2021, the number of persons per household for 2016-2020 is 2.58 pph. 360 DU x 2.58 pph = 929 people.

929x.6lbs recyclables/person/day = 557.4 lbs/day * 365 = 203,451 lbs/year / 52 = 3,913 lbs/week/2 for 2 collections per week = 1,957 lbs. According to the following excerpts from the Volume-to-Weight Conversion Factors from U.S. Environmental Protection Agency Office of Resource Conservation and Recovery dated April 2016, commingled recyclables are estimated at 262 pounds per cubic yard. 1,957 lbs/262lbs per CY = 7.47 CY. The provided minimum 144 square feet allows for adequate room for an 8 CY dumpster (Waste Pro dimensions: 86" width X 82" depth X 75" height) with required minimum 2' clearance on all sides (7.17' + 4' X 6.84'+2' = 94.75').

Volume-to-Weight Conversion Factors
U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
April 2016

Standard Volume-to-Weight Conversion Factors

Recyclable Materials	Volume	Estimated Weight (lbs)
Containers (Plastic bottles, Aluminum cans, Steel cans, Glass bottles) and Paper		
Commingled Recyclables	cubic yard	262

The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect public health, safety and welfare. The provided collection area has been situated off the internal roadway internal to the site. The solid waste collection area enclosure meets setbacks, consistent with LDC Section 10-261(e) requirement that enclosures may not be located within or encroach into the required perimeter landscape buffer width. Written approval from Lee County Solid Waste will be provided prior to development order approval. The development will coordinate with Lee County Solid Waste regarding the frequency of service at the time of development. This deviation has previously been approved and has proven successful. The request is also consistent with the applicable criteria for administrative deviations contained in LDC Section 10-104(b): (1) The alternative proposed to the standards contained herein is based on sound engineering practices (2) The alternative is no less consistent with the health, safety and welfare of abutting landowners and the general public than the standard from which the deviation is being requested; (3) not applicable; (4) The granting of the deviation is not inconsistent with any specific policy directive of the Board of County Commissioners, any other ordinance or any Lee Plan provision; and (5) not applicable; and (6) not applicable.

8. **Certain internal buffers not required** - Deviation 8 [previously contained in Z-11-002 and subsequent approvals from LDC §10-416(d)(3)] seeks relief from the LDC ~~§10-416(d)(3)~~ **10-425(f)(1)** requirement ~~that a Type C/F~~ **for a five-foot wide** buffer **along rights-of-way planted with five trees per 100 linear feet** ~~between the proposed RPD/CPD uses internal to the development~~, to allow no buffer ~~between the RPD/CPD uses where the commercial uses are separated from the residential uses~~ within the **North RPD** project **to internal rights-of-way** ~~by a private road~~. This deviation is APPROVED.
Request to amend this deviation to allow no buffers to internal rights-of-way for the North RPD.

Justification: Deviation 8 was added specifically for the North CPD Parcel with Z-11-002 and was for the subject property only, not the entire CPD/RPD as evidenced by the deviation references on the MCP approved by Z-11-002. It was specifically for the internal North CPD which is no longer needed. The application is proposing to revise Deviation 8 for the new request from 10-425(f)(1) and this deviation will remain for the subject property only. The site is located within the Mixed Use Overlay which only requires buffers along rights-of-way and single-family uses. The North RPD property is separated from the external rights-of way of Diplomat Parkway E by 250± feet of commercial parcels and from N. Cleveland Ave./U.S. 41 by 500± feet of the adjacent RPD. There is an internal private right-of-way within the RPD where the applicant proposes this deviation to allow no right-of-way buffer internal to the site. LDC Section 10-416(d) is titled "buffering adjacent property" and subsection (1) states that a buffering area is required along the perimeter of the proposed development. The proposed internal private rights-of-way should not be required to provide a buffer since they are internal to the RPD. Portions of this internal private right-of-way function as parking lot aisles furthering justification of the request. The Mixed Use Overlay does not require buffers to the CPD adjacent to the south. The requested deviation is internal to the site and enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.

9. **Backout parking within internal right-of-way – New Deviation 9 seeks relief from LDC §34-2013(a)(2) requirement that parking that backs out into rights-of-way in residential developments must be for amenities to the development such as parks and recreational facilities and not for dwelling units or commercial uses; to allow backout parking spaces for dwelling units and guests limited to the location shown on the MCP.**

   Justification: This deviation is requested to allow backout parking spaces for the dwelling units and guests limited to the location shown on the MCP and will include a maximum 47 spaces. The backout parking is located in one specific area on the internal privately owned and maintained right-of-way within the gated development. Parking spaces will comply with the parking space dimensions set forth in section 34-2016(1) at the location of backout parking. The posted speed limit will be 25 miles per hour or less. The right-of-way provides a seamless connection and extension to the remainder of the parking lot aisles within the development and will function in the same manner. The requested deviation enhances the achievement of the objectives of the planned development and protects the public health, safety, and welfare.

10. **Minimum Building Separation – New Deviation 10 seeks relief from LDC §34-935(e)(4) requirement to provide a minimum building separation of one-half the sum of the building heights, or 20 feet, whichever is greater; to allow a minimum building separation of 20 feet.**

    Justification: This deviation is requested to accommodate the proposed updated master concept plan for the updated multi-family development plan. The site is located within the Mixed Use Overlay and within the Central Urban future land use category which are

appropriate for a more urban setting. Building heights are allowed up to 135 feet in these Central Urban areas within the Mixed Use Overlay and conventional zoning districts are encouraged which do not have a minimum building separation requirement. Lee Plan Policy 11.2.5 states in part that Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development. Policy 11.2.6 states in part that properties in a Mixed Use Overlay are eligible for development incentives to encourage a compact and functional development pattern. The requested increased height and reduced building separation and consistent with these Policies. The existing property development regulations allow for reductions in building separation below the requirements of LDC Section 34-935(e)(4). The north multi-family allows a building height of 50 feet with a building separation of ½ the building height (but not less than 15 feet) or 25 feet which allows a 50% reduction. The ALF allows a building height of 45 feet with a building separation of ½ building height or 22.5 feet which allows a 50% reduction from what this code would require. The north and south RPDs allow for single-family, duplex, two-family attached and recreation buildings with a maximum height of 35 feet with a building separation of 10 feet which allows a 71% reduction from what this code would require. The subject request is to allow a building height of 60 feet with a building separation of 20 feet which is a 67% reduction from what this code requires. The requested minimum 20 foot building separation allows adequate room for safety, allows for increased open space and recreation areas, and ensures the economic viability of the development. The recent approval for MIVO North Fort Myers adjacent to the east was approved for multi-family with a maximum height of 60 feet and does not have a minimum building separation included in the resolution, however the approved MCP demonstrates the compact nature and reduced building separation which is appropriate for this area. The requested deviation enhances the achievement of the objectives of the planned development and will protect the public health, safety and welfare.

ATTACHMENT G

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Professional Engineers, Planners & Land Surveyors

Diplomat House f/k/a North Diplomat RPD Amendment
Narrative of Request

DCI2023-00050 – Revised March 2024

Introduction/Request

The applicant, Diplomat Fort Myers, LLC, is requesting approval of an amendment to 35.18± acres of the Diplomat North RPD/CPD from the Z-11-002/ADD2019-00085 approvals to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; to allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay. The site is located on the north side of Diplomat Parkway E. (City of Cape Coral maintained arterial), 0.31± mile west of its intersection with N. Cleveland Ave/U.S. 41 (State maintained arterial).

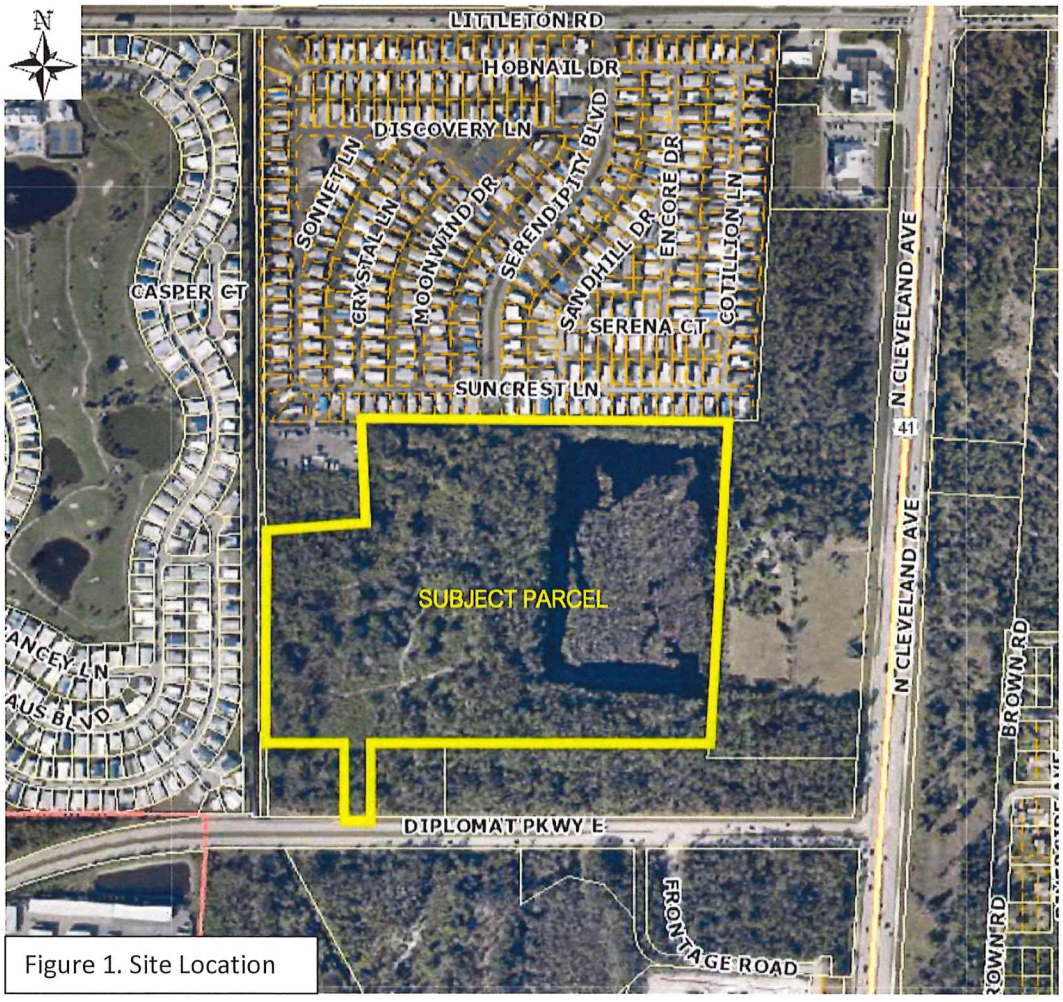


Figure 1. Site Location

The subject property is a 35.18±-acre portion of STRAP number 34-43-24-00-00001.3030 which consists of the north RPD portion of the Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD). The remainder of this STRAP number consists of Commercial Parcels 1 and 2 of the RPD/CPD. The property is within the Central Urban future land use category and the Mixed Use Overlay within the North Fort Myers Community Planning Area. The property is currently vacant with an existing borrow lake with active South Florida Water Management District (SFWMD) and Development Order (DO) permits for development as outlined below.

Background

The 65.13±-acre Diplomat Property RPD/CPD covers property north and south of Diplomat Parkway East. The property was originally rezoned from AG-2 to RPD/CPD December 21, 2006, by resolution number Z-06-004 which granted approval for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail and 120 hotel rooms. This approval allowed for the indigenous preservation requirements for the entire development to be located within the southern parcel and a single access point with secondary emergency access.

The original zoning approval was later amended administratively by ADD2007-00169 which amended the Master Concept Plan, revised the site development regulations for townhouses and added a deviation to allow curbside garbage pickup.

On March 21, 2011, zoning resolution Z-11-002 approved an amendment to the northern ±35.18-acre RPD to allow for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a 5.43± acre north optional CPD with a maximum 50,000 square feet of commercial, a conversion table, and an amendment to the master concept plan. The following image shows the overall Diplomat Property RPD/CPD as attached to Z-11-002 with the subject property highlighted.

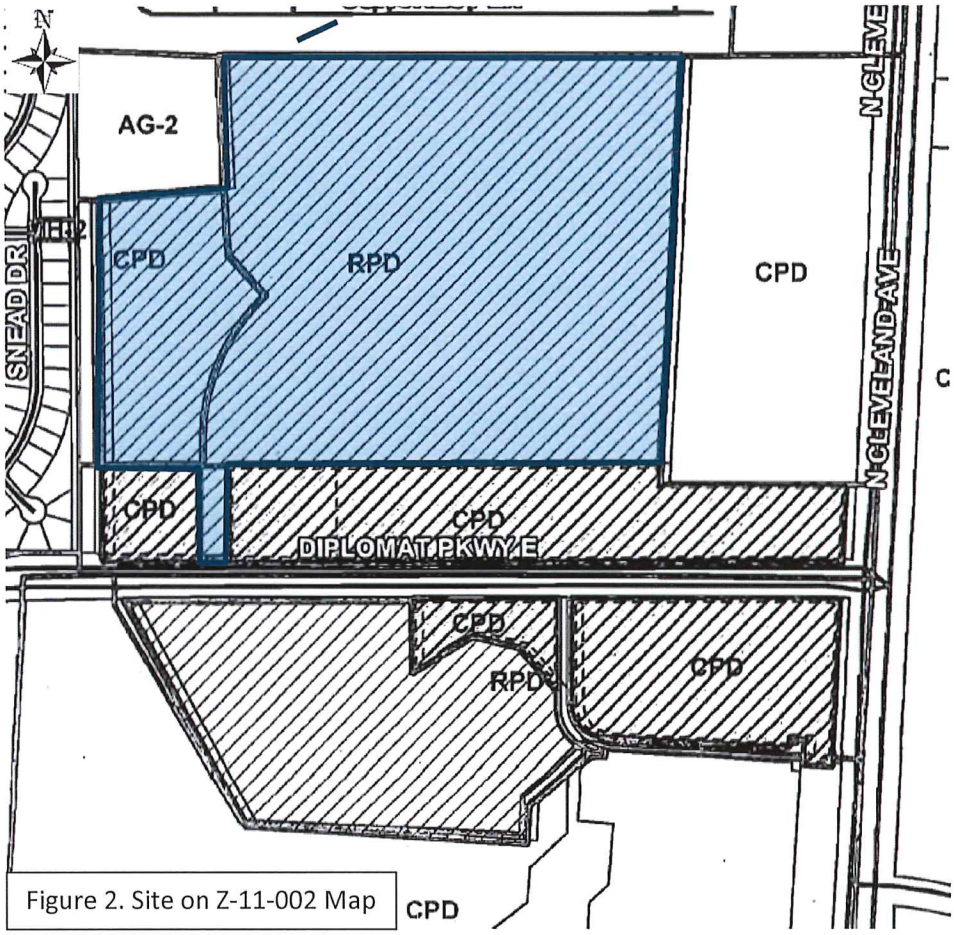


Figure 2. Site on Z-11-002 Map

ADD2019-00085 was approved on April 16, 2019, to clarify condition 1 of Z-11-002 that the northerly 35.18 acres may be optionally developed with RPD uses consistent with the MCP approved by ADD2007-00169 or ALF/CCF with or without the 5.43-acre CPD parcel consistent with the MCP approved by Z-11-002.

Although not applicable to the property included in this application, the following amendments to the planned development have also been approved:

> ADD2019-00181 was approved on October 31, 2019, for an Alternate MCP to reflect existing schedule of uses which allows single family/duplex/two-family townhomes and clarify maximum height of 35 feet for the southern (south of Diplomat Parkway) parcel.
>
> ADD2020-00034 was approved on June 22, 2020, for an amendment to Commercial Parcels 3 and 4 to remove references to commercial site location standards, amend schedule of uses to allow multi-family and establish a conversion ratio for commercial intensity to residential density for a maximum of 116 dwelling units.

Development Order DOS2007-00255 and Concurrency CNC2007-00291 on the subject property were approved on June 17, 2008 for 252 multi-family dwelling units in 36 buildings and a 1,980 SF clubhouse w/swimming pool & spa that is currently still in effect on the subject property and valid through February 28, 2030. The subject property also has an active South Florida Water

Management District (SFWMD) permit on the site (36-05906-P). There is an existing active development order on the southern RPD (DOS2007-00267 valid through February 15, 2030) as well as an active SFWMD permit (36-06259-P). Both of the active development orders were approved under the ADD2007-00169 MCP which is proposed to remain along with the Alternate Diplomat South RPD MCP and the proposed Alternate North RPD MCP. Copies of the existing MCPs are included with this application and have been incorporated as pages 2 and 3 of 3 of the proposed MCP per staff's request.

In 2022, the following applications were filed by a previous applicant on the subject property, along with the 1.53± acre parcel that is a 25-foot wide strip of land along the western boundary within a drainage easement (STRAP No. 34-43-24-00-00001.306A). This adjacent strip is not included with the subject application. These applications were withdrawn upon submittal of this request:

- REZ2022-00021 – Conventional rezoning
- VAR2022-00021 - Variance
- ADD2022-00143 – Administrative Deviations

The previous applicant also filed a development order under case number DOS2022-00156 which will either be revised or withdrawn, and a new development order application filed for concurrent review. Upon approval of the new development order for the site, DOS2007-00255 will be withdrawn.

Land Development Code Analysis

The property qualifies for the amendment and the request meets the applicable required findings/review criteria set forth in Land Development Code section 34-145(d)(4)a.1. as follows:

(a) Complies with the Lee Plan

The proposed amendment to the RPD/CPD is consistent with the Lee Plan. The subject property is located in the Central Urban future land use category and within the Mixed Use Overlay where existing public facilities exist. The Lee Plan describes the Central Urban future land use designation as follows:

> *POLICY 1.1.3: The Central Urban future land use category can best be characterized as the "urban core" of the County. These areas are already the most heavily settled and have, or will have, the greatest range and highest levels of public services. Residential, commercial, public and quasi-public, and limited light industrial land uses will continue to predominate in the Central Urban future land use category. Future development in this category is encouraged to be mixed use, as described in Objective 11.1, where appropriate. The standard density range is from four dwelling units per acre (4 du/acre) to ten dwelling units per acre (10 du/acre), with a maximum total density of fifteen dwelling units per acre (15 du/acre). The maximum total density may be increased to twenty dwelling units per acre (20 du/acre) utilizing Greater Pine Island Transfer of Development Units.*

The proposed amendment will facilitate infill development within the Central Urban future land use category, the second-most intense future land use category. Central Urban properties are the "urban core" of the county, with high levels of service to support intense development. Although conventional

rezonings are encouraged within the Mixed Use Overlay to promote continued redevelopment, the nature and history of the subject property requires continuation of the planned development zoning. The proposed amendment will allow the applicant to develop a multi-family neighborhood on a previously permitted site providing multi-family housing options near a major intersection of two arterial roadways, Diplomat Parkway East, and North Cleveland Avenue (U.S. 41) where there are existing public services. The Central Urban future land category allows up to 10 standard density units per acre, up to 15 dwelling units per acre utilizing bonus density or up to 20 dwelling units per acre utilizing Greater Pine Island Transfer of Development Units (GPITDU). The subject property is 35.18± acres. The current property owner has agreed to allow residential density to be transferred to the subject property from Commercial Parcels 1 (1.48± acre) and 2 (1.47± acre) with no impact to the allowable commercial on these parcels, consistent with the Mixed Use Overlay. Maximum density potential that could be requested on the total combined 38.13± acres is 381 standard dwelling units or total maximum of 763 if included 191 bonus density units and 191 GPITDUs. The applicant is requesting:

- 360± dwelling units standard density

The existing zoning allows 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial on the subject property. The applicant is requesting approval for a multi-family neighborhood consisting of 360 dwelling units in an area where increased densities are encouraged. The requested height increase from 50 feet to 60 feet is appropriate in this area and is consistent with the height approved for the development to the east. Pursuant to Lee County Land Development Code (LDC) Section 34-2175(b)(1), the Central Urban future land use category allows a height up to 135 feet. The proposed amendment is consistent with Policy 1.1.3.

> *POLICY 1.6.5: The Planning Districts Map and Acreage Allocation Table (Map 1-B and Table 1(b)) depict the proposed distribution, extent, and location of generalized land uses through the Plan's horizon. Acreage totals are provided for land in each Planning District in unincorporated Lee County. No development orders or extensions to development orders will be issued or approved by Lee County that would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded..*

Table 1(b) indicates that the North Fort Myers planning district has 2,225 acres allocated for residential development within the Central Urban future land use category. The subject property has existing approvals for residential development within the North Fort Myers planning community. The proposed amendment is consistent with Policy 1.6.5.

> *OBJECTIVE 2.1: DEVELOPMENT LOCATION. Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, and prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.*

POLICY 2.1.1: Most residential, commercial, industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

The proposed amendment is located within a designated Future Urban Area and has been approved for development since 2006 and promotes contiguous and compact growth patterns. The site's inclusion in the Mixed Use Overlay further demonstrates that it is appropriate for infill development with existing residential development along the north and west and commercial and/or multi-family development approved to the south and east. Infrastructure is available to support the proposed amendment. The proposed amendment is consistent with Objective 2.1 and Policy 2.1.1.

OBJECTIVE 2.2: DEVELOPMENT TIMING. Direct new growth to those portions of the future urban areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in §163.3164, Fla. Stat.) will be granted only when consistent with the provisions of §163.3202(2)(g) and § 163.3180, Fla. Stat. and the concurrency requirements in the LDC.

POLICY 2.2.1: Rezoning and DRI proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare.

North: Adjacent to the north is Serendipity Mobile Home Park and storage area on one commonly owned parcel within the Central Urban future land use category zoned Mobile Home Residential District (MH-2).

West: Adjacent to the west is a 25-foot drainage ditch parcel then Six Lakes Country Club Mobile Home Park with individual mobile home lots separated by 58± feet of their common elements within the Central Urban future land use category zoned Mobile Home Residential District (MH-2).

South: Adjacent to the south are vacant Commercial Parcels 1, 2 and 3 of the same Diplomat Property zoning as the subject property zoned CPD within the Central Urban future land use category and within the Mixed Use Overlay. These parcels, along with Commercial Parcel 4 south of Diplomat, allow for up to 200,000 SF of commercial development. The ownership is fractured as Commercial Parcels 3 and 4 of the RPD/CPD are no longer under common ownership with the subject property. Commercial Parcels 3 and 4 also have the option to convert commercial to up to 116 multi-family residential. Residential density is proposed to be transferred from Commercial Parcels 1 and 2 to the subject property with no impact to the commercial development allowed. The Diplomat Property south RPD across Diplomat Parkway is approved for 105 dwelling units with an additional 21 dwelling units for moderate income households. There is an active development order for the development of 44 multiple-family dwelling units and the indigenous preserve for the entire RPD/CPD.

East: Adjacent to the east is the MIVO North Fort Myers RPD which is within the Central Urban future land use category and within the Mixed Use Overlay. Zoning resolution Z-23-003 approved a rezoning from C-1A and CPD to RPD to allow for up to 285 multiple-family dwelling units (including

95 bonus density units) with a maximum height of 60 feet. The development order for development of the site is under review under case number DOS2022-00141.

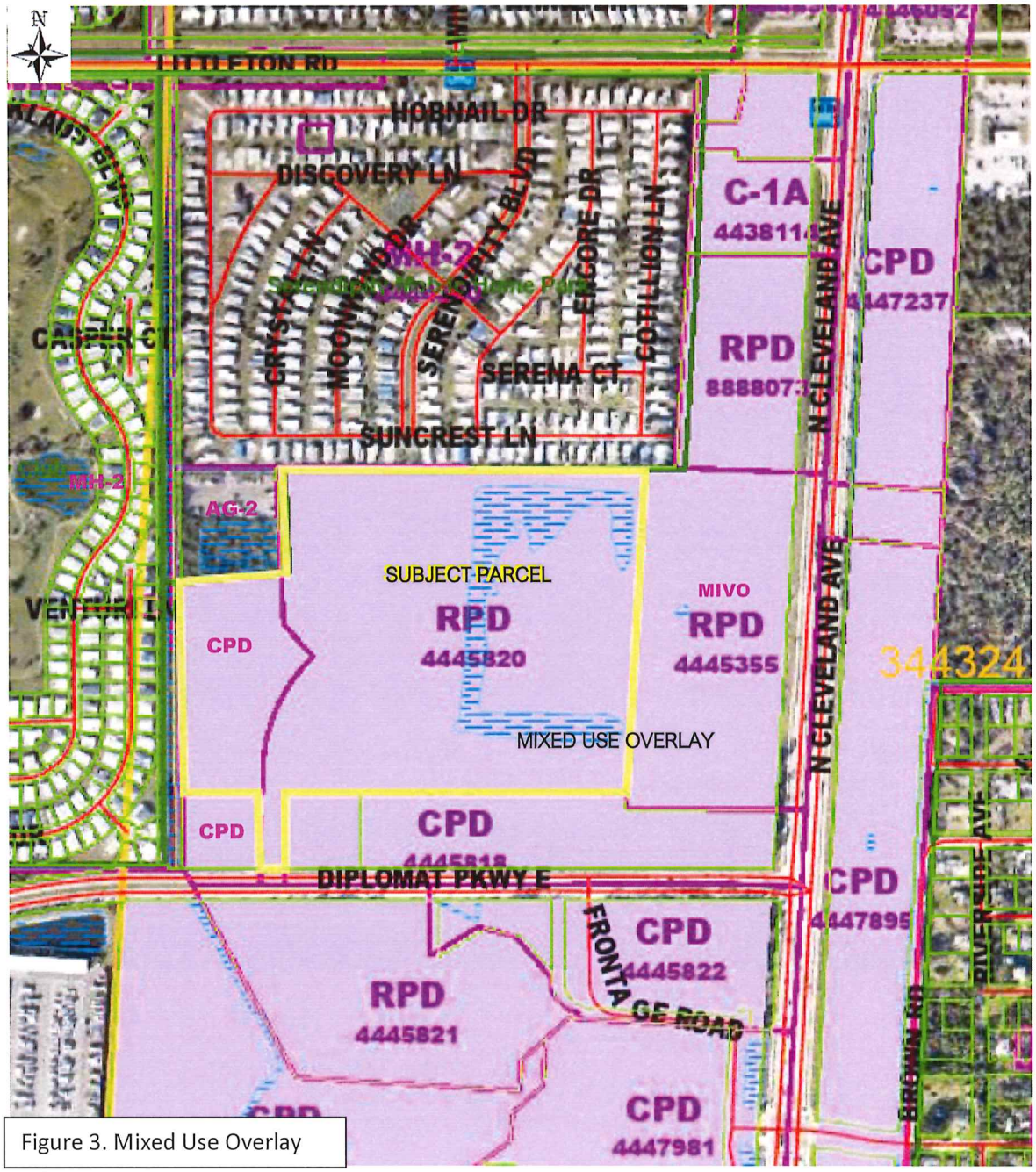


Figure 3. Mixed Use Overlay

The proposed amendment is to allow for infill development promoting a compact and contiguous development pattern as evidenced by the property's inclusion within the Mixed Use Overlay and existing development approvals. The existing Diplomat Property RPD/CPD zoning included approval of deviation 6.a. from requiring 2 access points by allowing the main access onto Diplomat Parkway East and the emergency access easement at the southeast corner of the property to serve as the

second access. This previously approved access configuration is proposed to remain. The main access to Diplomat Parkway East, a 4-lane, divided City maintained arterial, aligns with the proposed access to the RPD/CPD on the south side of Diplomat Parkway East and the emergency access aligns with the existing frontage road on the south side of Diplomat Parkway East. The site is located within the Lee County Utilities Water service area and Florida Governmental Utility Authority Wastewater service area. There are existing water and sewer facilities adjacent to the site and letters of availability are included with the application demonstrating that sufficient capacity is available to serve the site. An analysis of the excessive availability and proximity of public facilities and services is below:

Facility Type	Name	Distance from site
Fire	North Fort Myers Fire Station 2	2.6± miles
Fire	North Fort Myers Fires Station 1	4.3± miles
EMS	Lee County EMS Medic 31	3± miles
EMS	Lee County EMS Medic 7	2.7± miles
Sheriff	Lee County Sheriffs Office, North District	2.7± miles
School	Dr. Carrie D. Robinson Littleton Elementary School	1.7± miles
School	Diplomat Elementary School	3± miles
School	Diplomat Middle School	3.3± miles
School	North Fort Myers High School	3.4± miles
Park	Judd Community Park	2.3± miles
Park	North Fort Myers Recreation Center	2.9± miles
Park	Mary Moody Park	3.3± miles
Park	Kurt Donaldson Community Park	3.4± miles
Park	North Fort Myers Community Pool	3.5± miles
Transit	Lee Tran Route 595	0 feet
Transit	Lee Tran Transfer Station/ Routes 590 & 140	0.5± mile
Bikeways	Existing Bike lanes on Diplomat Pkwy	0 feet

Shopping/Employment	Merchants Crossing	0.6± mile
Shopping/Employment	Walmart Shopping Center	1± mile

There are two fire stations, two EMS stations and a Sheriff substation within close proximity to the site. There are several schools and parks near the property. Lee Tran Route 595 runs along the project's frontage with a Lee Tran transfer station located approximately ½ mile south of the site at Merchants Crossing that connects to Routes 590 and 140. Merchants Crossing and the nearby Walmart Shopping Center provide shopping and employment opportunities. There are existing bike lanes on Diplomat Parkway East. Development of the site with multi-family residential or a mixture of commercial, assisted living facility and multi-family residential were previously found compatible with surrounding land uses and the proposed amendment remains compatible with surrounding land uses. The proposed amendment is consistent with Objective 2.2 and Policy 2.2.1.

STANDARD 4.1.1: WATER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development in excess of 30,000 square feet of gross leasable (floor) area per parcel, must connect to a public water system (or a "community" water system as that is defined by Chapter 62-550, F.A.C.).

2. If the proposed development lies within the boundaries of a water utility's certificated or franchised service area, or Lee County Utilities' future potable water service area (see Map 6), then the development must be connected to that utility.

3. The developer must provide proof that the prior commitments of the water utility, plus the projected need of the developer, do not exceed the supply and facility capacity of the utility.

The site is located within the Lee County Utilities Water service area. There are existing water facilities located nearby at US 41 and a letter of availability is included with the application. The development will connect to Lee County Utilities for potable water service. The project is consistent with Standard 4.1.1.

STANDARD 4.1.2: SEWER.

1. Any new residential development that exceeds 2.5 dwelling units per gross acre, and any new single commercial or industrial development that generates more than 5,000 gallons of sewage per day, must connect to a sanitary sewer system.

2. If the proposed development exceeds the thresholds listed above and lies within the boundaries of a sewer utility's certificated or franchised service area, or Lee County Utilities' future sanitary sewer service area (see Map 7), and that utility has sufficient capacity to provide minimum service to the development, then the development must connect to that sewer utility if there is existing infrastructure adequate to accept the effluents of the development within l/4 mile from any part of the development.

3. If there is not sufficient capacity nor adequate infrastructure within l/4 mile of the development, the developer must provide proof in the form of a clearly stated rejection of service.

The site is located within the Florida Governmental Utility Authority Wastewater service area. There are existing sewer facilities located nearby at US 41 and a letter of availability is included with the application. The development will connect to Florida Governmental Utility Authority for sanitary sewer service. The project is consistent with Standard 4.1.2.

STANDARD 4.1.4: ENVIRONMENTAL FACTORS.

1. In any case where there exists or there is the probability of environmentally sensitive areas (as identified by Lee County, the Corps of Engineers, Department of Environmental Protection, South Florida Water Management District (SFWMD), or other applicable regulatory agency), the developer/applicant must prepare an environmental assessment that examines the existing conditions, addresses existing or anticipated environmental problems, and proposes means and mechanisms to protect, conserve, or preserve the environmental and natural resources.

2. Ensure that land uses and structures are well integrated, properly oriented, and functionally related to the topographic and natural features of the site.

3. Ensure development minimizes the need for expansion and construction of street and utility improvements.

The only sensitive land on the parcel is an existing mapped FEMA floodway located on the western portion of the site. The MCP keeps development outside of the FEMA floodway and no fill will be placed within the floodway. Condition 23 will continue to require preservation of native vegetation within the floodway. The existing zoning includes deviation 3 from LDC Section 10-415(b)(1)a which requires that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirement through on-site preservation of existing native vegetation communities to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement and allowed the preservation area for the entire RPD/CPD to be located within the portion of the development south of Diplomat Parkway. The existing approved indigenous preserve provides for 12.33 acres of indigenous preserve utilizing credits and includes a gopher tortoise preserve if required and accounts for 7.04 acres of indigenous preserve for the subject property. Given the site is now within the Mixed Use Overlay, its open space requirement is reduced from the previous 40 percent to 20 percent. The 35.18 acre parcel now requires a total of 7.04 acres of open space of which 50% or only 3.52 acres is required to be indigenous. As noted on the open space notes on the proposed Alternate Diplomat North RPD MCP, 0.55 acres of indigenous open space is provided on site within the FEMA floodway. Only the portion of the floodway with FLUCCS code 411 as identified on the submitted FLUCCS map are included. This area meets the minimum 0.5 acre/average 50-foot width allowing for 110% credit for a total of 0.61± acre/credit provided on site. This leaves a total of 2.91 acres remaining required indigenous. The indigenous open space provided on the south RPD for the residential north per existing DOS2007-00267 is 7.03 acres. The applicant proposes to provide 2.92 acre/credit phased portion of the upland indigenous

preserve on the south RPD parcel to be provided before certification of completion of DO for the north RPD. Utilizing 135% credit for minimum 1 acre/75' width (125%) plus an additional 10% for being adjacent to the offsite preserve to the west for a total of 135% credit, this equates to a minimum of 2.16 acres for the 2.92 AC/CR. The remainder of the southern preserve will be provided upon development of the southern parcel. The subject application results in an increase in overall indigenous open space provided, although the Mixed Use Overlay reduces the amount required. An excerpt from DOS2007-00267 plans demonstrating the approved overall preserve is included with the application for reference. A letter of authorization from the property owner to the south is provided demonstrating permission for the applicant to provide the phased portion of the south preserve. The project is consistent with Standard 4.1.4.

GOAL 5: RESIDENTIAL LAND USES. To accommodate the projected population of Lee County in the year 2045 in appropriate locations, guided by the Future Land Use Map, and in attractive and safe neighborhoods with a variety of price ranges and housing types.

OBJECTIVE 5.1: All development approvals for residential, commercial, and industrial land uses must be consistent with the following policies, the general standards under Goal 4, and other provisions of this plan.

POLICY 5.1.1: Residential developments requiring rezoning and meeting Development of County Impact (DCI) thresholds must be developed as planned developments except if located within the Mixed Use Overlay.

POLICY 5.1.2: Prohibit residential development where physical constraints or hazards exist, or require the density and design to be adjusted accordingly. Such constraints or hazards include but are not limited to flood, storm, or hurricane hazards; unstable soil or geologic conditions; environmental limitations; aircraft noise; or other characteristics that may endanger the residential community

POLICY 5.1.3: During the rezoning process, direct high-density residential developments to locations that are near employment and shopping centers; are close to parks and schools; and are accessible to mass transit and bicycle facilities.

The proposed development will not meet DCI thresholds and is located within the Mixed Use Overlay but the nature and history of the project approvals make it more appropriate to amend the existing planned development in lieu of a conventional rezoning request for the project. No physical constraints or hazards exist on site as demonstrated by the previous approvals for development on the site. Portions of the western property line are within a FEMA floodway. The density and site design have been adjusted from the existing approvals to avoid this area and no fill will be placed in the floodway. The property is within a FEMA flood zone. This will be mitigated by placing fill such that the finished floor elevation is one foot above the FEMA base flood elevation. As evidenced by the above summary of existing public facilities and the project's location within the Mixed Use Overlay, it is near employment and shopping centers, is close to parks and schools and is accessible to mass transit and bicycle facilities demonstrating the appropriateness for residential development of the site. The requested amendment remains consistent with Policies 5.1.1, 5.1.2 and 5.1.3.

POLICY 5.1.5: Protect existing and future residential areas from any encroachment of uses that are potentially destructive to the character and integrity of the residential environment. Requests for conventional rezonings will be denied in the event that the buffers provided in the LDC, Chapter 10, are not adequate to address potentially incompatible uses in a satisfactory manner. If such uses are proposed in the form of a planned development or special exception and generally applicable development regulations are deemed to be inadequate, conditions will be attached to minimize or eliminate the potential impacts or, where no adequate conditions can be devised, the application will be denied altogether. The LDC will continue to require appropriate buffers for new developments.

The subject property abuts exiting residential areas to the north and west and has existing approval for multi-family or a mixture of multi-family, assisted living facility and commercial development which has been found compatible with these adjacent uses. Adjacent to the north is the Serendipity Mobile Home Park on one commonly owned parcel within the Central Urban future land use category zoned Mobile Home Residential District (MH-2). Adjacent to the west is a drainage ditch then Six Lakes Country Club Mobile Home Park with individual mobile home lots within the Central Urban future land use category zoned Mobile Home Residential District (MH-2). The existing RPD zoning for the subject property provides enhanced Type "F" buffers (10 trees per 100 linear feet and double staggered hedge row) along both the north and west property lines. There is a 20± foot drainage ditch along the north property line within the subject property. The Mixed Use Overlay only requires a 10-foot wide buffer with Type "B" buffer plantings (5 trees/100 linear feet and a double staggered hedge row) abutting single-family residential. Serendipity Mobile Home Park is considered multi-family since the units are not located on individual lots. Although no buffer is required, the proposed MCP demonstrates that the 30-foot enhanced buffer will continue to be provided along the 20± foot drainage ditch along the north property line where onsite residential uses are proposed abutting Serendipity Mobile Home Park. Where the onsite lake abuts the adjacent Serendipity Mobile Home Park, a 10-foot wide buffer with Type "B" buffer plantings will be provided adjacent to the 20± foot drainage ditch, although no buffer is required. Adjacent to the west, Six Lakes Country Club's mobile home lot lines are separated by 58± feet of drainage and common elements within the Six Lakes Country Club development, then an adjacent 25' drainage ditch parcel. The lot lines are 83± feet from the subject property's west property line. The onsite FEMA floodway within the western portion of the subject property varies in width from 17± feet on the south to a maximum of 90± feet providing for additional separation between the proposed development and the existing mobile home lots. No buffer is required in this area and the existing indigenous vegetation within the floodway is required to be retained per Condition 23.a and will provide appropriate buffering. No buffers are required or provided to the existing storage area to the northwest, the commercial parcels to the south, or the multi-family to the east. The proposed amendment remains compatible with the surrounding uses and continues to protect the adjacent residential neighborhoods. The proposed amendment is consistent with Policy 5.1.5.

POLICY 5.1.6: Maintain development regulations that require high-density, multi-family, cluster, and mixed use developments to have open space, buffering, landscaping, and recreation areas appropriate to their density and design.

POLICY 5.1.7: Maintain development regulations that require that community facilities (such as park, recreational, and open space areas) in residential developments are functionally related to all dwelling units and easily accessible via pedestrian and bicycle pathways. These pathways must be interconnected with adjoining developments and public pathways whenever possible. Townhouses, condominiums, apartments, and other types of multi-family residential development must have directly accessible common open space.

The proposed MCP provides adequate open space, buffering, landscaping and recreation areas appropriate for the proposed density and design. The internal sidewalks provide access to walkways to directly accessible common open space areas along the internal lake to the east and the internal clubhouse and recreation area to the west. The requested amendment is consistent with Policies 5.1.6 and 5.1.7.

OBJECTIVE 11.2: MIXED USE OVERLAY. The County will maintain an Overlay in the future land use map series identifying locations appropriate for mixed use located in proximity to: public transit routes; education facilities; recreation opportunities; and, existing residential, shopping and employment centers. Mixed Use, Traditional Neighborhood, and Transit Oriented development patterns are encouraged and preferred within the Mixed Use Overlay.

POLICY 11.2.2: Development in the Mixed Use Overlay should accommodate connections to adjacent uses.

POLICY 11.2.4: Use of conventional zoning districts will be encouraged within the Mixed Use Overlay in order to promote continued redevelopment.

The subject property's inclusion in the Mixed Use Overlay demonstrates that it has been identified as an appropriate location for mixed use located in proximity to public transit, schools, recreation, existing residential, shopping and employment centers as demonstrated in the above public facilities analysis. The existing planned development provides commercial zoning on 8.78± acres to the south between the subject property and Diplomat Parkway East with an option for multi-family on commercial parcels 3 and 4. The proposed main access onto Diplomat Parkway East will continue to provide connection to the commercial parcels as well as the emergency only access. Connections to the north and west are not possible due to existing drainage ditches. The requested amendment is consistent with Objective 11.2 and Policies 11.2.2 and 11.2.4.

POLICY 11.2.5: Lee County will maintain land development regulations for properties within the Mixed Use Overlay that allow for urban forms of development and a variety of uses.

POLICY 11.2.6: Properties in a Mixed Use Overlay are encouraged to utilize bonus density. Projects utilizing Greater Pine Island TDUs are eligible for increased maximum densities and additional development incentives as set forth in this plan to encourage a compact and functional development pattern.

POLICY 11.2.7: Development, redevelopment, and infill development located within the Mixed Use Overlay may use the area of non-residential uses in their density calculations.

The Mixed Use Overlay allows for urban forms of development and a variety of uses. The amendment will allow development of the subject property at a more appropriate multi-family density while leaving the adjacent CPD zoned parcels to provide a variety of uses. The requested amendment will allow the subject property to utilize the Mixed Use Overlay land development regulations consistent with Policy 11.2.5. Although bonus density is not proposed at this time, Policies 11.2.5 through 11.2.7 demonstrate the appropriateness of increasing the density, increasing the height, and support the request for reduced building separation in new deviation 10. Increasing the density above the 8 dwelling units per acre currently allowed encourages a more compact and functional development pattern where existing public facilities exist. These Policies encourage bonus density which would allow up to 20 dwelling units per acre so the maximum standard density of 10 units per acre on the subject property is appropriate for the site. Additional density is also proposed to be included from the adjacent commercial parcels 1 and 2 with no impact on the allowable commercial use consistent with Policy 11.2.7. The requested amendment is consistent with these Policies.

GOAL 30: NORTH FORT MYERS COMMUNITY PLAN. Improve the livability and economic vitality in the North Fort Myers Community Plan area by: promoting compact, mixed use development in the form of town and neighborhood centers; attracting appropriate investment to revitalize older neighborhoods and commercial corridors; stabilizing and enhancing, existing neighborhoods; and preserving natural resources.

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay.

The requested amendment will facilitate the proposed infill development of the subject property which has been approved for development since 2006 yet has remained vacant. The request will add multi-family housing to the diversity of housing types in the area on a site that is adjacent to and interconnects with parcels zoned for retail and service uses. The amendment will accommodate investment to revitalize development in this area stabilizing and enhancing the existing neighborhoods while preserving natural resources such as the floodway and providing indigenous preservation. The requested amendment is consistent with Goal 30 and Policy 30.1.3.

POLICY 61.3.3: Keep floodways as unobstructed as possible.

A portion of the western property line is within a FEMA floodway. Although the existing development orders for the site reflect development in this area, the proposed amended MCP removes

development from the floodway and no fill is proposed and exotic vegetation will be removed from within the FEMA floodway. The proposed amendment is consistent with Policy 61.3.3.

GOAL 125: WATER QUALITY. To ensure that water quality is maintained or improved for the protection of the environment and people of Lee County.

POLICY 125.1.2: New development and additions to existing development must not degrade surface and ground water quality.

POLICY 125.1.3: The design, construction, and maintenance of artificial drainage systems must provide for retention or detention areas and vegetated swale systems that minimize nutrient loading and pollution of freshwater and estuarine systems.

While Goal 125 is not self-implementing, the applicant will comply with the fertilizer ordinance which protects surface and groundwater. The site is not near any wellfield protection zones. The drainage system within the development has existing SFWMD and DO approval which will be modified to reflect the updated development plan which reduces impervious area and increases open space. Stormwater will be treated by dry detention or wet detention before discharging. Pursuant to SFWMD Environmental Resource Permit Applicant's Handbook Volume II, Part IV-Stormwater Quality, 4.1.1, issuance of the ERP ensures that surface and ground water quality won't be adversely impacted. The request furthers Policies 125.1.2 and 125.1.3.

GOAL 135: MEETING HOUSING NEEDS. To provide decent, safe, and sanitary housing in suitable neighborhoods at affordable costs to meet the needs of the present and future residents of the County.

OBJECTIVE 135.1: HOUSING AVAILABILITY. To ensure the types, costs, and locations of housing are provided to meet the needs of the County's population by working with private and public housing providers.

POLICY 135.1.9: The County will ensure a mix of residential types and designs on a Countywide basis by providing for a wide variety of allowable housing densities and types through the planned development process and a sufficiently flexible Future Land Use Map.

Approval of the requested amendment will allow development of the site with townhouse or multi-family units at an appropriate density to facilitate development of the site adding the alternative housing options to the residential product mix in the area, consistent with the Central Urban future land use category and the Mixed Use Overlay. The requested amendment is consistent with Goal 135, Objective 135.1 and Policy 135.1.9.

b) Meets this Code and other applicable County regulations or qualifies for deviations;

The proposed amendment is within the Mixed Use Overlay and has had existing development approval since 2006. The project continues to qualify for the existing approved deviations and

demonstrates compliance with the proposed revised deviations and new deviations as outlined in the submitted Schedule of Deviations and Justifications. The requested amendment is consistent with the North Fort Myers Planning Community regulations contained in the LDC. Consistent with LDC Section 33-1532, the applicant is presenting the proposed amendment within the North Fort Myers Planning Community at a publicly advertised meeting. Prior to finding of sufficiency, the applicant will provide the required public informational meeting summary providing proof of advertising and a summary of any concerns or issues raised at the meeting; and a proposal for how the applicant will respond to any issues that are raised.

The site does not abut any existing large lot residential subdivisions so LDC Sections 33-1541 through 33-1545 are not applicable. Diplomat Parkway is not a designated commercial corridor or town center so the remaining community regulations do not apply to the subject property.

c) Is compatible with existing and planned uses in the surrounding area;

The subject property has existing approvals for development of multi-family or a mixture of multi-family, assisted living facility and commercial uses which were found compatible with existing and planned uses in the surrounding area.

The subject property abuts exiting residential areas to the north and west and has existing approvals for multi-family or a mixture of multi-family, assisted living facility and commercial uses which were found compatible with existing and planned uses in the surrounding area. The requested amendment will remain compatible. The subject property and all surrounding properties are within the Central Urban future land use category. The subject property and properties to the east and south are also within the Mixed Use Overlay. Adjacent to the north is the Serendipity Mobile Home Park on one commonly owned parcel zoned Mobile Home Residential District (MH-2). Adjacent to the west is a drainage ditch then Six Lakes Country Club Mobile Home Park with individual mobile home lots zoned Mobile Home Residential District (MH-2). The existing RPD zoning for the subject property provides enhanced Type "F" buffers (10 trees per 100 linear feet and double staggered hedge row) along both the north and west property lines. There is a 20± foot drainage ditch along the north property line within the subject property. The Mixed Use Overlay only requires a 10-foot wide buffer with Type "B" buffer plantings (5 trees/100 linear feet and a double staggered hedge row) abutting single-family residential. Serendipity Mobile Home Park is considered multi-family since the units are not located on individual lots. Although no buffer is required, the proposed MCP demonstrates that the 30-foot enhanced buffer will continue to be provided along the 20± foot drainage ditch along the north property line where onsite residential uses are proposed abutting Serendipity Mobile Home Park. Where the onsite lake abuts the adjacent Serendipity Mobile Home Park, a 10-foot wide buffer with Type "B" buffer plantings will be provided adjacent to the 20± foot drainage ditch, although no buffer is required. Adjacent to the west, Six Lakes Country Club's mobile home lot lines are separated by 58± feet of drainage and common elements within the Six Lakes Country Club development, then an adjacent 25' drainage ditch parcel. The lot lines are 83± feet from the subject property's west property line. The onsite FEMA floodway within the western portion of the subject property varies in width from 17± feet on the south to a maximum of 90± feet providing for additional separation between the proposed development and the existing mobile home lots. No buffer is required in this area and the existing indigenous vegetation within the floodway is required to be retained per Condition 23.a and will provide appropriate buffering. No buffers are required or provided to the

existing storage area to the northwest, the commercial parcels to the south, or the multi-family to the east. The proposed amendment remains compatible with the surrounding uses.

d) Will provide access sufficient to support the proposed development intensity;

Access will be provided to the site from Diplomat Parkway East, a 4-lane, divided City of Cape Coral maintained arterial roadway. The 2006 Diplomat Property RPD/CPD zoning included approval of deviation 6.a. from requiring 2 access points by allowing the main access onto Diplomat Parkway East and the emergency access easement at the southeast corner of the property to serve as the second access. The previously approved access configuration is proposed to remain which serves the subject property and the adjacent commercial parcels along Diplomat Parkway. The main access to Diplomat Parkway East aligns with the proposed access to the RPD/CPD on the south side of Diplomat Parkway East and the emergency access aligns with the existing frontage road on the south side of Diplomat Parkway East. The access configuration has existing development approvals and continues to provide access sufficient to support the proposed development intensity. The TIS submitted with this application demonstrates that the requested amendment results in a reduction in trips from that which is currently approved on the site, which further demonstrates that the provided access is sufficient.

e) The expected impacts on transportation facilities will be addressed by existing County regulations and conditions of approval;

The subject property has existing approvals for development of multi-family or a mixture of multi-family, assisted living facility and commercial uses. The site has had development order approval since 2008. The TIS submitted with this application demonstrates that the requested amendment results in a reduction in trips from that which is currently approved on the site. The TIS also concludes that the amendment will not have a detrimental impact on the surrounding roadway system. The Level of Service analysis indicates U.S. 41 will operate above the minimum adopted Level of Service in 2027 with and without the proposed development and no roadway capacity improvements are warranted as a result of the request. There is sufficient roadway capacity projected to accommodate the request and mitigation will be provided by the payment of road impact fees. Diplomat Parkway E is now a City maintained roadway, so the applicant proposes a minor revision to condition 11 which requires a proportionate share of costs of the intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat since it is no longer a County maintained roadway. The revised language states this will be provided if requested by the appropriate authority of Florida Department of Transportation or City of Cape Coral. The remainder of conditions related to access and transportation are proposed to remain. Any potential impacts on transportation facilities can and will be addressed adequately through these existing conditions of approval and Lee County regulations at the time of local development order approval.

f) Will not adversely affect environmentally critical or sensitive areas and natural resources; and

The proposed amendment will not adversely affect environmentally critical or sensitive areas and natural resources. The site has been approved for development since 2006. The only sensitive land on the parcel is an existing mapped FEMA floodway located on the western portion of the site. The MCP keeps development outside of the FEMA floodway and no fill will be placed within the floodway. Condition 23 will continue to require preservation of native vegetation within the floodway. The existing zoning includes deviation 3 from LDC Section 10-415(b)(1)a which requires that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirement through on-site preservation of existing native vegetation communities to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement and allowed the preservation area for the entire RPD/CPD to be located within the portion of the development south of Diplomat Parkway. The existing approved indigenous preserve provides for 12.33 acres of indigenous preserve utilizing credits and includes a gopher tortoise preserve if required and accounts for 7.04 acres of indigenous preserve for the subject property. Given the site is now within the Mixed Use Overlay, its open space requirement is reduced from the previous 40 percent to 20 percent. The 35.18 acre parcel now requires a total of 7.04 acres of open space of which 50% or only 3.52 acres is required to be indigenous. As noted on the open space notes on the proposed Alternate Diplomat North RPD MCP, 0.55 acres of indigenous open space is provided on site within the FEMA floodway. Only the portion of the floodway with FLUCCS code 411 as identified on the submitted FLUCCS map are included. This area meets the minimum 0.5 acre/average 50-foot width allowing for 110% credit for a total of 0.61± acre/credit provided on site. This leaves a total of 2.91 acres remaining required indigenous. The indigenous open space provided on the south RPD for the residential north per existing DOS2007-00267 is 7.03 acres. The applicant proposes to provide 2.92 acre/credit phased portion of the upland indigenous preserve on the south RPD parcel to be provided before certification of completion of DO for the north RPD. Utilizing 135% credit for minimum 1 acre/75' width (125%) plus an additional 10% for being adjacent to the offsite preserve to the west for a total of 135% credit, this equates to a minimum of 2.16 acres for the 2.92 AC/CR. The remainder of the southern preserve will be provided upon development of the southern parcel. The subject application results in an increase in overall indigenous open space provided, although the Mixed Use Overlay reduces the amount required. An excerpt from DOS2007-00267 plans demonstrating the approved overall preserve is included with the application for reference. A letter of authorization from the property owner to the south is provided demonstrating permission for the applicant to provide the phased portion of the south preserve.

g) Will be served by urban services, defined in the Lee Plan, if located in a Future Urban area category.

The property is located within the Central Urban future land use category which is a Future Urban area and is located within the Mixed Use Overlay where sufficient public facilities exist. Existing levels of urban services as defined in the Lee Plan are available and adequate to service the proposed amendment. Details of the existing urban services are discussed in detail on pages 7 through 9 under consistency discussion on Policy 2.2.1. The site is located within the Lee County Utilities Water service area and Florida Governmental Utility Authority Wastewater service area. There are existing water and sewer facilities adjacent to the site and letters of availability are included with the application demonstrating that sufficient capacity is available to serve the site. There are two fire stations, two EMS stations and a Sheriff substation within close proximity to the site. There are

several schools and parks near the property. Lee Tran Route 595 runs along the project's frontage with a Lee Tran transfer station located approximately ½ mile south of the site at Merchants Crossing that connects to Routes 590 and 140. Merchants Crossing and the nearby Walmart Shopping Center provide shopping and employment opportunities. There are existing bike lanes on Diplomat Parkway East.

The proposed amendment complies with the findings provided in the Land Development Code Section 34-145(d)(4)a.2 as follows:

a) The proposed use or mix of uses is appropriate at the proposed location;

The site has already had zoning and development order approval for multi-family since 2008 demonstrating appropriateness of the use at this infill location. The proposed amendment increases the density and height which is appropriate in the Mixed Use Overlay while also increasing open space and indigenous preservation where reductions are allowed.

b) The recommended conditions provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

The proposed revised conditions of approval provided with this amendment will continue to provide sufficient safeguards to the public interest and are reasonably related to the impacts on the public's interest expected from the proposed development.

c) If the application includes deviations pursuant to section 34-373(a)(9), that each requested deviation:

1)Enhances the achievement of the objectives of the planned development; and

2)Preserves and promotes the general intent of this Code to protect the public health, safety, and welfare.

The project continues to qualify for the existing approved deviations and demonstrates compliance with the proposed revised deviations and new deviations as outlined in the submitted Schedule of Deviations and Justifications. All existing and proposed deviations enhance the achievement of the objectives of the planned development and protect the public health, safety and welfare.

In conclusion, the proposed amendment is in compliance with the Lee Plan, the Land Development Code and other applicable codes and regulations; is compatible with existing or planned uses in the surrounding area; provides sufficient access to support the proposed development; the expected impact on transportation facilities will be addressed by existing County regulations; will not adversely affect environmentally critical or sensitive areas and natural resources; and will be served by urban services. The use is appropriate for the location as demonstrated by existing approvals; the proposed revised conditions continue to provide sufficient safeguards to the public interest and are reasonably related to the expected impacts and the existing and proposed deviations enhance the achievement of the objectives of the planned development and protect the public health, safety and welfare. For these reasons, the applicant respectfully submits that the amendment should be approved.

Attachments:

- Existing South DO approval showing overall indigenous preserve titled: Pages from Diplomat South-DO Approved Plans-DOS2007-00267
- Proposed Revisions to Schedule of Uses, PDR and Conditions

ATTACHMENT H

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

TRAFFIC IMPACT STATEMENT

FOR

DIPLOMAT NORTH REZONING
DCI2023-00050

(PROJECT NO. F2311.04)

PREPARED BY:
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REVISED:
March 5, 2024

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TRAFFIC ENGINEERING
TRANSPORTATION PLANNING
SIGNAL SYSTEMS/DESIGN

CONTENTS

I. INTRODUCTION

II. EXISTING CONDITIONS

III. PROPOSED DEVELOPMENT

IV. TRIP GENERATION

V. TRIP DISTRIBUTION

VI. LEVEL OF SERVICE ANALYSIS

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

VIII. INTERSECTION ANALSYIS

IX. CONCLUSION

TR TRANSPORTATION CONSULTANTS, INC

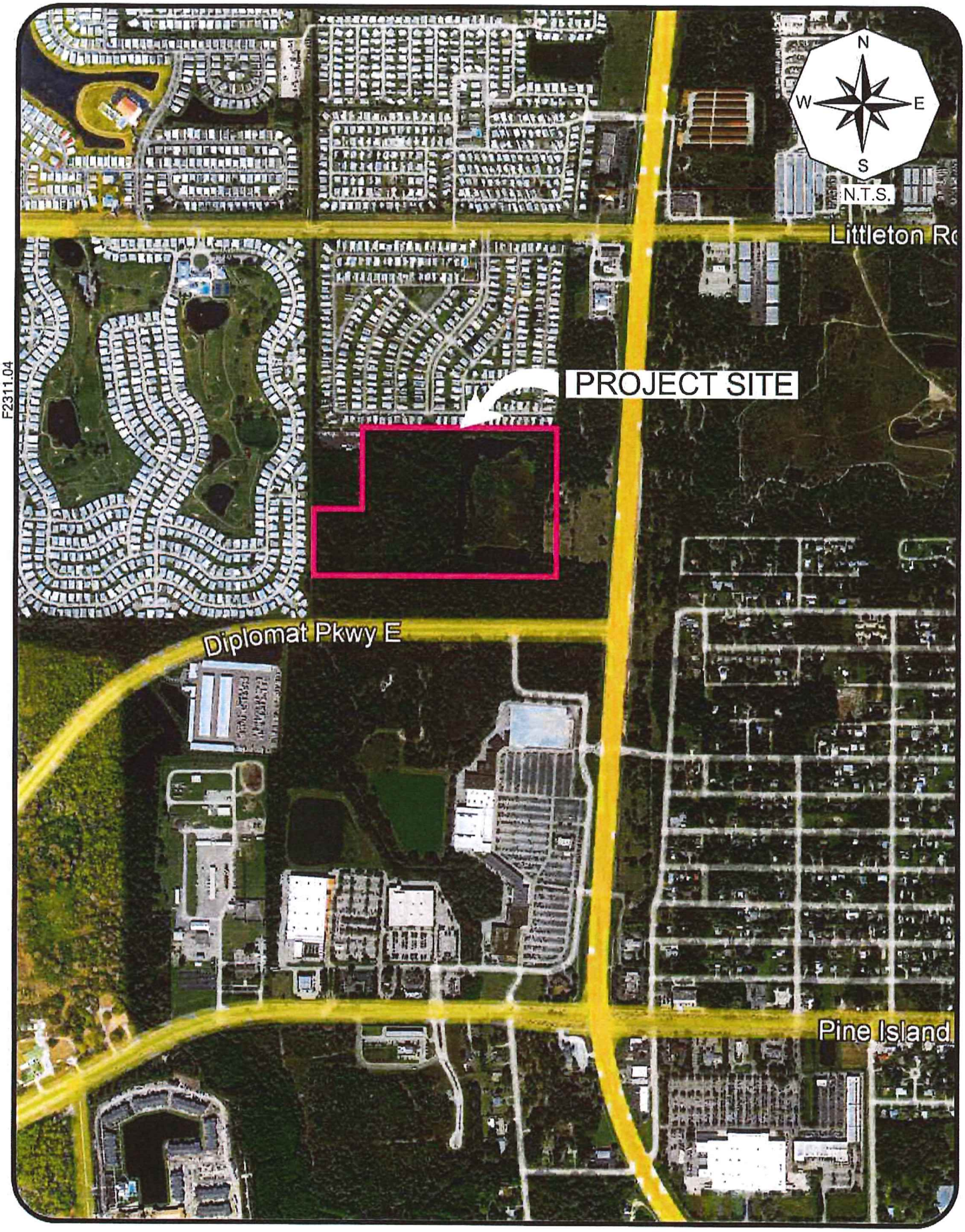
I. INTRODUCTION

TR Transportation Consultants, Inc. has conducted a traffic impact statement to fulfill requirements set forth by the Lee County Department of Community Development for projects seeking rezoning approval. This application is to amend the north parcel of the overall RPD/CPD west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida. The approximate location of the subject site is illustrated on **Figure 1**.

The overall RPD/CPD site is currently governed by zoning resolution Z-11-002 along with several Administrative Amendments that govern both the North and South parcels. The overall site is approved for 200,000 square feet of commercial uses, up to 238 multi-family dwelling units (138 multi-family units & 400 ALF units), with the option of an additional 50,000 square feet of commercial uses on the North parcel (that may be Medical Office or Professional Office pursuant to Table B on the Master Concept Plan approved as part of Z-11-002). The zoning amendment would increase the multi-family unit count on the North parcel to permit 360 dwelling units within the Mixed-Use Overlay and remove the 50,000 square feet of commercial office use option on the North Parcel. Access to the subject site will continue to be provided to Diplomat Parkway via two full site access locations. The remaining retail uses on the commercial tracts (Parcels 1 through 4) and the residential parcel as part of the South Parcel are not being modified as part of this Amendment.

This report examines the impact of the development on the surrounding roadways and intersections. Trip generation and assignments to the site access drive will be completed and analysis conducted to determine the impacts of the development on the surrounding streets and intersections.

F2311.04



TR TRANSPORTATION CONSULTANTS, INC

PROJECT LOCATION MAP
DIPLOMAT NORTH

Figure 1

II. EXISTING CONDITIONS

The subject site is currently vacant. To the south and east of the subject site is vacant land currently zoned for commercial uses. To the north and west of the subject site are existing residential developments.

Diplomat Parkway is an east/west four-lane divided arterial roadway in the vicinity of the subject site. Diplomat Parkway currently operates under two-way stop control at its intersection with U.S. 41. Diplomat Parkway has a posted speed limit of 45 mph and is under the jurisdiction of the City of Cape Coral.

U.S. 41 is a four lane north/south divided arterial roadway just to the east of the subject site. U.S. 41 has a posted speed limit of 55 mph and is under the jurisdiction of the Florida Department of Transportation.

III. PROPOSED DEVELOPMENT

Upon approval of the amendment, the North parcel could be developed with up to 360 multi-family dwelling units. **Table 1** summarizes the land uses utilized for trip generation purposes for the subject development.

Table 1
Land Uses
Diplomat House

Land Use	Size
Multi-Family Dwelling Units	360 dwelling units

Access to the subject site will be provided to Diplomat Parkway via a full site access location.

IV. TRIP GENERATION

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) report, titled ***Trip Generation***, 11th Edition. Since the number of floors isn't identified in the zoning, only the building height (up to 50 feet), Land Use Code 220 (Multi-Family Housing Low Rise) was utilized for the trip generation purposes of the proposed development. The equations for this land use are contained in the Appendix of this report for reference. **Table 2** outlines the anticipated weekday A.M. and P.M. peak hour trip generation of the Diplomat North site as currently proposed. The daily trip generation is also indicated in the table.

Table 2
Trip Generation
Diplomat House

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (360 dwelling units)	32	102	134	110	65	175	2,383

Table 3 illustrates the trip generation of the approved uses of the project based on Z-11-002, which includes 238 multi-family dwelling units and the option of the 50,000 square feet of commercial office uses. Since Medical Office use generates more trips than General Office, that use was utilized for trip generation purposes (Land Use Code 720 Medical-Dental Office).

Table 3
Trip Generation
Diplomat House – As Approved Uder Z-11-002

Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (238 dwelling units)	23	74	97	77	46	123	1,601
Commercial (50.000 Sq. Ft.)	102	27	129	60	140	200	2,040
Total Trips	125	101	226	137	186	323	3,641

ITE LUC 220 used for Multi-Family & ITE LUC 720 (Medical Office was used for the Commercial Floor Area)

As can be seen when comparing the trips from Table 3 to the trips in Table 2, the resulting zoning Amendment will have a decrease in the trip generation impact of the North site on the adjacent roadway network.

During the Sufficiency review, Lee County staff desired that the entire RPD/CPD be reviewed in terms of trip generation and analysis even though there are no changes being proposed to the remainder of the uses and to the South Parcel. **Table 4** illustrates the trip generation of the remainder of the RPD/CPD based on the remaining uses that could be developed based on the intensity that will remain. The commercial parcels (Parcels 1 through 3 along the north side of Diplomat Parkway, consisting of approximately 10.26 acres, and Parcel 4 along the south side of Diplomat Parkway, consisting of approximately 7.22 acres) can be developed with up to 200,000 square feet of commercial retail uses and the residential tract on the south side of Diplomat Parkway can be developed with up to 126 residential dwelling units (either single family, multi-family, two-family attached or townhomes). For analysis purposes, the retail uses were split between the North Parcel and South Parcel based on the acreage (17.48 acres total) on each side and the percentage applied to the total amount of retail area. Therefore, for the North Parcel, 10.26 acres is approximately 59% of the total acreage (10.26/17.48), so 59% of 200,000 square feet would be approximately 118,000 square feet of retail uses assigned to the North Parcel. And the balance, or 82,000 square feet, was assigned to the South Parcel. The 126 residential dwelling units were all assumed to be Single Family dwelling units since this generates the highest number of vehicle trips compared to the other dwelling types.

Table 4 illustrates the weekday A.M. and P.M. peak hour trip generation of the entire RPD/CPD based on these assumptions. The amount of "pass-by" trips was deducted for the retail trips for both the North Parcel and the South Parcel. Based on the Lee County maximum permitted reduction in "pass-by" trip reduction, a 30% reduction was applied to the retail uses to account for the "pass-by" trips. The Net New trips is then reflected at

the bottom of Table 4. These trips were then used to conduct the Level of Service and intersection analysis.

Table 4
Trip Generation
Diplomat North & South – As Proposed

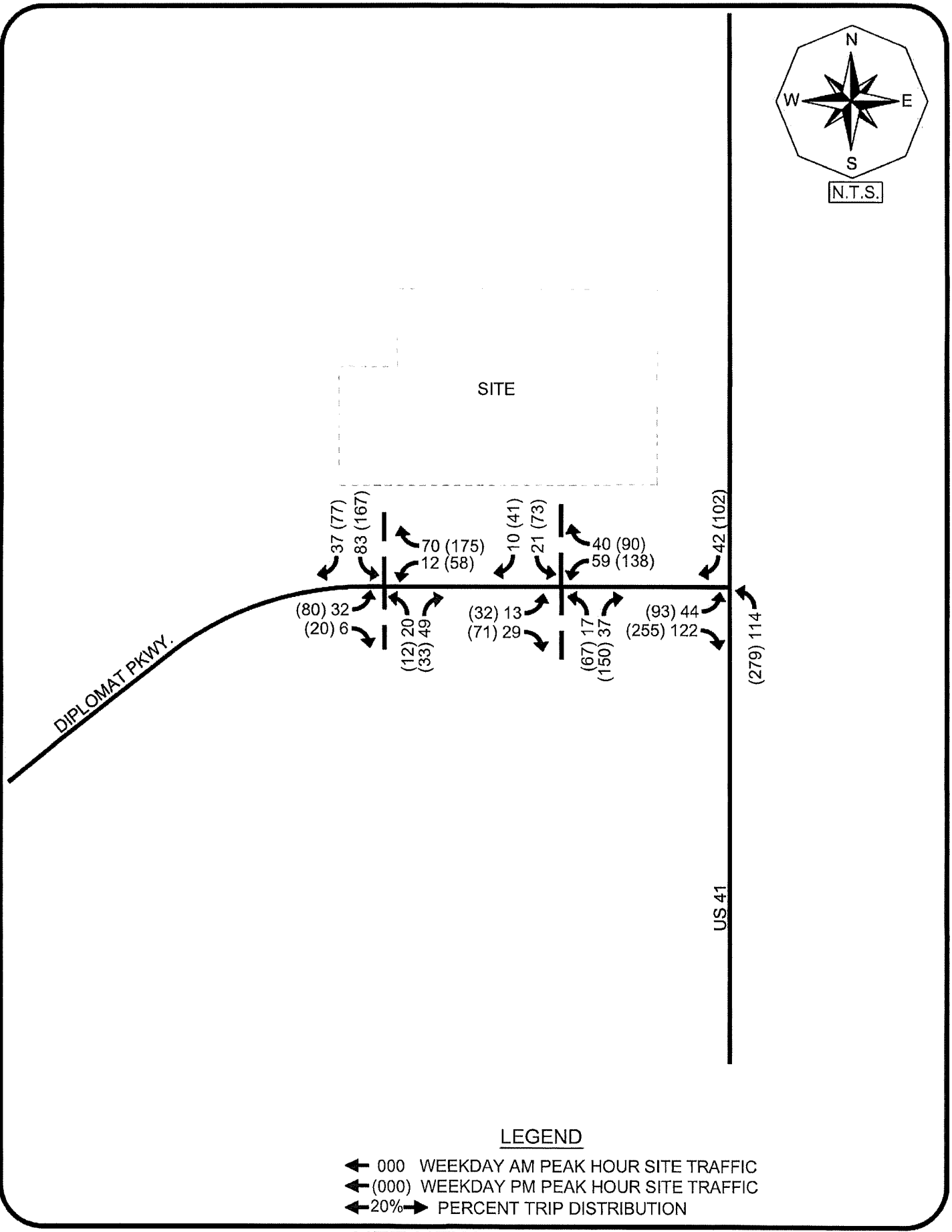
Land Use	Weekday A.M. Peak Hour			Weekday P.M. Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-way)
Multi-Family Housing (360 dwelling units)	23	74	97	77	46	123	1,601
Single-Family Housing (126 dwelling units)	23	69	92	78	45	123	1,248
Commercial - North (118,000 Sq. Ft.)	127	77	204	300	312	612	7,967
Commercial - South (82,000 Sq. Ft.)	88	54	142	209	217	426	5,537
Less Pass-by Commercial North	-31	-31	-62	-92	-92	-184	-2,390
Less Pass-by Commercial South	-21	-21	-42	-64	-64	-128	-1,661
Total Net New Trips	209	222	431	508	464	972	12,302

ITE LUC 8 21 used for Commercial Uses (No Supermarket)

V. TRIP DISTRIBUTION

The project trips as a result of the proposed rezoning request shown in Table 4 were then assigned to the surrounding roadway system. The net new trips anticipated to be added to the surrounding roadway network were assigned based upon the routes drivers are anticipated to utilize to approach the subject site. **Figure A-1**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of the net new project trips. **Figure A-2**, included in the Appendix of this report, illustrates the percent project traffic distribution and assignment of pass-by trips for the retail located on the North Parcel and **Figure A-3** illustrates the percent project traffic distribution and assignment of pass-by trips for the retail located on the South Parcel. **Figure 2** illustrates the resulting assignment of all project related trips (net new + pass-by).

F2311.04/SUFFICIENCY



TR TRANSPORTATION CONSULTANTS, INC

NET NEW + PASS-BY TRIPS SITE TRAFFIC ASSIGNMENT DIPLOMAT HOUSE

Figure 2

In order to determine which roadway segments surrounding the site may be significantly impacted as outlined in the Lee County Traffic Impact Statement Guidelines, **Table 1A**, in the Appendix, was created. This table indicates which roadway links will accommodate greater than 10% of the Peak Hour Level of Service "C" volumes. The Level of Service threshold volumes were obtained from the ***FDOT Generalized Peak Hour Directional Service Volume*** tables for Florida's Urbanized areas (Table 7) from the Quality/Level of Service Handbook (January 2020). Based on Table 1A, none of the roadway links in the vicinity of the subject site are anticipated to be significantly impacted by the proposed development.

VI. FUTURE TRAFFIC CONDITIONS

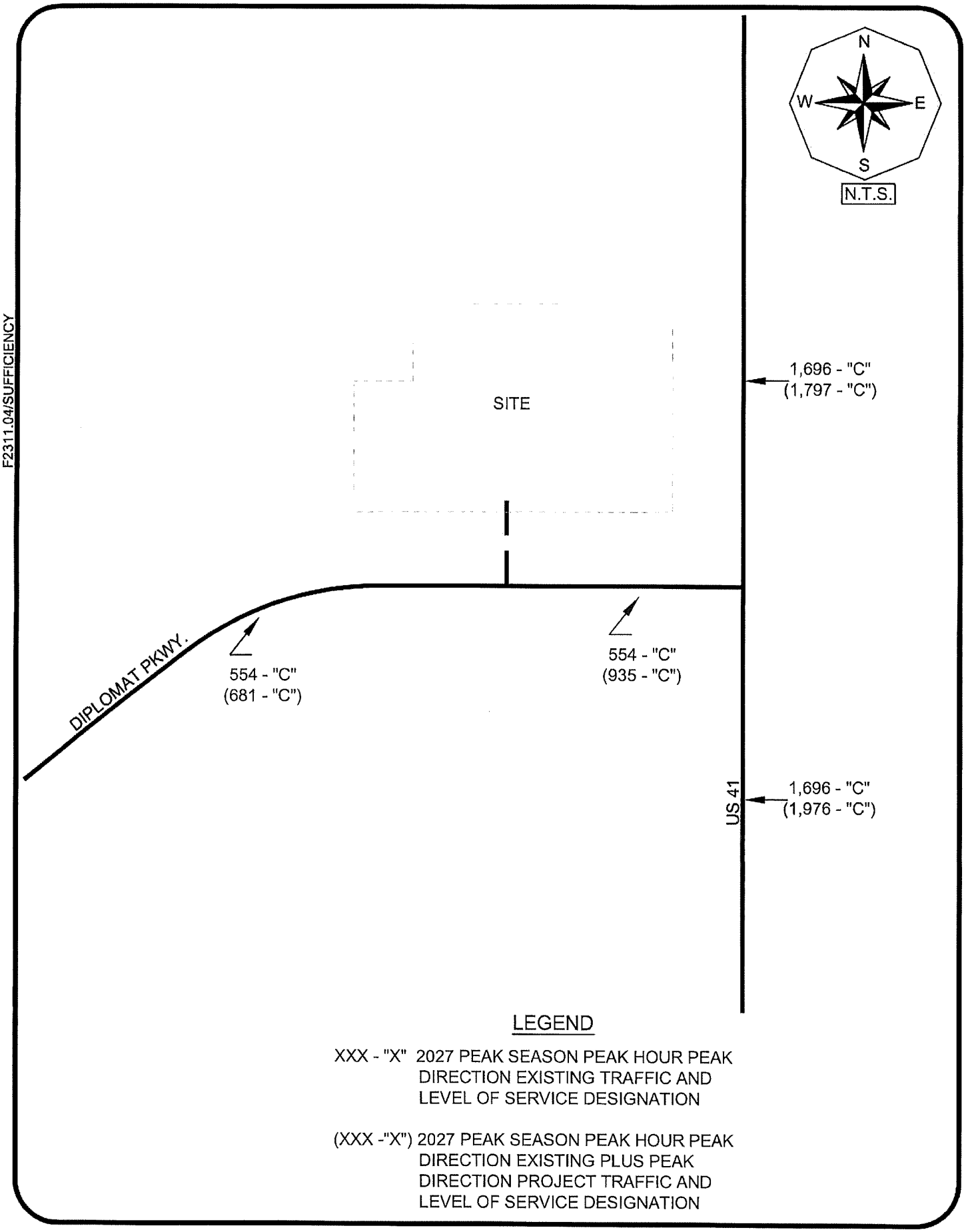
A horizon year analysis of 2027 was selected as the analysis year to evaluate the future impacts this project will have on the surrounding roadway network. Based on this horizon year, a growth rate was applied to the existing traffic conditions for all roadway links in the study area. A Level of Service Analysis was conducted on the nearest roadway segment accessed by the proposed development. The Level of Service was not analyzed on Diplomat Parkway as Lee County does not currently measure Level of Service on this roadway segment as it is a City of Cape Coral roadway. The growth rates were obtained through comparisons of annual traffic data obtained from the FDOT ***Traffic Information Online*** resource. Based on the project distribution illustrated on Table 1A, the link data was analyzed for the year 2027 without the development and year 2027 with the development.

Table 2A in the Appendix of the report indicates the methodology utilized to obtain the year 2027 build-out traffic volumes as well as the growth rate utilized for each roadway segment. The base year traffic volumes were obtained from the 2021 ***Lee County Public Facilities Level of Service and Concurrency Report.***

Figure 3 indicates the year 2027 peak hour – peak direction traffic volumes and Level of Service for the various roadway links within the study area. Noted on Figure 3 is the peak hour – peak direction volume and Level of Service of each link should no development occur on the subject site and the peak hour – peak direction volume and Level of Service for the weekday P.M. peak hour with the development traffic added to the roadways. This figure is derived from Table 2A contained in the Appendix.

VII. PROJECTED LEVEL OF SERVICE AND IMPROVEMENTS

Adverse impacts are defined as a degradation of the Level of Service beyond the adopted Level of Service Thresholds for those links as indicated in Table 1A. In comparing the links' functional classification and calculated 2027 traffic volumes to the Service Volume Tables, it was determined U.S. 41 will operate above the minimum adopted Level of Service in 2027 both with and without the proposed development. The Level of Service of Diplomat Parkway was also illustrated in this report even though this roadway is not maintained by Lee County. Diplomat Parkway is shown to operate at a Level of Service "C" both with and without the Development traffic. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed rezoning request.



TR TRANSPORTATION CONSULTANTS, INC

2027 LEVEL OF SERVICE ANALYSIS
DIPLOMAT NORTH

Figure 3

VIII INTERSECTION ANALYSIS

Intersection analysis was performed at the intersections that are located adjacent to this project and the site access drive intersections that will serve this project. Consistent with the guidelines outlined in ***Administrative Code 13-17*** (*Traffic Study Guidelines for Planned Development Rezonings*). This includes the intersection of Diplomat Parkway and U.S. 41 and the two site access drives along U.S. 41.

TR Transportation conducted weekday peak hour turning movement counts at the intersection Diplomat Parkway and U.S. 41 on February 20, 2024. These peak hour turning movement counts were factored by a Peak Season Adjustment Factor based on the FDOT *Peak Season Factor Report* from the FDOT ***Traffic Information Online*** documentation, which is provided in the Appendix of this report for reference. The traffic data was then increased by a growth factor to the year 2027 based on historical traffic count data contained in the FDOT ***Traffic Information Online*** resource to obtain the projected 2027 Background Traffic Conditions. The volumes utilized for the intersection analysis can be found in the Appendix of this report in the *Development of Future Year Background Turning Movement Volumes* spreadsheets.

The intersection analysis was conducted for the intersection of Diplomat Parkway and U.S.41 based on the projected 2027 Background traffic conditions (Pre-Development) and the 2027 conditions with the project traffic added to the intersection (as illustrated on Figure 2). **Figure 2** illustrates the resulting assignment of all the project related trips (net new + pass-by). A summary of the intersection analysis is contained in the Appendix of this report for reference. Analysis of the site access drive intersections was also conducted and is contained in the Appendix for reference. Each access drive is anticipated to be a full movement access drive on Diplomat Parkway.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order and site access permitting from the City of Cape Coral at time of site development approval.

IX. CONCLUSION

The proposed zoning amendment of the Diplomat RPD/CPD project located along both the north and south side of Diplomat Parkway west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida will not have a detrimental impact on the surrounding roadway system. The proposed rezoning request is only to amend the North Parcel to decrease the intensity of the uses from 238 multi-family dwelling units (138 multi-family units & 400 ALF units) and an option of 50,000 square feet of commercial office uses to only 360 multi-family residential dwelling units and eliminate the commercial office uses. The Level of Service analysis conducted as part of this report indicates U.S. 41 and Diplomat Parkway will operate above the minimum adopted Level of Service in 2027 both with and without the proposed development. Therefore, roadway capacity improvements will not be warranted as a result of the additional traffic to be generated by the proposed rezoning request. The zoning amendment as proposed is consistent with the goals and objectives of the Lee County Comprehensive Plan in that there is sufficient roadway capacity projected to accommodate the anticipated development and the mitigation of the project will be the payment of road impact fees.

Turn lane improvements at the site access drive intersections will be evaluated at the time the project seeks a Local Development Order approval.

APPENDIX

TABLE 1A , 2A & 3A

TABLE 1A
LEVEL OF SERVICE THRESHOLDS
DIPLOMAT HOUSE REZONING

TOTAL AM PEAK HOUR PROJECT TRAFFIC = 431 VPH IN= 209 OUT= 222

TOTAL PM PEAK HOUR PROJECT TRAFFIC = 972 VPH IN= 508 OUT= 464

ROADWAY	ROADWAY SEGMENT	# LANES	ROADWAY DESIGNATION	LOS A VOLUME	LOS B VOLUME	LOS C VOLUME	LOS D VOLUME	LOS E VOLUME	PERCENT PROJECT TRAFFIC	PROJECT TRAFFIC	PROJ/ LOS C
U.S. 41	N. of Diplomat Pkwy.	4LD	Arterial	0	0	1,910	2,000	2,000	20%	102	5.3%
	S. of Diplomat Pkwy.	4LD	Arterial	0	0	1,910	2,000	2,000	55%	279	14.6%
Diplomat Pkwy	W. of US 41	4LD	Arterial	0	250	1,840	1,960	1,960	75%	381	20.7%
	W. of Site	4LD	Arterial	0	250	1,840	1,960	1,960	25%	127	6.9%

☐ - Denotes the LOS Standard for each roadway segment

* Level of Service Thresholds for Diplomat Pkwy taken from the Generalized Peak Hour Directional Service Volume tables for Urbanized Areas (dated April 2016)

* Level of Service Thresholds for US 41 taken from FDOT Q/LOS Manul Table 7 Generalized LOS Table

TABLE 2A
LEE COUNTY TRAFFIC COUNTS AND CALCULATIONS
DIPLOMAT HOUSE REZONING

TOTAL PROJECT TRAFFIC AM = 431 VPH IN = 209 OUT= 222

TOTAL PROJECT TRAFFIC PM = 972 VPH IN= 508 OUT= 464

ROADWAY	ROADWAY SEGMENT	COUNT STA #	ANNUAL RATE	2021 PK HR PK SEASON PEAK DIR.[2]	2027 PK HR PK SEASON PEAK DIRECTION VOLUME	LOS	V/C Ratio	PERCENT PROJECT TRAFFIC	AM PROJ TRAFFIC	PM PROJ TRAFFIC	2027 BCKGRND + AM PROJ VOLUME	LOS	V/C Ratio	2027 BCKGRND + PM PROJ VOLUME	LOS	V/C Ratio
U.S 41	N. of Diplomat Pkwy.	125029	3.72%	1,362	1,696	C	0.85	20%	44	102	1,740	C	0.87	1,797	C	0.90
	S. of Diplomat Pkwy.	125029	3.73%	1,362	1,697	C	0.85	55%	122	279	1,819	C	0.91	1,976	D	0.99
Diplomat Pkwy	W. of US 41	0010	3.12%	505	554	C	0.30	75%	167	381	720	C	0.39	935	C	0.51
	W. of Site	0009	3.12%	505	554	C	0.30	25%	56	127	609	C	0.33	681	C	0.37

1 Annual Growth Rates were calculated based on historical traffic data obtained from FDOT Traffic Data Online and shown in Table 3A

2 Current peak hour peak season peak direction traffic volumes for US. 41 was obtained from the 2022 Lee County Public Facilities Level of Service and Concurrency Report

Current peak hour peak season peak direction traffic volume for Diplomat Pkwy was obtain from the turning movement count conducted at the intersection of US 41/Diplomat Pkwy (2024 Volume)

TABLE 5A
ANNUAL GROWTH RATE CALCULATIONS
BASED UPON HISTORICAL AADT DATA

ROADWAY	SEGMENT	CURRENT ID#	2013 AADT VOLUME	2020 AADT VOLUME	YRS OF GROWTH	ANNUAL GROWTH RATE	ACTUAL GROWTH RATE
US 41	S. of Diplomat	125029	23,500	31,500	7	4.27%	4.27%
Diplomat	W. of US 41	120117	8,600	11,000	7	3.58%	3.58%

* Traffic volumes were obtained from the 2023 City of Bonita Springs Traffic Count Report.

** For I-75 the historical traffic volumes were obtained from FDOT Florida Traffic Online resource.

*** In instances where the historical data indicates a reduction in traffic or insufficient data was available to calculate a growth rate due to construction, a minimum annual growth rate of 2.0% was assumed.

SAMPLE GROWTH RATE CALCULATION

$$\text{Annual Growth Rate (AGR)} = \left(\frac{\text{2020 AADT}}{\text{BASE AADT}}\right)^{\wedge(1/\text{Yrs of Growth})} - 1$$

$$\text{AGR (E. Terry St)} = \left(\frac{31{,}500}{23{,}500}\right)^{\wedge(1/7)} - 1$$

AGR (E. Terry St) = 4.27%

LEE COUNTY GENERALIZED PEAK HOUR DIRECTIONAL SERVICE VOLUME TABLES

Lee County
Generalized Peak Hour Directional Service Volumes
Urbanized Areas

April 2016 c:\input5

Uninterrupted Flow Highway

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	130	420	850	1,210	1,640
2	Divided	1,060	1,810	2,560	3,240	3,590
3	Divided	1,600	2,720	3,840	4,860	5,380

Arterials

Class I (40 mph or higher posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	140	800	860	860
2	Divided	*	250	1,840	1,960	1,960
3	Divided	*	400	2,840	2,940	2,940
4	Divided	*	540	3,830	3,940	3,940

Class II (35 mph or slower posted speed limit)

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	330	710	780
2	Divided	*	*	710	1,590	1,660
3	Divided	*	*	1,150	2,450	2,500
4	Divided	*	*	1,580	3,310	3,340

Controlled Access Facilities

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	160	880	940	940
2	Divided	*	270	1,970	2,100	2,100
3	Divided	*	430	3,050	3,180	3,180

Collectors

Level of Service

Lane	Divided	A	B	C	D	E
1	Undivided	*	*	310	660	740
1	Divided	*	*	330	700	780
2	Undivided	*	*	730	1,440	1,520
2	Divided	*	*	770	1,510	1,600

Note: the service volumes for I-75 (freeway), bicycle mode, pedestrian mode, and bus mode should be from FDOT's most current version of LOS Handbook.

FDOT GENERALIZED PEAK HOUR DIRECTIONAL VOLUMES

TABLE 7

TABLE 7 Generalized **Peak Hour Directional** Volumes for Florida's Urbanized Areas

January 2020

INTERRUPTED FLOW FACILITIES

STATE SIGNALIZED ARTERIALS

Class I (40 mph or higher posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	830	880	**
2	Divided	*	1,910	2,000	**
3	Divided	*	2,940	3,020	**
4	Divided	*	3,970	4,040	**

Class II (35 mph or slower posted speed limit)

Lanes	Median	B	C	D	E
1	Undivided	*	370	750	800
2	Divided	*	730	1,630	1,700
3	Divided	*	1,170	2,520	2,560
4	Divided	*	1,610	3,390	3,420

Non-State Signalized Roadway Adjustments

(Alter corresponding state volumes by the indicated percent.)

Non-State Signalized Roadways - 10%

Median & Turn Lane Adjustments

Lanes	Median	Exclusive Left Lanes	Exclusive Right Lanes	Adjustment Factors
1	Divided	Yes	No	+5%
1	Undivided	No	No	-20%
Multi	Undivided	Yes	No	-5%
Multi	Undivided	No	No	-25%
–	–	–	Yes	+ 5%

One-Way Facility Adjustment

Multiply the corresponding directional volumes in this table by 1.2

BICYCLE MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Paved Shoulder/Bicycle Lane Coverage	B	C	D	E
0-49%	*	150	390	1,000
50-84%	110	340	1,000	>1,000
85-100%	470	1,000	>1,000	**

PEDESTRIAN MODE[2]

(Multiply vehicle volumes shown below by number of directional roadway lanes to determine two-way maximum service volumes.)

Sidewalk Coverage	B	C	D	E
0-49%	*	*	140	480
50-84%	*	80	440	800
85-100%	200	540	880	>1,000

BUS MODE (Scheduled Fixed Route)[3]

(Buses in peak hour in peak direction)

Sidewalk Coverage	B	C	D	E
0-84%	> 5	≥ 4	≥ 3	≥ 2
85-100%	> 4	≥ 3	≥ 2	≥ 1

UNINTERRUPTED FLOW FACILITIES

FREEWAYS

Core Urbanized

Lanes	B	C	D	E
2	2,230	3,100	3,740	4,080
3	3,280	4,570	5,620	6,130
4	4,310	6,030	7,490	8,170
5	5,390	7,430	9,370	10,220
6	6,380	8,990	11,510	12,760

Urbanized

Lanes	B	C	D	E
2	2,270	3,100	3,890	4,230
3	3,410	4,650	5,780	6,340
4	4,550	6,200	7,680	8,460
5	5,690	7,760	9,520	10,570

Freeway Adjustments

Auxiliary Lane	Ramp Metering
+ 1,000	+ 5%

UNINTERRUPTED FLOW HIGHWAYS

Lanes	Median	B	C	D	E
1	Undivided	580	890	1,200	1,610
2	Divided	1,800	2,600	3,280	3,730
3	Divided	2,700	3,900	4,920	5,600

Uninterrupted Flow Highway Adjustments

Lanes	Median	Exclusive left lanes	Adjustment factors
1	Divided	Yes	+5%
Multi	Undivided	Yes	-5%
Multi	Undivided	No	-25%

[1] Values shown are presented as peak hour directional volumes for levels of service and are for the automobile/truck modes unless specifically stated. This table does not constitute a standard and should be used only for general planning applications. The computer models from which this table is derived should be used for more specific planning applications. The table and deriving computer models should not be used for corridor or intersection design, where more refined techniques exist. Calculations are based on planning applications of the HCM and the Transit Capacity and Quality of Service Manual.

[2] Level of service for the bicycle and pedestrian modes in this table is based on number of vehicles, not number of bicyclists or pedestrians using the facility.

[3] Buses per hour shown are only for the peak hour in the single direction of the higher traffic flow.

* Cannot be achieved using table input value defaults.

** Not applicable for that level of service letter grade. For the automobile mode, volumes greater than level of service D become F because intersection capacities have been reached. For the bicycle mode, the level of service letter grade (including F) is not achievable because there is no maximum vehicle volume threshold using table input value defaults.

Source:
Florida Department of Transportation
Systems Implementation Office
https://www.fdot.gov/planning/systems/

TRAFFIC DATA FROM THE LEE COUNTY PUBLIC FACILITIES LEVEL OF SERVICE AND CONCURRENCY REPORT

Table 21 b): Link-Level Service Volumes and LOS Table

Table 21 b) 6 of 7

LEE COUNTY ROAD LINK VOLUMES (County- and State-Maintained Roadways)														
Link No.	NAME	ROADWAY LINK		F. Class	ROAD TYPE	PERFORMANCE STANDARD		2021 100TH HIGHEST HOUR			FUTURE FORECAST (2026)			Notes
		FROM	TO			LOS	DIRECTIONAL CAPACITY	LOS	VOL	V/C	LOS	VOL	V/C	
24300	SR 31 (ARCADIA RD)	SR 78	COUNTY LINE	State	2LN	C	820	C	655	0.80	B	889	0.40	Future Capacity 2210 (for V/C as well)
24400	STALEY RD	TICE	ORANGE RIVER BLVD	Maj. Col	2LN	E	860	C	197	0.23	C	207	0.24	*
24500	STRINGFELLOW RD	1ST AVE	BERKSHIRE RD	M. Art	2LN	E	1,060	B	315	0.30	C	445	0.42	Constrained
24600	STRINGFELLOW RD	BERKSHIRE RD	PINE ISLAND RD	M. Art	2LN	E	1,060	B	315	0.30	C	448	0.42	Constrained
24700	STRINGFELLOW RD	PINE ISLAND RD	PINELAND RD	M. Art	2LN	E	1,060	D	730	0.69	E	831	0.78	Constrained
24800	STRINGFELLOW RD	PINELAND RD	MAIN ST	M. Art	2LN	E	1,060	D	730	0.69	E	827	0.78	
24900	SUMMERLIN RD	McGREGOR BLVD	KELLY COVE RD	Controlled xs	4LD	E	1,980	A	1,243	0.63	A	1,306	0.66	Unincorporated Lee county
25000	SUMMERLIN RD	KELLY COVE RD	SAN CARLOS BLVD	Controlled xs	4LD	E	1,980	A	1,243	0.63	A	1,306	0.66	Unincorporated Lee county
25100	SUMMERLIN RD	SAN CARLOS BLVD	PINE RIDGE RD	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,158	0.72	Unincorporated Lee county
25200	SUMMERLIN RD	PINE RIDGE RD	BASS RD	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,026	0.68	Unincorporated Lee county
25300	SUMMERLIN RD	BASS RD	GLADIOLUS DR	Controlled xs	6LD	E	3,000	A	1,928	0.64	A	2,026	0.68	Unincorporated Lee county
25400	SUMMERLIN RD	GLADIOLUS DR	CYPRESS LAKE DR	Controlled xs	4LD	E	1,900	C	1,530	0.81	C	1,631	0.86	Unincorporated Lee county
25500	SUMMERLIN RD	CYPRESS LAKE DR	COLLEGE PKWY	Controlled xs	6LD	E	2,880	B	1,808	0.63	B	1,900	0.66	Unincorporated Lee county
25600	SUMMERLIN RD	COLLEGE PKWY	PARK MEADOW DR	Controlled xs	6LD	E	2,880	B	1,802	0.63	B	1,894	0.66	Unincorporated Lee county
25700	SUMMERLIN RD	PARK MEADOW DR	BOY SCOUT	Controlled xs	6LD	E	2,880	B	1,802	0.63	B	1,894	0.66	Unincorporated Lee county
25800	SUMMERLIN RD	BOY SCOUT	MATHEWS DR	P. Art	4LD	E	1,820	D	1,135	0.62	D	1,193	0.66	
25900	SUMMERLIN RD	MATHEWS DR	COLONIAL BLVD	P. Art	4LD	E	1,820	D	1,135	0.62	D	1,193	0.66	
26000	SUNRISE BLVD	BELL BLVD	COLUMBUS BLVD	Min. Col	2LN	E	860	C	42	0.05	C	53	0.06	Old Count
26100	SUNSHINE BLVD	SR 82	23RD ST SW	P. Art	2LN	E	1,010	C	395	0.39	C	416	0.41	*
26150	SUNSHINE BLVD	23RD ST SW	LEE BLVD	P. Art	2LN	E	1,010	C	395	0.39	C	416	0.41	*
26200	SUNSHINE BLVD	LEE BLVD	W 12TH ST	P. Art	2LN	E	1,010	D	551	0.64	D	684	0.68	*
26300	SUNSHINE BLVD	W 12TH ST	W 75TH ST	Maj. Col	2LN	E	860	D	502	0.70	D	633	0.74	
26500	THREE OAKS PKWY	COCONUT RD	ESTERO PKWY	P. Art	4LD	E	1,940	B	1,560	0.80	B	1,743	0.90	
26600	THREE OAKS PKWY	ESTERO PKWY	SAN CARLOS BLVD	P. Art	4LD	E	1,940	B	707	0.36	B	816	0.42	
26700	THREE OAKS PKWY	SAN CARLOS BLVD	ALICO RD	P. Art	4LD	E	1,940	B	707	0.36	B	743	0.38	
26800	TICE ST	SR 80	ORTIZ AVE	Maj. Col	2LN	E	860	C	199	0.23	C	209	0.24	
26900	TICE ST	ORTIZ AVE	STALEY RD	Maj. Col	2LN	E	860	C	207	0.24	C	243	0.28	Elementry U.
27000	TREELINE AVE	TERMIMAL ACCESS RD	DANIELS PKWY	Controlled xs	4LD	E	1,980	A	1,050	0.53	A	1,288	0.65	Harley Davidson
27050	TREELINE AVE	DANIELS PKWY	AMBERWOOD RD	P. Art	4LD	E	1,980	A	782	0.39	A	822	0.42	
27070	TREELINE AVE	AMBERWOOD RD	COLONIAL BLVD	P. Art	4LD	E	1,980	A	782	0.39	A	822	0.42	
30500	US 41 (CLEVELAND AVE)	DANIELS PKWY	COLLEGE PKWY	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 ln DES & ROW Progrmd
30600	US 41 (CLEVELAND AVE)	COLLEGE PKWY	SOUTH RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 ln DES & ROW Progrmd
30700	US 41 (CLEVELAND AVE)	SOUTH RD	BOY SCOUT RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 ln DES & ROW Progrmd
30800	US 41 (CLEVELAND AVE)	BOY SCOUT RD	NORTH AIRPORT RD	State	6LD	D	3,171	C	2,598	0.82	C	2,904	0.92	SR 739 6 ln DES & ROW Progrmd
30810	US 41 (CLEVELAND AVE)	NORTH AIRPORT RD	COLONIAL BLVD	State	6LD	D	3,171	C	2,418	0.76	C	2,704	0.85	
30900	US 41 (CLEVELAND AVE)	CITY LIMITS	N. KEY DR	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31000	US 41 (CLEVELAND AVE)	N. KEY DR	HANCOCK B. PKWY	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31100	US 41 (CLEVELAND AVE)	HANCOCK B. PKWY	PONDELLA RD	State	4LD	D	2,100	C	1,996	0.95	F	2,240	1.07	
31200	US 41 (CLEVELAND AVE)	PONDELLA RD	SR 78	State	4LD	D	2,100	C	1,362	0.65	C	1,523	0.73	
31300	US 41 (CLEVELAND AVE)	SR 78	LITTLETON RD	State	4LD	D	2,100	C	1,362	0.65	C	1,523	0.73	
31400	US 41 (N TAMIAMI TR)	LITTLETON RD	BUS 41	State	4LD	D	2,100	C	1,087	0.52	C	1,263	0.60	
31500	US 41 (N TAMIAMI TR)	BUS 41	DEL PRADO BLVD	State	4LD	D	2,100	C	1,087	0.52	C	1,263	0.60	
31600	US 41 (N TAMIAMI TR)	DEL PRADO BLVD	CHARLOTTE CO. LINE	State	4LD	D	2,100	C	1,577	0.75	C	1,885	0.90	
29800	US 41 (S TAMIAMI TR)	OLD 41	CORKSCREW RD	State	6LD	D	3,171	C	2,342	0.74	C	2,616	0.82	
29900	US 41 (S TAMIAMI TR)	CORKSCREW RD	SANIBEL BLVD	State	6LD	D	3,171	C	2,294	0.72	C	2,767	0.87	
30000	US 41 (S TAMIAMI TR)	SANIBEL BLVD	ALICO RD	State	6LD	D	3,171	C	2,576	0.81	C	3,011	0.95	
30100	US 41 (S TAMIAMI TR)	ALICO RD	ISLAND PARK RD	State	6LD	D	3,171	C	2,576	0.81	C	3,011	0.95	
30200	US 41 (S TAMIAMI TR)	ISLAND PARK RD	BRIARCLIFF RD	State	6LD	D	3,171	C	3,002	0.95	F	3,356	1.06	

County-Maintained Collector Roadway - Unincorporated Lee County

County-Maintained Collector Roadway - Incorporated Lee County

County-Maintained Arterial Roadway - Unincorporated Lee County

County-Maintained Arterial Roadway - Incorporated Lee County

State-Maintained Arterial Roadway - Unincorporated Lee County

County Maintained Controlled Access Aterial Facility

County Maintained Expressway

TRAFFIC DATA FROM THE FDOT FLORIDA TRAFFIC ONLINE

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 5029 - SR 45/US 41, N OF DIPLOMAT PKWY E LC419

YEAR	AADT	DIRECTION 1	DIRECTION 2	*K FACTOR	D FACTOR	T FACTOR
2022	26000 F	N 12500	S 13500	9.00	53.70	6.20
2021	26000 C	N 12500	S 13500	9.00	53.10	6.20
2020	31500 C	N 15500	S 16000	9.00	52.80	4.10
2019	30000 C	N 14500	S 15500	9.00	53.30	4.70
2018	29500 C	N 14500	S 15000	9.00	53.30	4.30
2017	24000 C	N 12000	S 12000	9.00	53.20	4.90
2016	29500 C	N 14500	S 15000	9.00	56.20	4.10
2015	28500 C	N 14000	S 14500	9.00	54.50	3.90
2014	27000 C	N 13500	S 13500	9.00	54.60	3.70
2013	23500 C	N 11500	S 12000	9.00	59.70	5.30
2012	23500 C	N 11500	S 12000	9.00	54.30	4.30
2011	27500 C	N 13000	S 14500	9.00	55.00	4.00
2010	28500 C	N 13500	S 15000	10.32	57.60	4.50
2009	26000 C	N 12500	S 13500	10.24	54.47	5.20
2008	27000 C	N 13000	S 14000	10.37	58.94	3.90
2007	28500 C	N 13000	S 15500	10.16	54.76	5.30

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FLORIDA DEPARTMENT OF TRANSPORTATION
TRANSPORTATION STATISTICS OFFICE
2022 HISTORICAL AADT REPORT

COUNTY: 12 - LEE

SITE: 0117 - DIPLOMA PKWY E, E OF NE 24TH AVE (HPMS ID: 120005640725)

YEAR	AADT	DIRECTION 1		DIRECTION 2		*K FACTOR	D FACTOR	T FACTOR
2022	11000 X		0		0	9.00	53.90	10.50
2021	10500 X		0		0	9.00	53.50	5.20
2020	9800 E		0		0	9.00		5.20
2019	9800 E	E	0	W	0	9.00		5.20
2018	9600 C	E	4900	W	4700	9.00	53.30	4.10
2017	9600 S	E	4700	W	4900	9.00	51.40	3.70
2016	9200 F	E	4500	W	4700	9.00	68.20	3.70
2015	8600 C	E	4200	W	4400	9.00	55.50	3.70

AADT FLAGS: C = COMPUTED; E = MANUAL ESTIMATE; F = FIRST YEAR ESTIMATE
S = SECOND YEAR ESTIMATE; T = THIRD YEAR ESTIMATE; R = FOURTH YEAR ESTIMATE
V = FIFTH YEAR ESTIMATE; 6 = SIXTH YEAR ESTIMATE; X = UNKNOWN
*K FACTOR: STARTING WITH YEAR 2011 IS STANDARDK, PRIOR YEARS ARE K30 VALUES

FDOT PEAK SEASON ADJUSTMENT FACTOR

2022 PEAK SEASON FACTOR CATEGORY REPORT - REPORT TYPE: ALL
CATEGORY: 1243 NORTH FORT MYERS

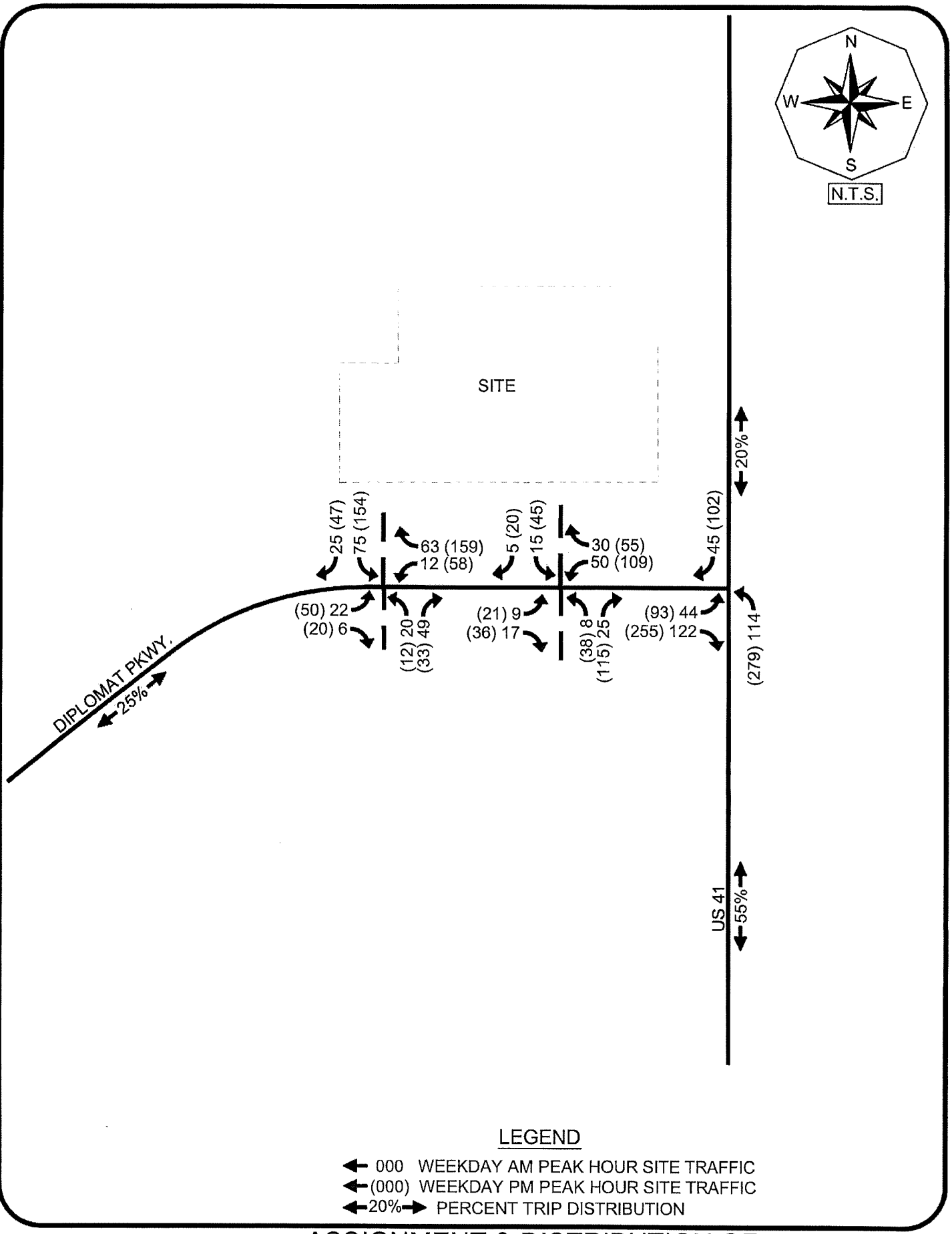
MOCF: 0.90

WEEK	DATES	SF	PSCF
1	01/01/2022 - 01/01/2022	1.00	1.11
2	01/02/2022 - 01/08/2022	0.98	1.09
3	01/09/2022 - 01/15/2022	0.96	1.07
* 4	01/16/2022 - 01/22/2022	0.94	1.04
* 5	01/23/2022 - 01/29/2022	0.92	1.02
* 6	01/30/2022 - 02/05/2022	0.91	1.01
* 7	02/06/2022 - 02/12/2022	0.89	0.99
* 8	02/13/2022 - 02/19/2022	0.87	0.97
* 9	02/20/2022 - 02/26/2022	0.87	0.97
*10	02/27/2022 - 03/05/2022	0.87	0.97
*11	03/06/2022 - 03/12/2022	0.87	0.97
*12	03/13/2022 - 03/19/2022	0.87	0.97
*13	03/20/2022 - 03/26/2022	0.89	0.99
*14	03/27/2022 - 04/02/2022	0.91	1.01
*15	04/03/2022 - 04/09/2022	0.92	1.02
*16	04/10/2022 - 04/16/2022	0.94	1.04
17	04/17/2022 - 04/23/2022	0.96	1.07
18	04/24/2022 - 04/30/2022	0.99	1.10
19	05/01/2022 - 05/07/2022	1.01	1.12
20	05/08/2022 - 05/14/2022	1.04	1.16
21	05/15/2022 - 05/21/2022	1.06	1.18
22	05/22/2022 - 05/28/2022	1.08	1.20
23	05/29/2022 - 06/04/2022	1.09	1.21
24	06/05/2022 - 06/11/2022	1.11	1.23
25	06/12/2022 - 06/18/2022	1.12	1.24
26	06/19/2022 - 06/25/2022	1.12	1.24
27	06/26/2022 - 07/02/2022	1.12	1.24
28	07/03/2022 - 07/09/2022	1.11	1.23
29	07/10/2022 - 07/16/2022	1.11	1.23
30	07/17/2022 - 07/23/2022	1.10	1.22
31	07/24/2022 - 07/30/2022	1.09	1.21
32	07/31/2022 - 08/06/2022	1.08	1.20
33	08/07/2022 - 08/13/2022	1.07	1.19
34	08/14/2022 - 08/20/2022	1.06	1.18
35	08/21/2022 - 08/27/2022	1.07	1.19
36	08/28/2022 - 09/03/2022	1.09	1.21
37	09/04/2022 - 09/10/2022	1.10	1.22
38	09/11/2022 - 09/17/2022	1.11	1.23
39	09/18/2022 - 09/24/2022	1.09	1.21
40	09/25/2022 - 10/01/2022	1.08	1.20
41	10/02/2022 - 10/08/2022	1.06	1.18
42	10/09/2022 - 10/15/2022	1.04	1.16
43	10/16/2022 - 10/22/2022	1.03	1.14
44	10/23/2022 - 10/29/2022	1.01	1.12
45	10/30/2022 - 11/05/2022	1.00	1.11
46	11/06/2022 - 11/12/2022	0.98	1.09
47	11/13/2022 - 11/19/2022	0.97	1.08
48	11/20/2022 - 11/26/2022	0.98	1.09
49	11/27/2022 - 12/03/2022	0.99	1.10
50	12/04/2022 - 12/10/2022	0.99	1.10
51	12/11/2022 - 12/17/2022	1.00	1.11
52	12/18/2022 - 12/24/2022	0.98	1.09
53	12/25/2022 - 12/31/2022	0.96	1.07

* PEAK SEASON

SITE TRAFFIC ASSIGNMENT
SUPPLEMENTAL GRAPHICS
FIGURES A-1, A-2 & A-3

F2311.04/SUFFICIENCY

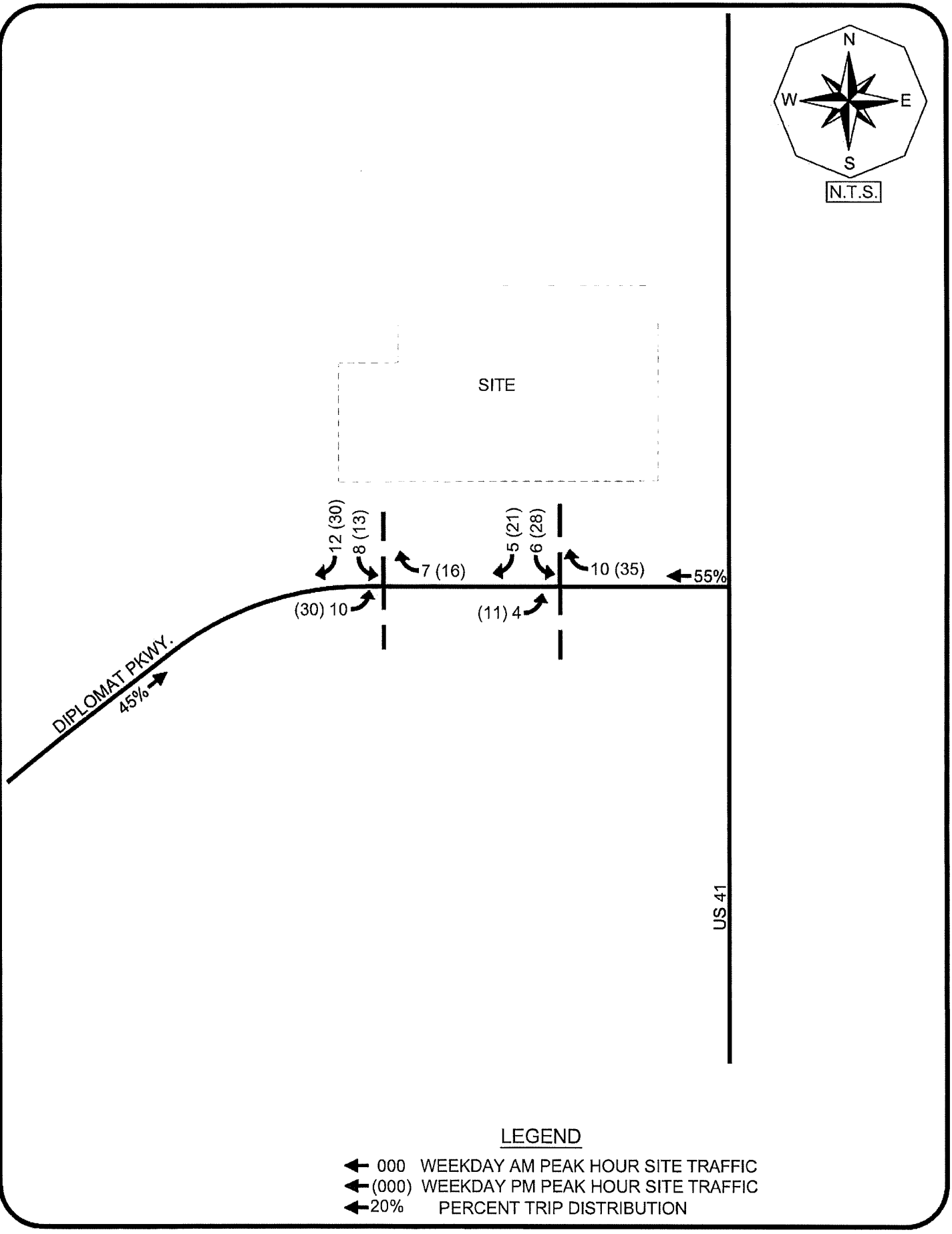


TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF NET NEW PROJECT TRIPS DIPLOMAT HOUSE

Figure A-1

F2311.04/SUFFICIENCY



LEGEND

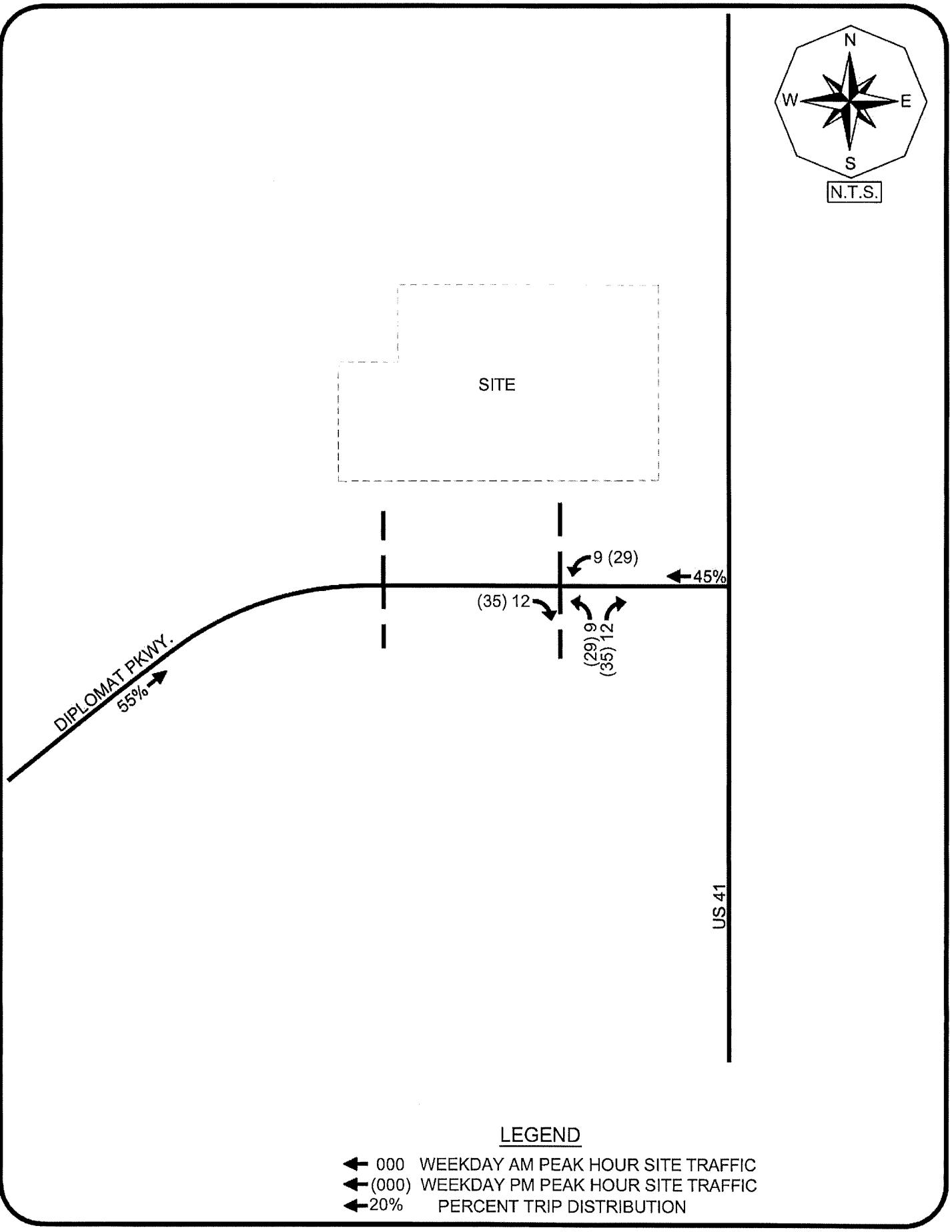
← 000 WEEKDAY AM PEAK HOUR SITE TRAFFIC
←(000) WEEKDAY PM PEAK HOUR SITE TRAFFIC
←20% PERCENT TRIP DISTRIBUTION

TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF
PASS-BY PROJECT TRIPS
DIPLOMAT HOUSE
NORTH RETAIL

Figure A-2

F2311.04/SUFFICIENCY



TR TRANSPORTATION CONSULTANTS, INC

ASSIGNMENT & DISTRIBUTION OF
PASS-BY PROJECT TRIPS
DIPLOMAT HOUSE
SOUTH RETAIL

Figure A-3

TURNING MOVEMENT COUNT

U.S. 41 @ DIPLOMAT PARKWAY

US 41 @ Diplomat Pkwy
Fort Myers FL
Tuesday, February 20, 2024

Time	Southbound US 41						Westbound 0						Northbound US 41						Eastbound Diplomat Pkwy						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
7:00 AM	1	0	299	24	0	*324*	0	0	0	0	0	*0*	1	48	195	0	0	*244*	1	28	0	97	0	*126*	694
7:15 AM	0	0	319	27	0	*346*	0	0	0	0	0	*0*	1	62	182	0	0	*245*	0	26	0	68	0	*94*	685
7:30 AM	0	0	284	48	0	*332*	0	0	0	0	0	*0*	0	57	192	0	0	*249*	0	22	0	84	0	*106*	687
7:45 AM	0	0	303	46	0	*349*	0	0	0	0	0	*0*	0	67	211	0	0	*278*	0	24	0	77	2	*101*	728
Hourly Total	1	0	1205	145	0	*1351*	0	0	0	0	0	*0*	2	234	780	0	0	*1016*	1	100	0	326	2	*427*	2794
8:00 AM	0	0	233	39	0	*272*	0	0	0	0	0	*0*	0	56	160	0	0	*216*	0	7	0	89	0	*96*	584
8:15 AM	0	0	312	35	0	*347*	0	0	0	0	0	*0*	0	40	169	0	0	*209*	0	15	0	83	0	*98*	654
8:30 AM	0	0	307	26	0	*333*	0	0	0	0	0	*0*	0	34	187	0	0	*221*	0	14	0	75	0	*89*	643
8:45 AM	0	0	278	31	0	*309*	0	0	0	0	0	*0*	2	38	202	0	0	*242*	0	11	0	64	1	*75*	626
Hourly Total	0	0	1130	131	0	*1261*	0	0	0	0	0	*0*	2	168	718	0	0	*888*	0	47	0	311	1	*358*	2507
TOTAL	1	0	2335	276	0	*2612*	0	0	0	0	0	*0*	4	402	1498	0	0	*1904*	1	147	0	637	3	*785*	5301
Cars	1	0	2275	267	0	*2543*	0	0	0	0	0	*0*	4	385	1434	0	0	*1823*	1	142	0	624	1	*767*	5133
Heavy Vehicles	0	0	60	9	0	*69*	0	0	0	0	0	*0*	0	17	64	0	0	*81*	0	5	0	13	2	*18*	168
Heavy Vehicle %	0.00%	0.00%	2.57%	3.26%	0.00%	*2.64%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	0.00%	4.23%	4.27%	0.00%	0.00%	*4.25%*	0.00%	3.40%	0.00%	2.04%	66.67%	*2.29%*	3.17%

US 41 @ Diplomat Pkwy
Fort Myers FL
Tuesday, February 20, 2024
AM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
7:00 AM	1	0	299	24	0	*324*	0	0	0	0	0	*0*	1	48	195	0	0	*244*	1	28	0	97	0	*126*	694
7:15 AM	0	0	319	27	0	*346*	0	0	0	0	0	*0*	1	62	182	0	0	*245*	0	26	0	68	0	*94*	685
7:30 AM	0	0	284	48	0	*332*	0	0	0	0	0	*0*	0	57	192	0	0	*249*	0	22	0	84	0	*106*	687
7:45 AM	0	0	303	46	0	*349*	0	0	0	0	0	*0*	0	67	211	0	0	*278*	0	24	0	77	2	*101*	728
Peak Hour Total	1	0	1205	145	0	*1351*	0	0	0	0	0	*0*	2	234	780	0	0	*1016*	1	100	0	326	2	*427*	2794
PHF	0.250	0.000	0.944	0.755	0.000	*0.968*	0.000	0.000	0.000	0.000	0.000	*0.000*	0.500	0.873	0.924	0.000	0.000	*0.914*	0.250	0.893	0.000	0.840	0.250	*0.847*	0.959

US 41 @ Diplomat Pkwy
Fort Myers FL
Tuesday, February 20, 2024

Time	Southbound US 41						Westbound 0						Northbound US 41						Eastbound Diplomat Pkwy						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
4:00 PM	0	0	257	46	0	*303*	0	0	0	0	0	*0*	0	91	339	0	0	*430*	0	26	0	76	0	*102*	835
4:15 PM	0	0	271	31	0	*302*	0	0	0	0	0	*0*	0	88	304	0	0	*392*	0	20	0	72	0	*92*	786
4:30 PM	0	0	263	25	0	*288*	0	0	0	0	0	*0*	0	92	306	0	0	*398*	0	20	0	81	0	*101*	787
4:45 PM	0	0	274	34	0	*308*	0	0	0	0	0	*0*	0	98	294	0	0	*392*	0	9	0	65	0	*74*	774
Hourly Total	0	0	1065	136	0	*1201*	0	0	0	0	0	*0*	0	369	1243	0	0	*1612*	0	75	0	294	0	*369*	3182
5:00 PM	0	0	234	30	0	*264*	0	0	0	0	0	*0*	0	108	331	0	0	*439*	0	12	0	71	1	*83*	786
5:15 PM	0	0	265	27	0	*292*	0	0	0	0	0	*0*	0	99	293	0	0	*392*	0	4	0	58	1	*62*	746
5:30 PM	0	0	250	39	0	*289*	0	0	0	0	0	*0*	0	110	293	0	0	*403*	0	11	0	64	1	*75*	767
5:45 PM	0	0	260	22	0	*282*	0	0	0	0	0	*0*	0	108	287	0	0	*395*	0	9	0	57	1	*66*	743
Hourly Total	0	0	1009	118	0	*1127*	0	0	0	0	0	*0*	0	425	1204	0	0	*1629*	0	36	0	250	4	*286*	3042
TOTAL	0	0	2074	254	0	*2328*	0	0	0	0	0	*0*	0	794	2447	0	0	*3241*	0	111	0	544	4	*655*	6224
Cars	0	0	2038	252	0	*2290*	0	0	0	0	0	*0*	0	784	2426	0	0	*3210*	0	107	0	534	2	*641*	6141
Heavy Vehicles	0	0	36	2	0	*38*	0	0	0	0	0	*0*	0	10	21	0	0	*31*	0	4	0	10	2	*14*	83
Heavy Vehicle %	0.00%	0.00%	1.74%	0.79%	0.00%	*1.63%*	0.00%	0.00%	0.00%	0.00%	0.00%	*0.00%*	0.00%	1.26%	0.86%	0.00%	0.00%	*0.96%*	0.00%	3.60%	0.00%	1.84%	50.00%	*2.14%*	1.33%

US 41 @ Diplomat Pkwy
Fort Myers FL
Tuesday, February 20, 2024
PM Peak Hour

Time	Southbound						Westbound						Northbound						Eastbound						VEHICLE TOTAL
	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	U Turns	Left Turns	Straight Through	Right Turns	Crosswalk Crossings	*Vehicle Approach Total*	
4:00 PM	0	0	257	46	0	*303*	0	0	0	0	0	*0*	0	91	339	0	0	*430*	0	26	0	76	0	*102*	835
4:15 PM	0	0	271	31	0	*302*	0	0	0	0	0	*0*	0	88	304	0	0	*392*	0	20	0	72	0	*92*	786
4:30 PM	0	0	263	25	0	*288*	0	0	0	0	0	*0*	0	92	306	0	0	*398*	0	20	0	81	0	*101*	787
4:45 PM	0	0	274	34	0	*308*	0	0	0	0	0	*0*	0	98	294	0	0	*392*	0	9	0	65	0	*74*	774
Peak Hour Total	0	0	1065	136	0	*1201*	0	0	0	0	0	*0*	0	369	1243	0	0	*1612*	0	75	0	294	0	*369*	3182
PHF	0.000	0.000	0.972	0.739	0.000	*0.975*	0.000	0.000	0.000	0.000	0.000	*0.000*	0.000	0.941	0.917	0.000	0.000	*0.937*	0.000	0.721	0.000	0.907	0.000	*0.904*	0.953

DEVELOPMENT OF FUTURE YEAR BACKGROUND TURNING VOLUMES

Development of Future Year Background Turning Volumes

Intersection	**US 41 @ Diplomat Pkwy**
Count Date	February 20, 2024
Build-Out Year	2027

AM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBLU	EBL	EBT	EBR	WBLU	WBL	WBT	WBR
RAW Turning Movement Counts	236	780			1,205	145	1	100		326				
Peak Season Correction Factor	0.97	0.97			0.97	0.97	0.97	0.97		0.97				
Current Peak Season Volumes	229	757			1,169	141	1	97		316				
Growth Rate	4.27%	4.27%			4.27%	4.27%	3.58%	3.58%		3.58%				
Years to Build-out	3	3			3	3	3	3		3				
2027 Background Turning Volumes	**260**	**858**			**1,325**	**160**	**1**	**108**		**351**				
Project Turning Volumes	114					45		44		122				
2027 Background + Project	**374**	**858**			**1,325**	**205**	**1**	**152**		**473**				

PM Peak Hour

	NBL	NBT	NBR	SBL	SBT	SBR	EBLU	EBL	EBT	EBR	WBLU	WBL	WBT	WBR
RAW Turning Movement Counts	369	1,243			1,065	136	0	75		294				
Peak Season Correction Factor	0.97	0.97			0.97	0.97	0.97	0.97		0.97				
Current Peak Season Volumes	358	1,206			1,033	132	0	73		285				
Growth Rate	4.27%	4.27%			4.27%	4.27%	3.58%	3.58%		3.58%				
Years to Build-out	3	3			3	3	3	3		3				
2027 Background Turning Volumes	**406**	**1,367**			**1,171**	**150**	**0**	**81**		**317**				
Project Turning Volumes	279					102		93		255				
2027 Background + Project	**685**	**1,367**			**1,171**	**252**	**0**	**174**		**572**				

INTERSECTION ANALYSIS
HIGHWAY CAPACITY SOFTWARE
SUMMARY SHEETS

U.S. 41 @ DIPLOMAT PARKWAY

2027 AM PEAK HOUR ANALYSIS

WITH OUT PROJECT

HCS Two-Way Stop-Control Report

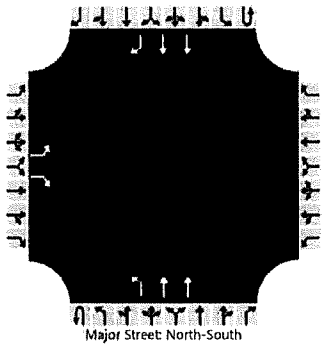
General Information

Analyst	tbt
Agency/Co.	q
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	AM Peak Hour w/o Project
Intersection Orientation	North-South
Project Description	Diplomat House

Site Information

Intersection	US 41/Diplomat Pkwy
Jurisdiction	FDOT/City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	US 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1
Configuration		L		R						L	T				T	R
Volume (veh/h)		108		351					0	260	858				1325	160
Percent Heavy Vehicles (%)		3		3					3	3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No												No		
Median Type | Storage		Left Only								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		114		369						274						
Capacity, c (veh/h)		125		381						414						
v/c Ratio		0.91		0.97						0.66						
95% Queue Length, Q_{95} (veh)		5.9		11.1						4.6						
95% Queue Length, Q_{95} (ft)		151.0		284.2						117.8						
Control Delay (s/veh)		123.8		72.2						29.1						
Level of Service (LOS)		F		F						D						
Approach Delay (s/veh)		84.4								6.8						
Approach LOS		F								A						

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2027 PM PEAK HOUR ANALYSIS

WITHOUT PROJECT

HCS Two-Way Stop-Control Report

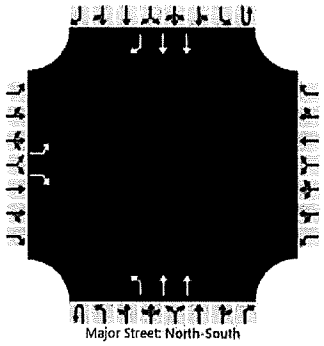
General Information

Analyst	tbt
Agency/Co.	q
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	PM Peak Hour W/O Project
Intersection Orientation	North-South
Project Description	Diplomat House

Site Information

Intersection	US 41/Diplomat Pkwy
Jurisdiction	FDOT/City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	US 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1
Configuration		L		R						L	T				T	R
Volume (veh/h)		81		371					0	406	1367				1171	150
Percent Heavy Vehicles (%)		3		3					3	3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No												No		
Median Type | Storage		Left Only								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		85		391						427						
Capacity, c (veh/h)		40		431						483						
v/c Ratio		2.13		0.91						0.89						
95% Queue Length, Q_{95} (veh)		9.1		9.8						9.7						
95% Queue Length, Q_{95} (ft)		233.0		250.9						248.3						
Control Delay (s/veh)		736.2		54.4						46.9						
Level of Service (LOS)		F		F						E						
Approach Delay (s/veh)		176.6								10.7						
Approach LOS		F								B						

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US 41 @ DIPLOMAT PARKWAY

2027 AM PEAK HOUR ANALYSIS

WITH PROJECT

HCS Two-Way Stop-Control Report

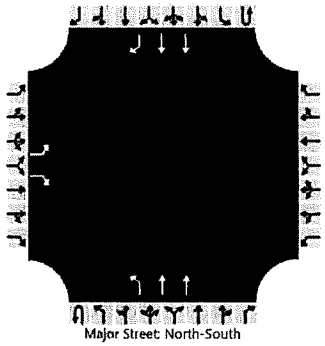
General Information

Analyst	tbt
Agency/Co.	q
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	AM Peak Hour With Project
Intersection Orientation	North-South
Project Description	Diplomat House

Site Information

Intersection	US 41/Diplomat Pkwy
Jurisdiction	FDOT/City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	US 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1
Configuration		L		R						L	T				T	R
Volume (veh/h)		152		743					0	374	858				1325	205
Percent Heavy Vehicles (%)		3		3					3	3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No												No		
Median Type | Storage		Left Only								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		160		782						394						
Capacity, c (veh/h)		3		381						397						
v/c Ratio		53.62		2.05						0.99						
95% Queue Length, Q_{95} (veh)		22.3		55.4						12.0						
95% Queue Length, Q_{95} (ft)		570.9		1418.2						307.2						
Control Delay (s/veh)		26059.8		506.0						76.0						
Level of Service (LOS)		F		F						F						
Approach Delay (s/veh)		4845.9								23.1						
Approach LOS		F								C						

2027 PM PEAK HOUR ANALYSIS
WITH PROJECT

HCS Two-Way Stop-Control Report

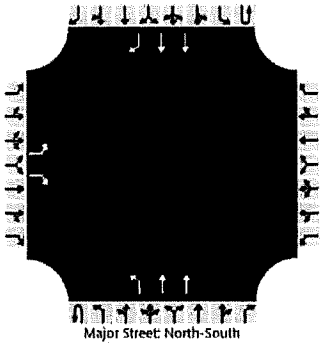
General Information

Analyst	tbt
Agency/Co.	q
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	PM Peak Hour With Project
Intersection Orientation	North-South
Project Description	Diplomat House

Site Information

Intersection	US 41/Diplomat Pkwy
Jurisdiction	FDOT/City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	US 41
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority		10	11	12		7	8	9	1U	1	2	3	4U	4	5	6
Number of Lanes		1	0	1		0	0	0	0	1	2	0	0	0	2	1
Configuration		L		R						L	T				T	R
Volume (veh/h)		174		572					0	685	1367				1171	252
Percent Heavy Vehicles (%)		3		3					3	3						
Proportion Time Blocked																
Percent Grade (%)		0														
Right Turn Channelized		No												No		
Median Type | Storage		Left Only								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		7.5		6.9						4.1						
Critical Headway (sec)		6.86		6.96						4.16						
Base Follow-Up Headway (sec)		3.5		3.3						2.2						
Follow-Up Headway (sec)		3.53		3.33						2.23						

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		183		602						721						
Capacity, c (veh/h)		0		431						439						
v/c Ratio				1.40						1.64						
95% Queue Length, Q_{95} (veh)				29.2						41.8						
95% Queue Length, Q_{95} (ft)				747.5						1070.1						
Control Delay (s/veh)				217.9						322.2						
Level of Service (LOS)				F						F						
Approach Delay (s/veh)										107.6						
Approach LOS										F						

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DIPLOMAT PARKWAY @ EAST SITE ACCESS

2027 AM PEAK HOUR ANALYSIS

HCS Two-Way Stop-Control Report

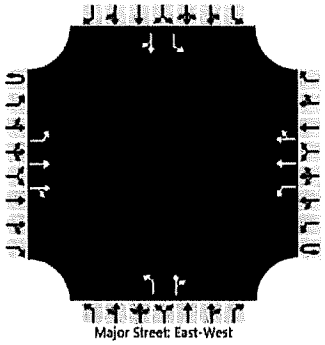
General Information

Analyst	tbt
Agency/Co.	TR Transportataion Cons.
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	AM Peak Hour
Intersection Orientation	East-West
Project Description	Diplomat House

Site Information

Intersection	Diplomat Pkwy/East Site Access
Jurisdiction	City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	E. Site Access
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	2	0	0	1	2	0		1	1	0		1	1	0
Configuration		L	T	TR		L	T	TR		L		TR		L		TR
Volume (veh/h)	0	13	567	29	0	59	480	40		17	0	37		21	0	10
Percent Heavy Vehicles (%)	1	1			1	1				1	1	1		1	1	1
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized																
Median Type | Storage		Left + Thru								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.5	6.5	6.9		7.5	6.5	6.9
Critical Headway (sec)		4.12				4.12				7.52	6.52	6.92		7.52	6.52	6.92
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.21				2.21				3.51	4.01	3.31		3.51	4.01	3.31

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		14				62				18		39		22		11
Capacity, c (veh/h)		1025				957				351		685		339		727
v/c Ratio		0.01				0.06				0.05		0.06		0.07		0.01
95% Queue Length, Q_{95} (veh)		0.0				0.2				0.2		0.2		0.2		0.0
95% Queue Length, Q_{95} (ft)		0.0				5.0				5.0		5.0		5.0		0.0
Control Delay (s/veh)		8.6				9.0				15.8		10.6		16.4		10.0
Level of Service (LOS)		A				A				C		B		C		B
Approach Delay (s/veh)		0.2				0.9				12.2				14.3		
Approach LOS		A				A				B				B		

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2027 PM PEAK HOUR ANALYSIS

HCS Two-Way Stop-Control Report

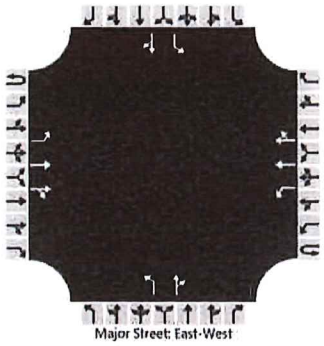
General Information

Analyst	tbt
Agency/Co.	TR Transportataion Cons.
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	PM Peak Hour
Intersection Orientation	East-West
Project Description	Diplomat House

Site Information

Intersection	Diplomat Pkwy/East Site Access
Jurisdiction	City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	E. Site Access
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	2	0	0	1	2	0		1	1	0		1	1	0
Configuration		L	T	TR		L	T	TR		L		TR		L		TR
Volume (veh/h)	0	32	523	71	0	138	709	90		67	0	150		73	0	41
Percent Heavy Vehicles (%)	1	1			1	1				1	1	1		1	1	1
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized																
Median Type | Storage		Left + Thru								2						

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.5	6.5	6.9		7.5	6.5	6.9
Critical Headway (sec)		4.12				4.12				7.52	6.52	6.92		7.52	6.52	6.92
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.21				2.21				3.51	4.01	3.31		3.51	4.01	3.31

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		34				145				71		158		77		43
Capacity, c (veh/h)		797				959				227		686		165		584
v/c Ratio		0.04				0.15				0.31		0.23		0.46		0.07
95% Queue Length, Q_{95} (veh)		0.1				0.5				1.3		0.9		2.2		0.2
95% Queue Length, Q_{95} (ft)		2.5				12.6				32.8		22.7		55.4		5.0
Control Delay (s/veh)		9.7				9.4				27.8		11.8		44.4		11.7
Level of Service (LOS)		A				A				D		B		E		B
Approach Delay (s/veh)		0.5				1.4				16.8				32.6		
Approach LOS		A				A				C				D		

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DIPLOMAT PARKWAY @ WEST SITE ACCESS

2027 AM PEAK HOUR ANALYSIS

HCS Two-Way Stop-Control Report

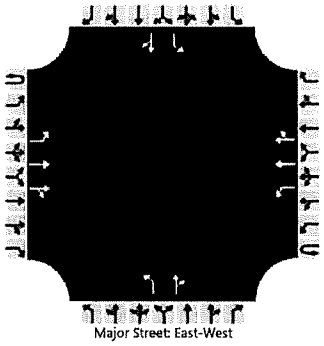
General Information

Analyst	tbt
Agency/Co.	TR Transportataion Cons.
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	AM Peak Hour
Intersection Orientation	East-West
Project Description	Diplomat House

Site Information

Intersection	Diplomat Pkwy/West Site Access
Jurisdiction	City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	W. Site Access
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	2	0	0	1	2	0		1	1	0		1	1	0
Configuration		L	T	TR		L	T	TR		L		TR		L		TR
Volume (veh/h)	0	32	477	6	0	12	425	70		20	0	49		83	0	37
Percent Heavy Vehicles (%)	1	1			1	1				1	1	1		1	1	1
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized																
Median Type | Storage		Left + Thru								1						

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.5	6.5	6.9		7.5	6.5	6.9
Critical Headway (sec)		4.12				4.12				7.52	6.52	6.92		7.52	6.52	6.92
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.21				2.21				3.51	4.01	3.31		3.51	4.01	3.31

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		34				13				21		52		87		39
Capacity, c (veh/h)		1048				1060				341		748		356		741
v/c Ratio		0.03				0.01				0.06		0.07		0.25		0.05
95% Queue Length, Q_{95} (veh)		0.1				0.0				0.2		0.2		0.9		0.2
95% Queue Length, Q_{95} (ft)		2.5				0.0				5.0		5.0		22.7		5.0
Control Delay (s/veh)		8.5				8.4				16.2		10.2		18.4		10.1
Level of Service (LOS)		A				A				C		B		C		B
Approach Delay (s/veh)		0.5				0.2				11.9				15.8		
Approach LOS		A				A				B				C		

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2027 PM PEAK HOUR ANALYSIS

HCS Two-Way Stop-Control Report

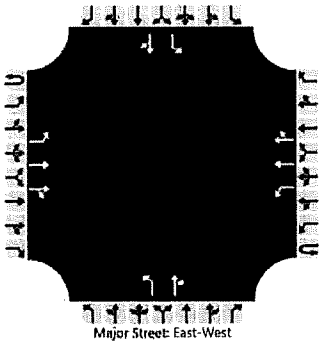
General Information

Analyst	tbt
Agency/Co.	TR Transportataion Cons.
Date Performed	3/4/2024
Analysis Year	2027
Time Analyzed	PM Peak Hour
Intersection Orientation	East-West
Project Description	Diplomat House

Site Information

Intersection	Diplomat Pkwy/West Site Access
Jurisdiction	City of Cape Coral
East/West Street	Diplomat Pkwy
North/South Street	W. Site Access
Peak Hour Factor	0.95
Analysis Time Period (hrs)	0.25

Lanes



Vehicle Volumes and Adjustments

Approach	Eastbound				Westbound				Northbound				Southbound			
Movement	U	L	T	R	U	L	T	R	U	L	T	R	U	L	T	R
Priority	1U	1	2	3	4U	4	5	6		7	8	9		10	11	12
Number of Lanes	0	1	2	0	0	1	2	0		1	1	0		1	1	0
Configuration		L	T	TR		L	T	TR		L		TR		L		TR
Volume (veh/h)	0	80	426	20	0	58	584	175		12	0	33		167	0	77
Percent Heavy Vehicles (%)	1	1			1	1				1	1	1		1	1	1
Proportion Time Blocked																
Percent Grade (%)										0				0		
Right Turn Channelized																
Median Type | Storage		Left + Thru								1						

Critical and Follow-up Headways

Base Critical Headway (sec)		4.1				4.1				7.5	6.5	6.9		7.5	6.5	6.9
Critical Headway (sec)		4.12				4.12				7.52	6.52	6.92		7.52	6.52	6.92
Base Follow-Up Headway (sec)		2.2				2.2				3.5	4.0	3.3		3.5	4.0	3.3
Follow-Up Headway (sec)		2.21				2.21				3.51	4.01	3.31		3.51	4.01	3.31

Delay, Queue Length, and Level of Service

Flow Rate, v (veh/h)		84				61				13		35		176		81
Capacity, c (veh/h)		826				1096				216		770		217		603
v/c Ratio		0.10				0.06				0.06		0.05		0.81		0.13
95% Queue Length, Q_{95} (veh)		0.3				0.2				0.2		0.1		6.0		0.5
95% Queue Length, Q_{95} (ft)		7.6				5.0				5.0		2.5		151.2		12.6
Control Delay (s/veh)		9.9				8.5				22.7		9.9		67.8		11.9
Level of Service (LOS)		A				A				C		A		F		B
Approach Delay (s/veh)		1.5				0.6				13.3				50.2		
Approach LOS		A				A				B				F		

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TRIP GENERATION EQUATIONS

Single-Family Detached Housing
(210)

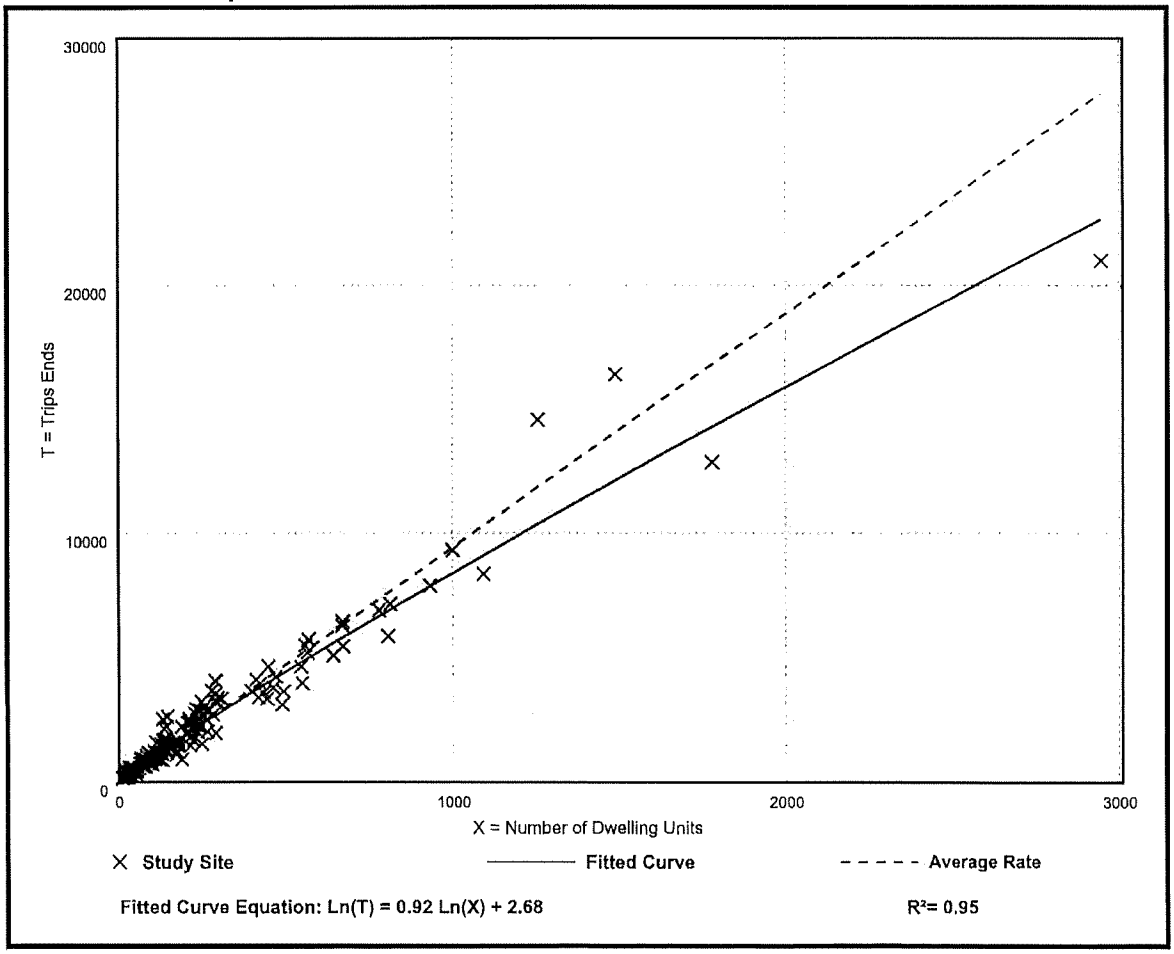
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 174
Avg. Num. of Dwelling Units: 246
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
9.43	4.45 - 22.61	2.13

Data Plot and Equation



Fitted Curve Equation: Ln(T) = 0.92 Ln(X) + 2.68

R^2= 0.95

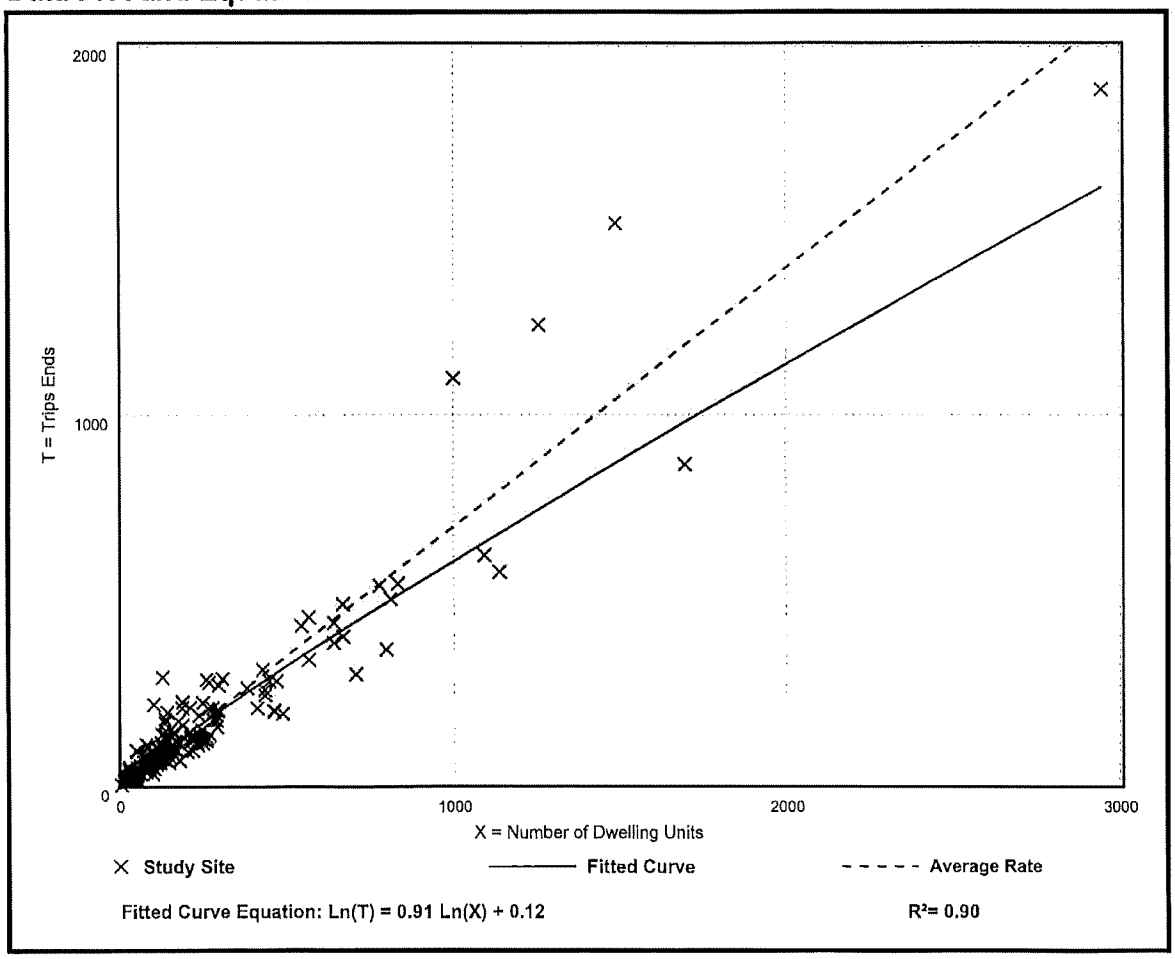
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



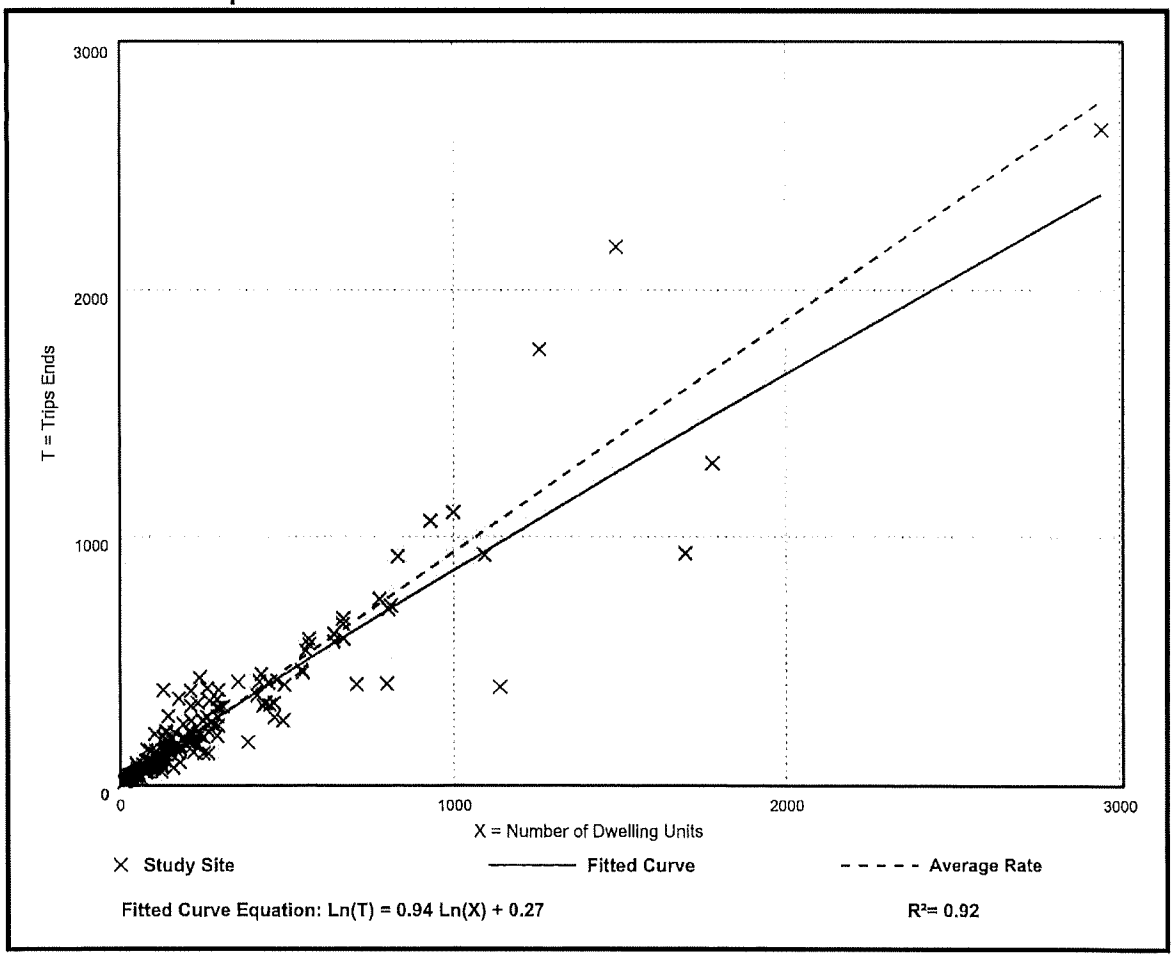
Single-Family Detached Housing
(210)

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



Fitted Curve Equation: Ln(T) = 0.94 Ln(X) + 0.27

R^2= 0.92

Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

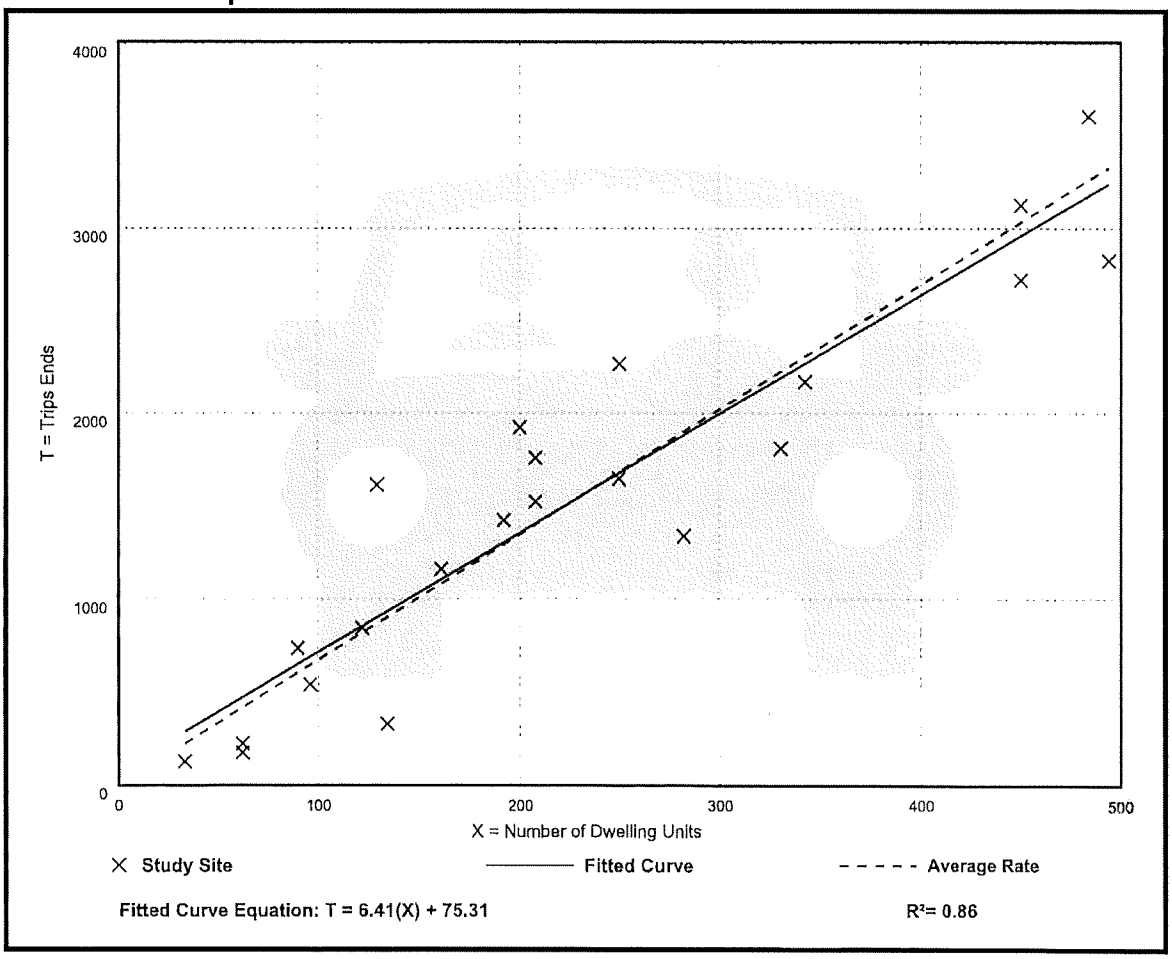
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 22
Avg. Num. of Dwelling Units: 229
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
6.74	2.46 - 12.50	1.79

Data Plot and Equation



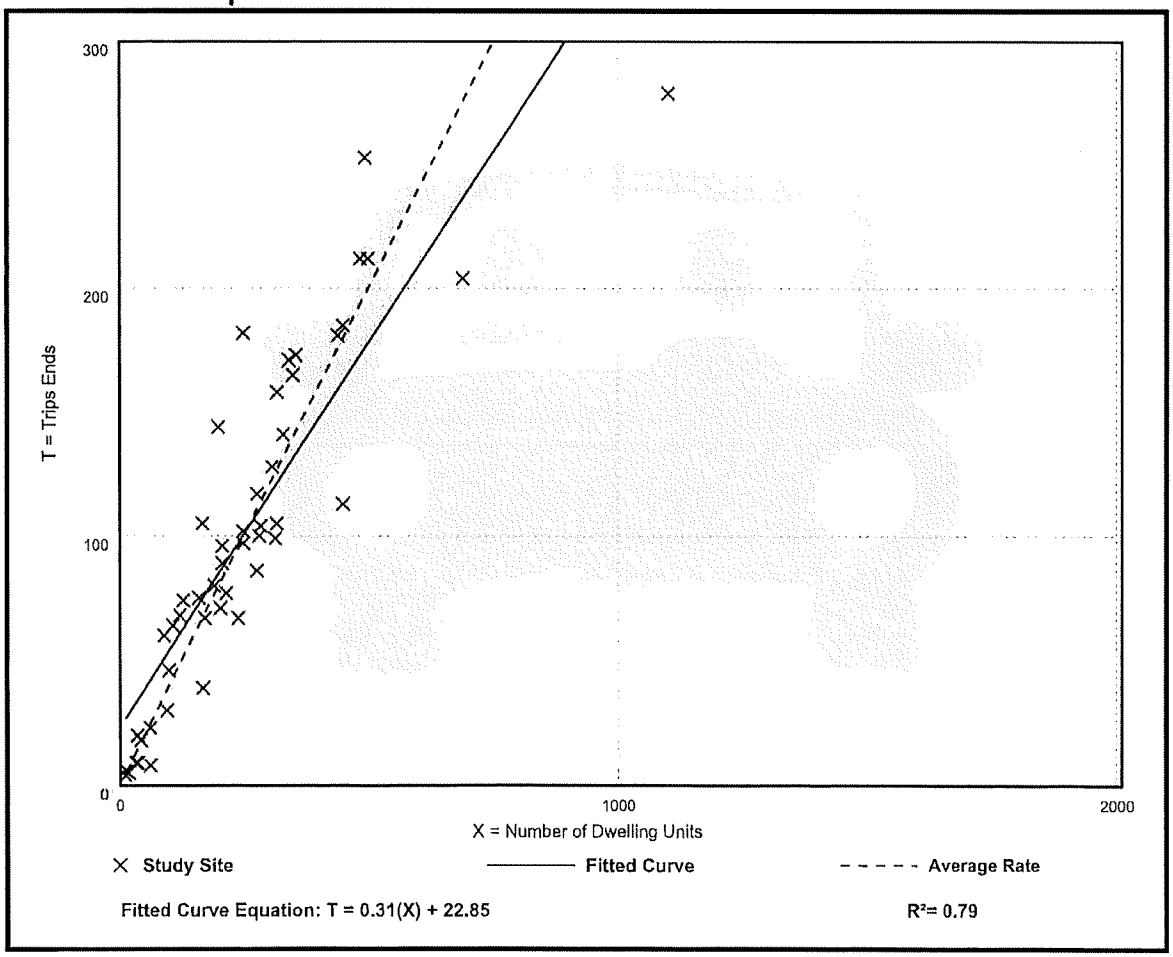
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 49
Avg. Num. of Dwelling Units: 249
Directional Distribution: 24% entering, 76% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.40	0.13 - 0.73	0.12

Data Plot and Equation



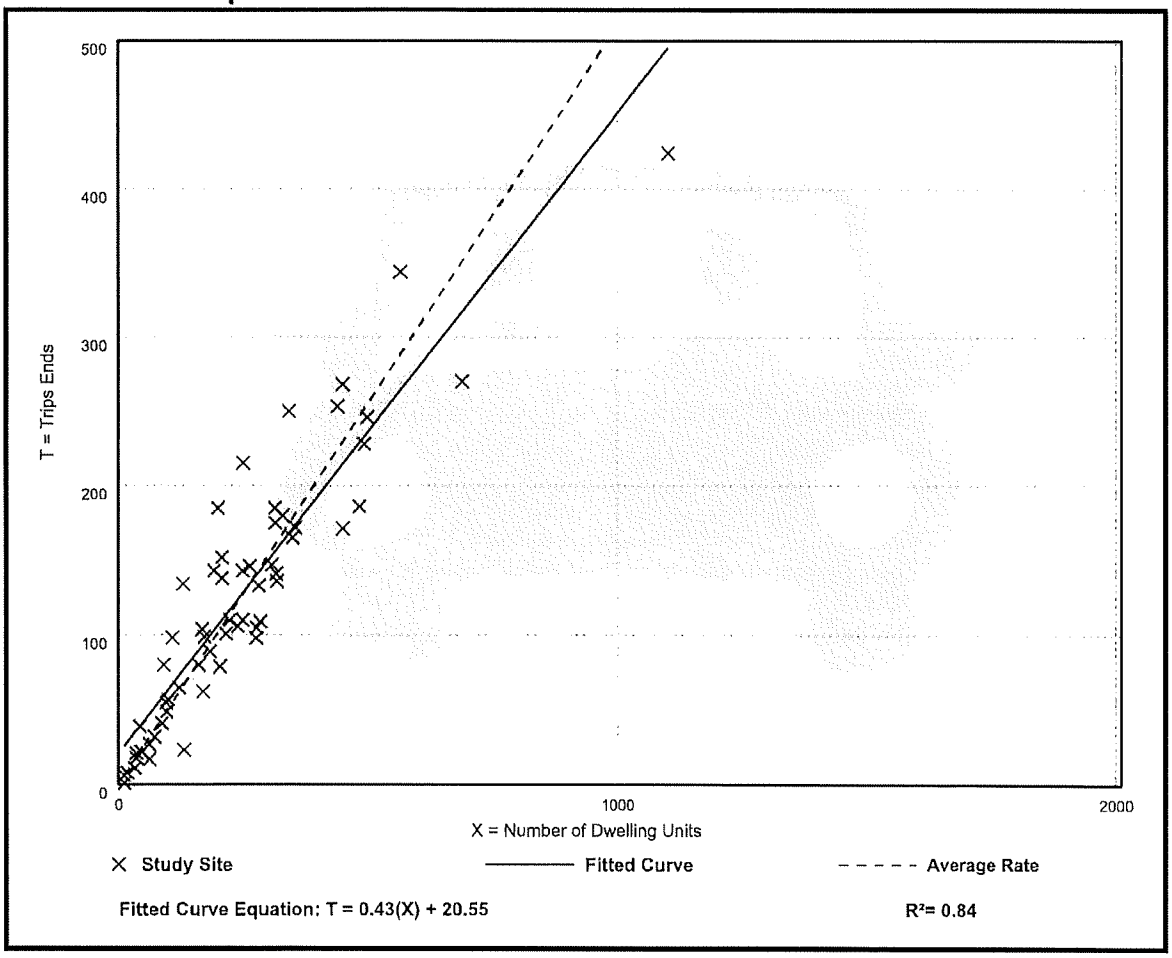
Multifamily Housing (Low-Rise)
Not Close to Rail Transit (220)

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



Medical-Dental Office Building - Stand-Alone (720)

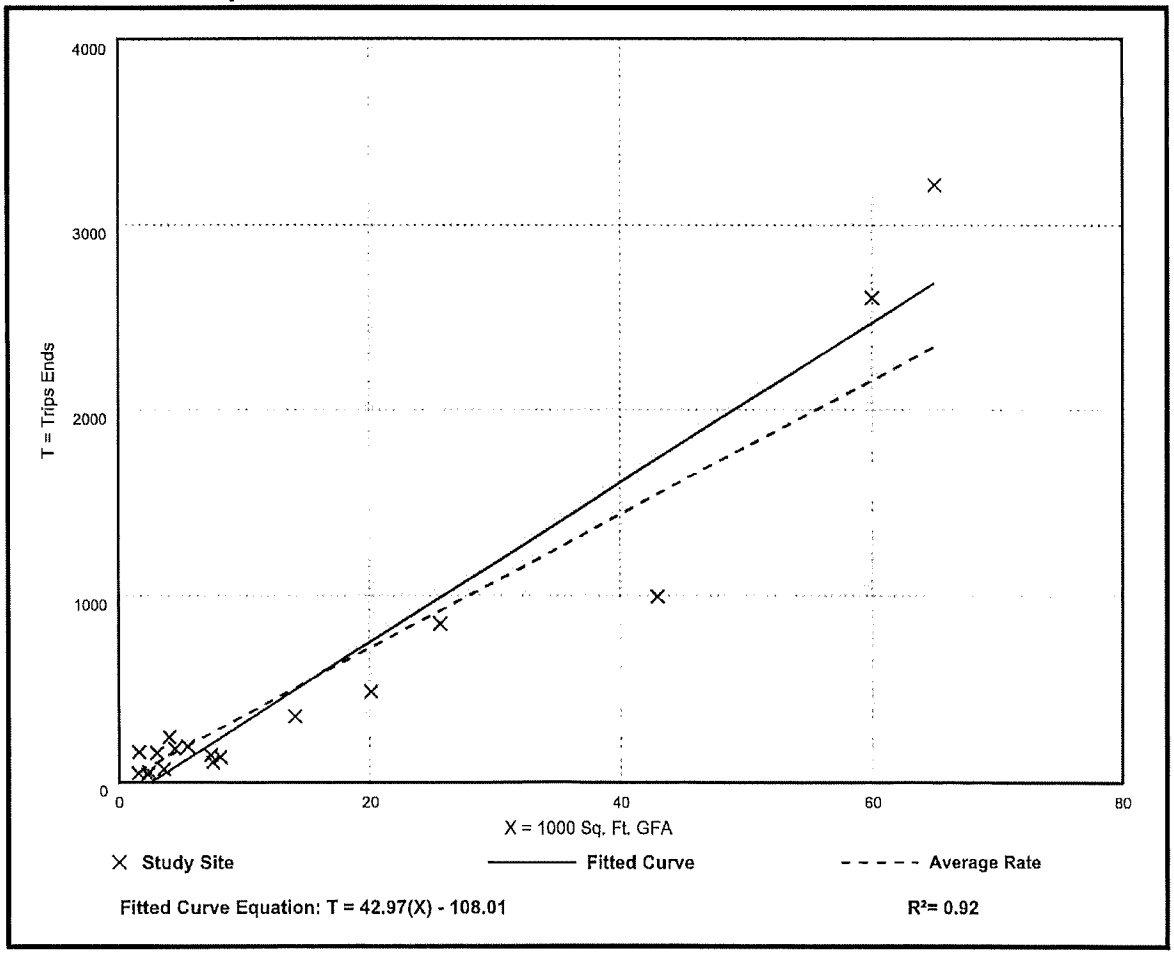
Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday

Setting/Location: General Urban/Suburban
Number of Studies: 18
Avg. 1000 Sq. Ft. GFA: 15
Directional Distribution: 50% entering, 50% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
36.00	14.52 - 100.75	13.38

Data Plot and Equation



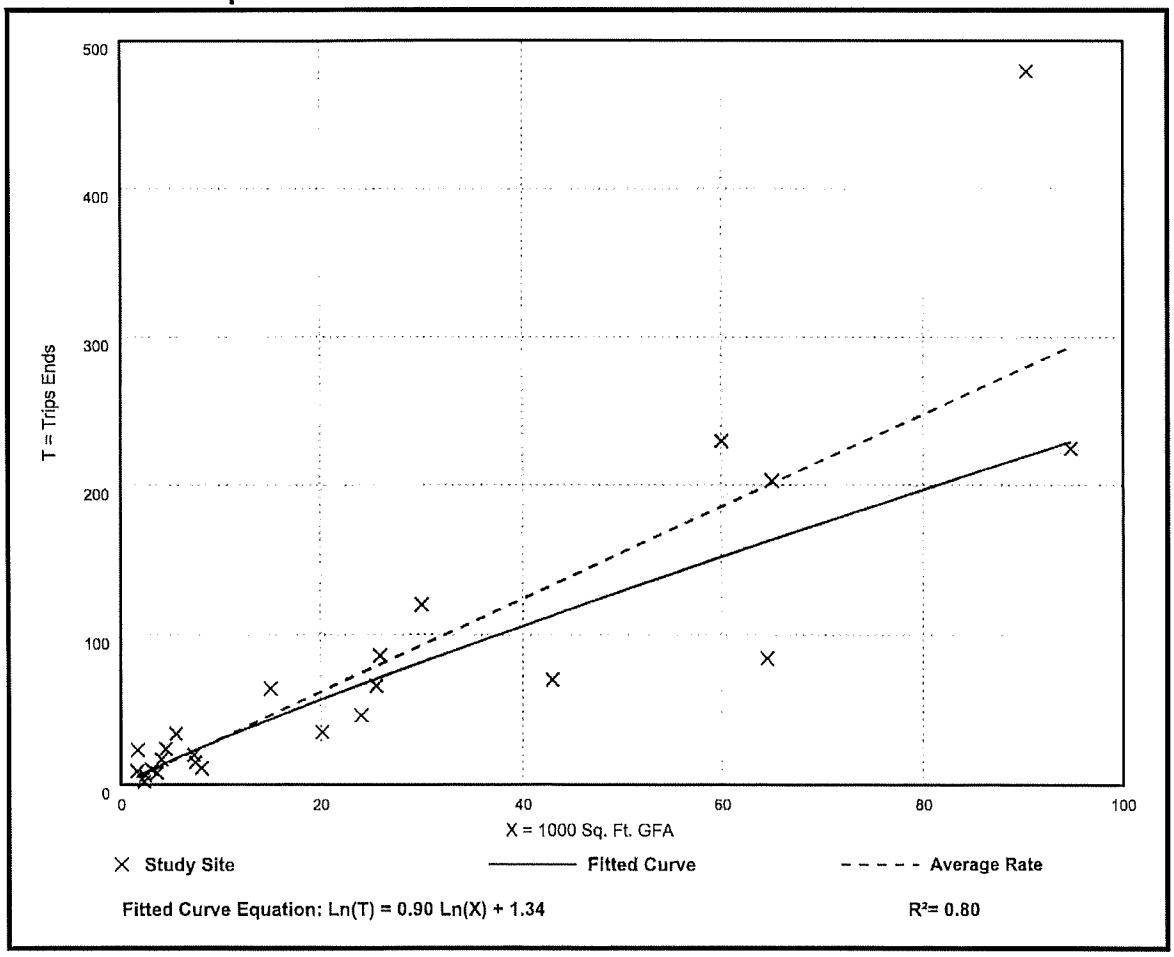
Medical-Dental Office Building - Stand-Alone
(720)

Vehicle Trip Ends vs: 1000 Sq. Ft. GFA
On a: Weekday,
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: General Urban/Suburban
Number of Studies: 24
Avg. 1000 Sq. Ft. GFA: 25
Directional Distribution: 79% entering, 21% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.10	0.87 - 14.30	1.49

Data Plot and Equation



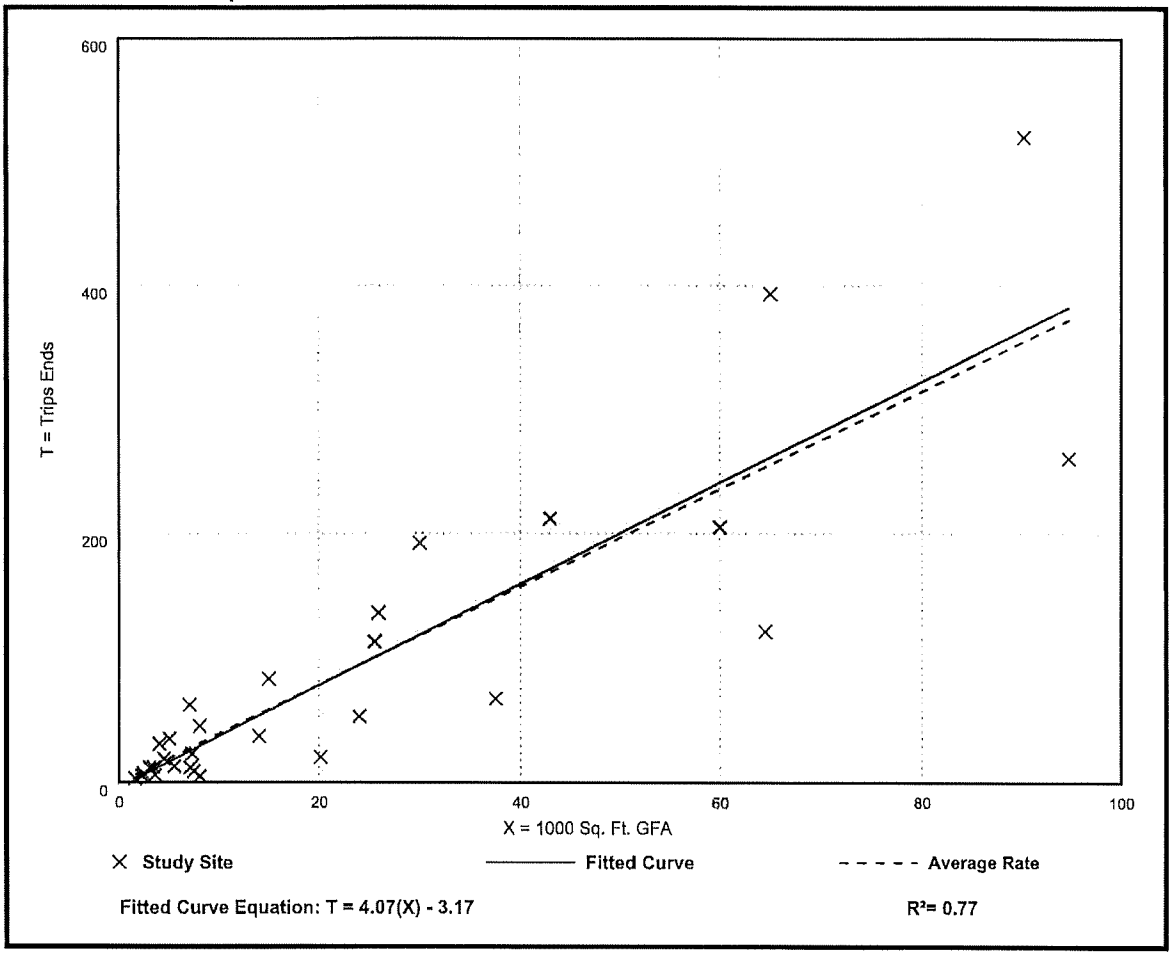
Medical-Dental Office Building - Stand-Alone
(720)

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: 30
Avg. 1000 Sq. Ft. GFA: 23
Directional Distribution: 30% entering, 70% exiting

Vehicle Trip Generation per 1000 Sq. Ft. GFA

Average Rate	Range of Rates	Standard Deviation
3.93	0.62 - 8.86	1.86

Data Plot and Equation



ATTACHMENT I

DEPARTMENT OF TRANSPORTATION

Memo

To: Dirk Danley Jr., Planner, Principal

From: Md Rakibul Alam, Principal Transportation Planner

Date: May 25, 2024

Subject: Diplomat North RPD Amendment (DCI2023-00050) Transportation-Related Analysis

Proposed Development

This application requests to amend 35.18± acres of the Diplomat North RPD/CPD from the Z-11-002/ADD2019-00085 approvals to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; to allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed-Use Overlay.

Site Location

The property under consideration is situated west of its intersection with U.S. 41 in the North Fort Myers area of Lee County, Florida.

Site Access

Access to the subject site will be provided to Diplomat Parkway (arterial maintained by the City of Cape Coral) via two full-site access locations.

Trip Generation Review

The trip generation for the proposed development was determined by referencing the Institute of Transportation Engineer's (ITE) Trip Generation 11th Edition Report. Table 1 outlines the proposed project's trip generation for weekday AM and PM peak hours and daily traffic volumes.

Table 1: Trip Generation

Land Use	Weekday A.M Peak Hour			Weekday P.M Peak Hour			Daily
	In	Out	Total	In	Out	Total	(2-Way)
Multifamily (360 Units)	23	74	97	77	46	123	1,601
Single Family (126 Units)	23	69	92	78	45	123	1,248
Commercial - North (118,000 sq. ft.)	127	77	204	300	312	612	7,967
Commercial - North (82,000)	88	54	142	209	217	426	5,537
Less Pass-By: Commercial - North	-31	-31	-62	-92	-92	-184	-2,390
Less Pass-By: Commercial – South	-21	-21	-42	-64	-64	-128	-1,661
Total Net New Trips	209	222	431	508	464	972	12,302

Roadway Section Traffic Operation Level of Service Analysis

New trips related to the subject case were distributed across the surrounding road network to assess their impact on the Level of Service (LOS) in arterial/collector road sections most affected by the proposed development. According to Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" signifies a 10% or more reduction in LOS "C" service volumes at build-out.

The proposed development was assumed to be completed by 2027 (build-out year). Therefore, the roadway links impacted by the proposed development were analyzed for the 2027 projected traffic conditions without the proposed development and with the proposed development (Table 2).

Table 2: Arterial/Collector Roadway Section(s) Adjacent to Site Expected to be impacted by the Proposed Development

Roadway	Location	Level of Service	
		Future (2027)	Future (2027) + Project
US 41	N. Diplomat Pkwy	C	C
	S. Diplomat Pkwy	C	D
Diplomat Pkwy	W. of US 41	C	C
	W. of Site	C	C

During the local development order review, proposed projects will be reviewed to determine the required site-related traffic improvements to the nearby roadway(s).

Roadway Intersection Traffic Operation Level of Service Analysis

New trip assignments were made to the surrounding road network to evaluate Level of Service (LOS) impacts as necessary at site entrances, intersections within the vicinity of site entrances, and intersections anticipated to be most affected by the proposed development. Following Administrative Code AC-13-17 Traffic Study Guidelines for Planned Development Rezonings, a "significant impact" is characterized by a 10% or greater increase in the total peak-hour intersection volume (sum of all four approaches) upon project completion. Table 3 describes the site accesses and intersections that are expected to be impacted by the proposed zoning along with their corresponding pre- and post-project built-out level of service.

Table 3: Roadway Intersection(s) Immediately Adjacent to Subject Site Expected to be Impacted by Proposed Development

Intersection	Traffic Control	Peak Hour	Level of Service	
			Furure (2027)	Future (2027) + Project
US 41 & Diplomat Pkwy	Stop-Controlled	AM	F	F
		PM	F	F
Diplomat Pkwy & East Site Access	Stop-Controlled	AM	-	B
		PM	-	D
Diplomat Pkwy & West Site Access	Stop-Controlled	AM	-	C
		PM	-	F

At the time of the local development order review, the proposed project will be further reviewed to determine what, if any, site-related traffic improvements to the nearby roadway network are required.

Conclusion

The proposed project is not anticipated to adversely affect the surrounding roadway system. However, It must be noted that site access at Diplomat Parkway is subject to the City of Cape Coral's approval.

ATTACHMENT J

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who 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 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-81-11 Z

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet.
Maximum Building Height:	35 feet/ 3 stories
Maximum Lot Coverage:	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

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DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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APR 27 2011
COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4007

Applicant's Legal Checked
by 11/08/06 CSJ

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	860827.83	886334.48
NE#2	858389.35	886893.18
NE#3	856228.53	888316.53
NE#4	858231.52	887602.01
NE#5	858231.43	887562.01
NE#6	856830.51	887178.84
NE#7	856329.16	886612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°28'24"	120.67'	108.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

POINT OF COMMENCEMENT

LITTLETON ROAD (50' WIDE)

SOUTHERLY RIGHT-OF-WAY LINE

RECEIVED

APR 27 2011

COMMUNITY DEVELOPMENT

PROPOSED NORTH RPD ZONING PARCEL

35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL

1.48± AC.

257.48' N 89°51'48" E

NE#8

N 89°51'48" E 1145.24'

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH P.O.C. POINT "B"

PROPOSED NORTH CPD ZONING PARCEL

8.78± AC.

S 89°51'48" W 1484.79'

NORTHERLY RIGHT-OF-WAY

P.O.B. NORTH CPD ZONING PARCEL NE#1

S 89°54'50" E 500.85'

POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

U.S. 41 (S.R. 45, A.K.A. TAMIAMI TRAIL)(200' WIDE)

WESTERLY RIGHT-OF-WAY LINE

S 03°25'50" W 2338.37'(D) 2337.35'(M)

P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7

SOUTHERLY RIGHT-OF-WAY

P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL (O.R. 2833, PG. 4156)

S 89°51'48" W 383.07'

NE#6

DIPLOMAT PARKWAY (100' WIDE)

N 89°51'48" E 575.20'

NE#5

P.O.B. SOUTH CPD ZONING PARCEL NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL

1.22± AC.

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4

PROPOSED SOUTH CPD ZONING PARCEL

6.00± AC.

N 00°08'12" W 274.66'

S 03°25'50" W 429.00'

N 86°33'36" W 487.83'

(O.R. 2833, PG. 4156)

PROPOSED SOUTH RPD ZONING PARCEL

12.47± AC

N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

NOTES:

1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

P.O.C.	INDICATES POINT OF COMMENCEMENT
P.O.B.	INDICATES POINT OF BEGINNING
O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
P.B.	INDICATES PLAT BOOK
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 2, 2006.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

9118 NORTHBROOKE PLAZA DRIVE - SUITE 200

NAPLES, FLORIDA 34119

(239) 597-2061

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20s\2007\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bischschmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 2 ? 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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APR 27 2011
COMMUNITY DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSS 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856562.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855613.31	686731.56

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S 89°54'50" E 1231.65'
N 00°25'50" W 745.18'
NE#2 N 85°23'00" E 335.22'
N 00°20'36" W 705.76'
S 03°25'50" W 1023.15'
N 03°25'50" E
S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE
U.S. 41 (a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC

(O.R. 1972, PG. 335)

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

POINT OF BEGINNING
NORTH RPD PARCEL
NE#1

S 89°51'48" W 257.48'
S 89°51'48" W 1145.24'
53.49'
N 89°34'50" W 500.85'
N 00°08'12" W 250.00'
S 00°08'12" E 250.00'
L9

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC

NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

DIPLOMAT PARKWAY
100'
S 03°25'50" W 728.95'

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

L7 L6 L8 C2 L2 L3 L1

50' DRAINAGE EASEMENT
O.R. 237, PG. 564 & 565)
N 26°33'51" W 666.39'

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'

POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NE#4
N 86°34'10" W 747.11'

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4909

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006.

SKETCH

by CSJ 11/6/06

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2316 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-8061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\2006\06128\SURVEY\Descriptions\Zoning\06128_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Biehschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map

DCI2010-00015

Mapped:4/29/11

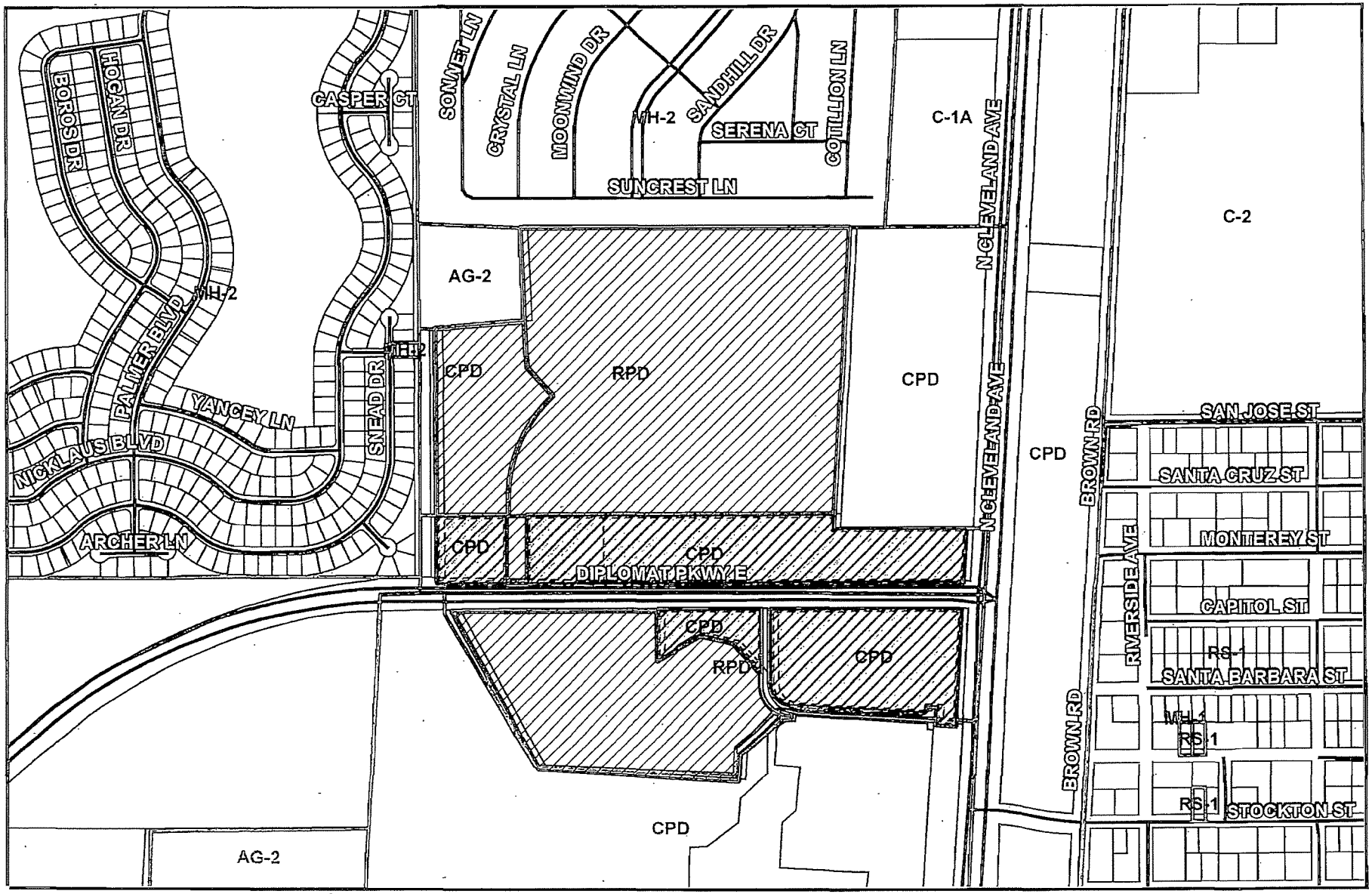


EXHIBIT "B"

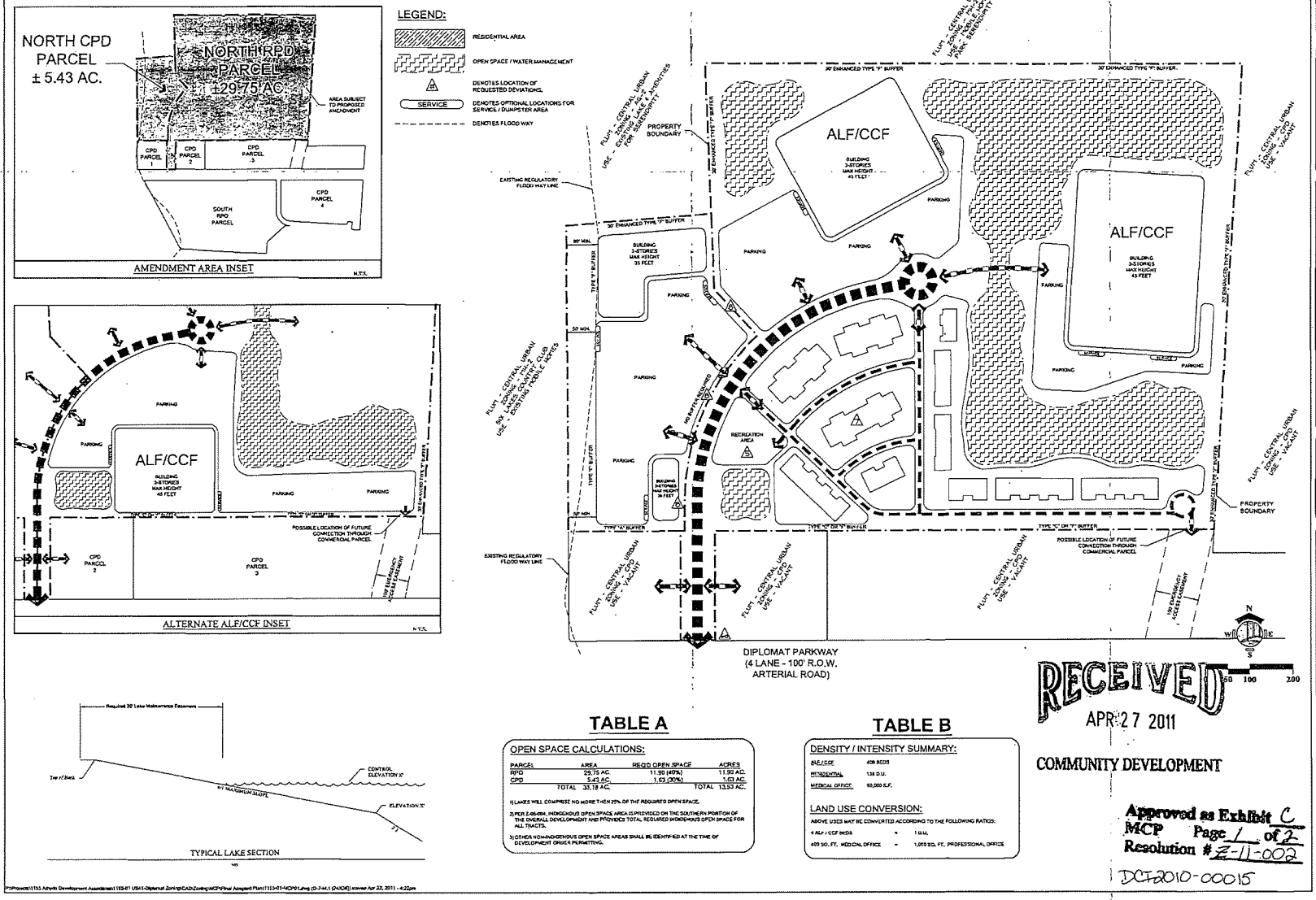


TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
	TOTAL 35.18 AC.		TOTAL 13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-084, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF/CCF	409 BEDS	
RESIDENTIAL	139 D.U.	
MEDICAL OFFICE	60,000 S.F.	

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002

DCT2010-00015

ensite

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)
Project Line 3

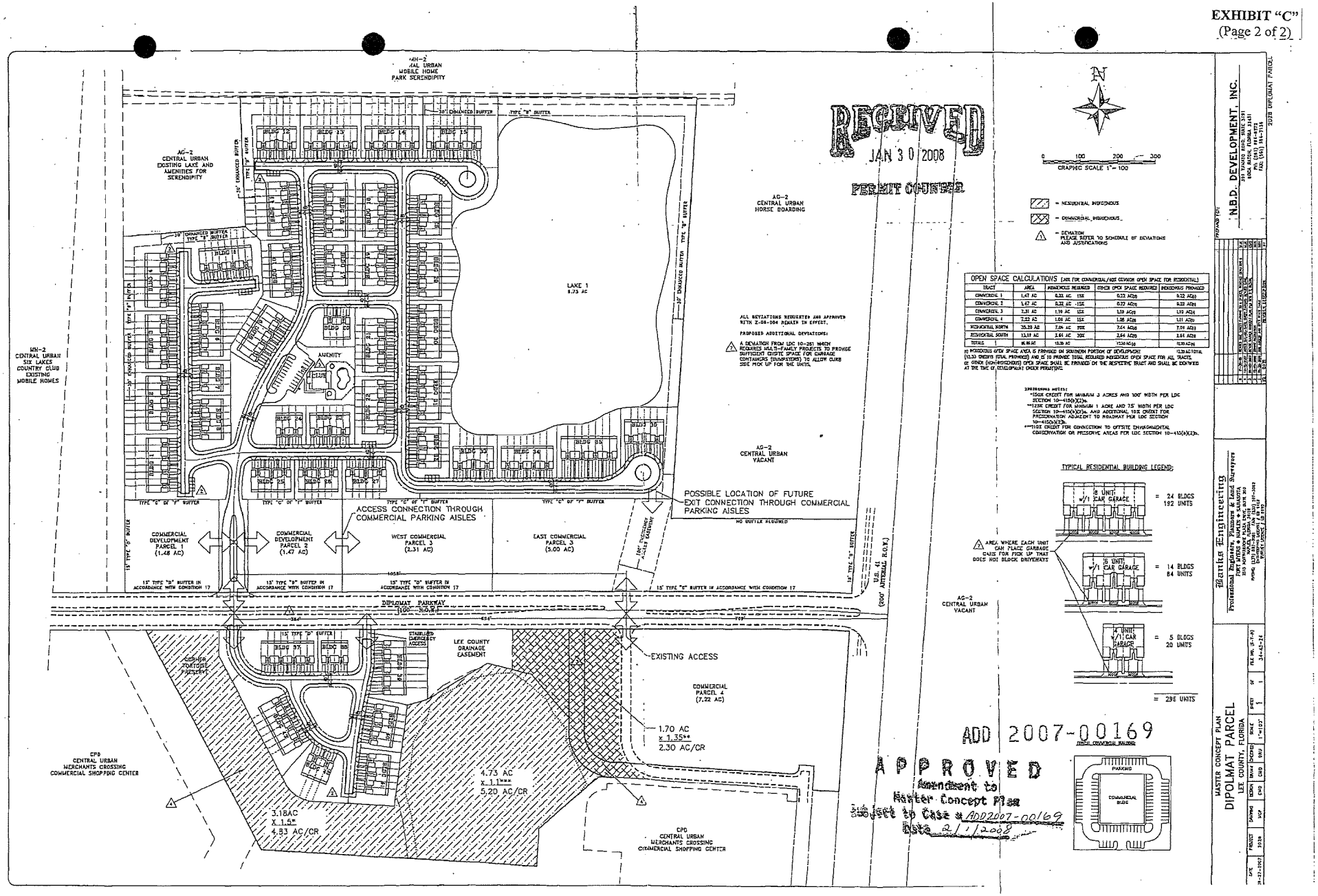
REVISIONS

NO.	DESCRIPTION	DATE
R1	Revised per Ann Dorfy sufficiency comments dated 04-06-10	4-23-10
R2	Revised per lee county sufficiency comments dated 10-11-10	10-22-10
R3	Revised per lee county comments	12-17-10
R4	Revised per NSE conditions and conditions	1-31-11
R5	Final Accepted Plan	4-20-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO. 1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1



MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

N.B.D. DEVELOPMENT, INC.
Wantia Engineering
Professional Engineers, Planners & Land Surveyors

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00085

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Habitat Diplomat North, LLC filed an application for an administrative amendment to a Residential Planned Development and Commercial Planned Development on a project known as Diplomat North to clarify Condition 1 of Resolution Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel on property located North of Diplomat Parkway East, North Fort Myers Planning Community; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 34-43-24-00-00001.3030 (see Exhibit "A"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category and Mixed Use Overlay as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-06-004 (with subsequent amendments in case number ADD2007-00169 and Resolution Z-11-002); and

WHEREAS, Zoning Resolution Z-06-004 approved a rezoning of the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and 120 hotel rooms on property north and south of Diplomat Parkway East (see Exhibit "E"); and

WHEREAS, ADD2007-00169 approved amendments to the Master Concept Plan (MCP) and property development regulations pertaining to lot areas and dimensions for townhouse dwelling unit types with one deviation from required on-site space for the placement of garbage and recycling containers or receptacles (see Exhibit "D") and

WHEREAS, Zoning Resolution Z-11-002 approved an amendment to Resolution Z-06-005 (as amended by ADD2007-00169) to permit an optional Assisted Living Facility (ALF)/Continuing Care Facility (CCF) and standard dwelling units with up to 50,000 square feet of medical office for the northerly 35.2 acre RPD portion of the project (north of Diplomat Parkway East (see Exhibit "C"); and

WHEREAS, Condition 1 of Resolution Z-11-002 notes "the portion of the project on the north side of Diplomat parkway includes Commercial Development parcels 1, 2 and 3 (West 3 and East 3). It also includes 29.75 acres that may be developed either as an RPD or ALF/CCF, with or without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel"; and

WHEREAS, Condition 1 also states development must be substantially consistent with the 1-page Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)" AND the 1-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Parcel, Lee County, Florida"; and

WHEREAS, the 5.43-acre North CPD Parcel is identified on the amendment area inset map depicted on the Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)"; and

WHEREAS, both Master Concept Plans depict the 35.2± acres of land north of Diplomat Parkway East with alternate development scenarios as follows:

- ALF/CCF, Medical Office and Standard Residential Units (Z-11-002); or
- ALF/CCF and Medical Office (Z-11-002 Alternate ALF/CCF Inset); or
- Solely Standard Residential Units (ADD2007-00169); and

WHEREAS, Condition 1 of Z-11-002 as written is unclear that the intent is to allow the northerly 35.2 acres be optionally developed with RPD uses or ALF/CCF with or without commercial; and

WHEREAS, the applicant wishes to proceed with development under the Master Concept Plan approved by ADD2007-00169 (see Attachment "D") entitled "Diplomat Parcel, Lee County, Florida", without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel, which results in an overall decrease in development intensity on the subject property; and

WHEREAS, the requested amendment would be limited to clarify Condition 1 of Resolution Z-11-002; 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 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 amendment to Residential Planned Development and Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **This approval is limited to clarify Condition 1 of Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel and is hereby amended in strikethrough and underline as follows:**

   Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" ~~AND~~ OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a ~~29.75 acres~~ 35.2 acre site that may be developed either ~~as an RPD~~ with RPD uses, ~~or and~~ and/or ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43-acre North CPD Parcel.

2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

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 8/16/2019 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits
Exhibit A: Legal Description
Exhibit B: Applicant's Narrative
Exhibit C: Resolution Z-11-002
Exhibit D: Administrative Amendment ADD2007-00169
Exhibit E: Resolution Z-06-004

EXHIBIT A

CASE NUMBER: ADD2019-00085

STRAP NUMBER

34-43-24-00-00001.3030

REVIEWED
ADD2019-00085
Daniel Munt, Planner
Lee County DCD
6/18/2019

Exhibit B

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

Diplomat North Property RPD/CPD

Minor Administrative Amendment to Planned Development

Narrative of Request

Request Summary

The applicant is requesting a minor administrative amendment to the approved Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD) to codify and clarify condition 1 that the north 5.43-acre optional CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes.

The applicant has verified this interpretation with the Zoning Manager and believes that the language is clear and is requesting clarification to avoid any confusion in the future.

Background and Approval History

The subject property is located on the north side of Diplomat Parkway East, just west of its intersection with N. Cleveland Ave/U.S. 41. The site is located in the Central Urban future land use category and within the Mixed Use Overlay within the North Fort Myers planning community.

The property is a ±38-acre portion of the ±65-acre Diplomat Property RPD/CPD which received zoning approval via Zoning Resolution Z-06-004. The project was approved for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail.

The original zoning approval was later amended administratively by ADD2007-00169 which amended the Master Concept Plan, revised the site development regulations for townhouses and added a deviation to allow curbside garbage pickup.

On March 21, 2011, an amendment to the northern ±35.2-acre RPD was approved for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum 50,000 square feet of medical office space including a conversion table and an amendment to the master concept plan.

Condition 1 on page 2 of Z-11-002 states the following which the applicant submits makes it clear that residential is permitted on the north 5.43-acre optional CPD area:

- Development must be substantially consistent with the new master concept plan AND the master concept plan previously approved by ADD2007-00169

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Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

- The following text is in bold text within the resolution "NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD parcel."

Z-11-002, states that it is an amendment to the RPD/CPD and does not state anywhere that it is a rezoning a portion of the RPD to CPD. The legal descriptions attached to the resolution are the same RPD/CPD approved with the 2006 resolution and do not include a description for the north 5.43 acre CPD parcel. The 5.43 acre CPD is only depicted on the alternate MCP approved for the ALF/CCF.

ZVL2018-10080 was issued on December 21, 2018 stating that residential dwelling units were not allowed within the 5.43-acre CPD.

The ZVL determination would make the existing development order for residential development on the northern RPD (DOS2007-00255) for the property that is valid until 2023 inconsistent with the zoning since residential is not currently shown in the schedule of uses for the 5.43-acre north CPD. This was clearly not the intent of the rezoning which would be to add alternate entitlements to the property not remove existing entitlements. The alternate development plan approved by the 2011 zoning resolution never received development order approval. Residential development on the 5.43-acres would be less intense than 50,000 square feet of medical office.

A meeting was held on February 27, 2019 with Zoning staff, Zoning Manager and County Attorney's office to discuss the existing development order approval and that no paperwork to revoke the existing development order was provided during the zoning amendment. The currently approved residential development order furthers the fact that residential development is still allowed on the entire North RPD zoning area, including the 5.43-acre optional CPD.

An email was received from the Zoning Manager on March 7, 2019 that "Staff is in agreement that the 5.43 CPD area may be used for residential development as noted in Condition 1 of Z-11-002."

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area) except as permitted in chapter 2. This section of the code further specifies that "the Director may not approve a change that will: (1) Result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; (2) Result in a reduction of total open space provided on the master concept plan

by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; (3) Decrease preservation areas. Changes to buffer or landscaping areas are permitted but must provide equivalent or better (by comparison with the approved Master concept plan) landscape or buffering; or (4) Adversely impact surrounding land uses."

Conclusions

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). No changes are proposed to the existing intensity approved for the development. The request is simply to codify and clarify condition 1 that the north 5.43-acre CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes. The proposed amendment does not increase the height, density or intensity within the development; does not underutilize public resources or infrastructure, does not reduce open space, does not decrease preservation areas or buffers; and does not adversely impact surrounding land uses. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC.

Exhibit C

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who 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 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-21-11 Z

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet.
Maximum Building Height:	35 feet/ 3 stories
Maximum Lot Coverage:	45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

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MW
2011 MAY -9 PM 2:00

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

ADD2019-00085 Lee County ePlan

DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO **THE POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

Applicant's Legal Checked
by 11/08/06 CSJ

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856837.93	686334.48
NE#2	856328.35	686697.18
NE#3	855228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'31"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°28'24"	120.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'31"	128.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.88'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.63'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

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PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48' N 89°51'48" E
NE#8
244.12' N 35.02.00 W
250.00' S 00°08'12" E
253.42' S 89°51'48" W
L17

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH P.O.C.
POINT "B"
N 00°08'12" W 250.00'

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'

P.O.B. NORTH CPD ZONING PARCEL NE#1
S 89°54'50" E 500.85'

POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

U.S. 41 (S.R. 45, C.R.G. TAMIAMI TRAIL)(200' WIDE)
S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

NORTHERLY RIGHT-OF-WAY

P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7
SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156) P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL NE#5
S 89°51'48" W 383.07'

DIPLOMAT PARKWAY (100' WIDE)
N 89°51'48" E 575.20'

P.O.B. SOUTH CPD ZONING PARCEL NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4
N 00°08'12" W 274.66'

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
S 03°25'50" W 429.00'

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC

N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 2, 2006.

CSJ 11/4/08

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2618 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6990

SHEET 3 OF 3

S:\Jobs\00xx\0028\SURVEY\Descriptions\Zoning\0028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Belschmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

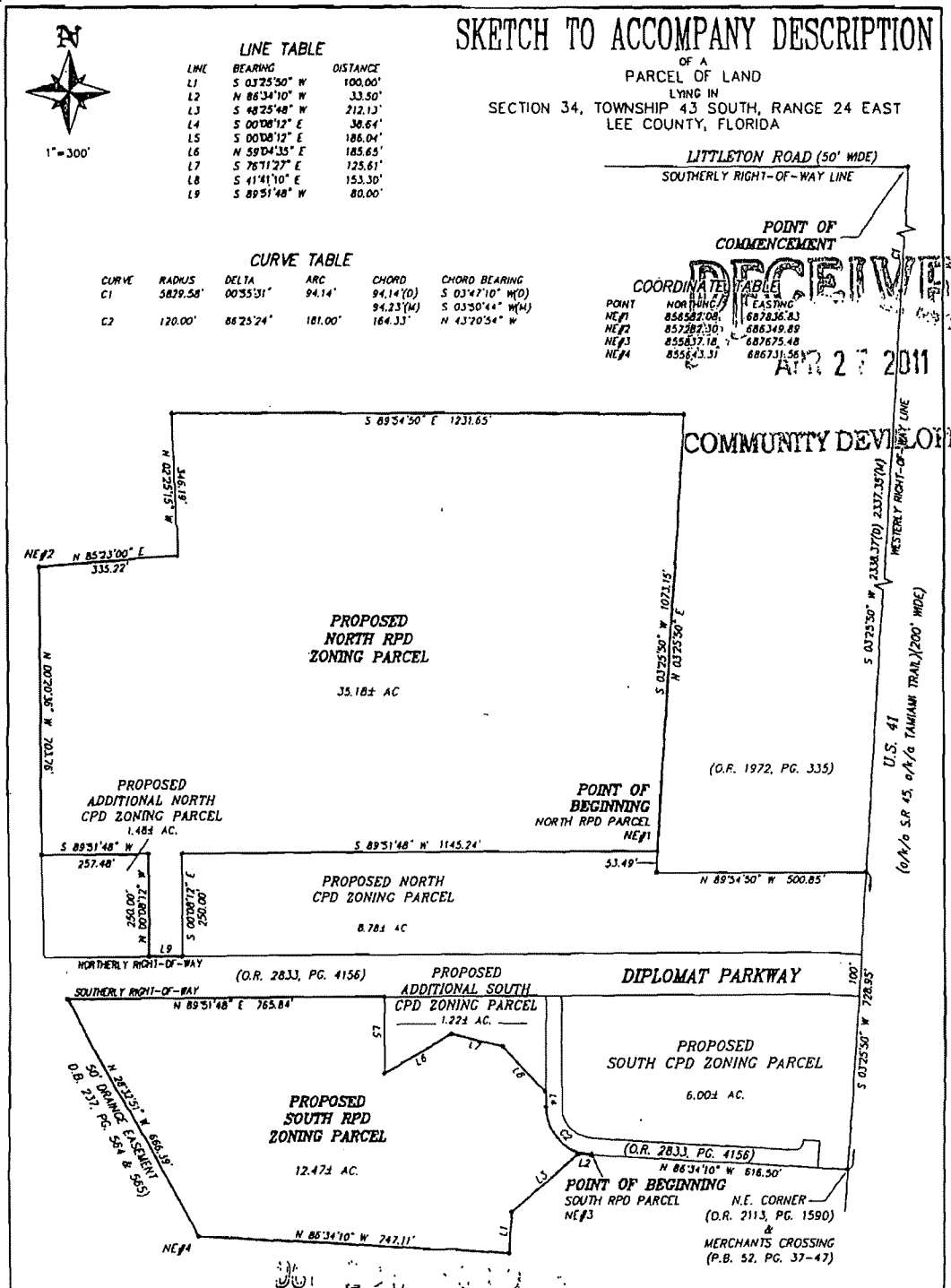
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 89°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	858582.08	687836.83
NE#2	857287.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

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COMMUNITY DEVELOPMENT

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
D.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

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PREPARED NOVEMBER 2, 2006.

SKETCH

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2510 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-3001
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20ca\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blahschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map

DCI2010-00015

Mapped:4/29/11

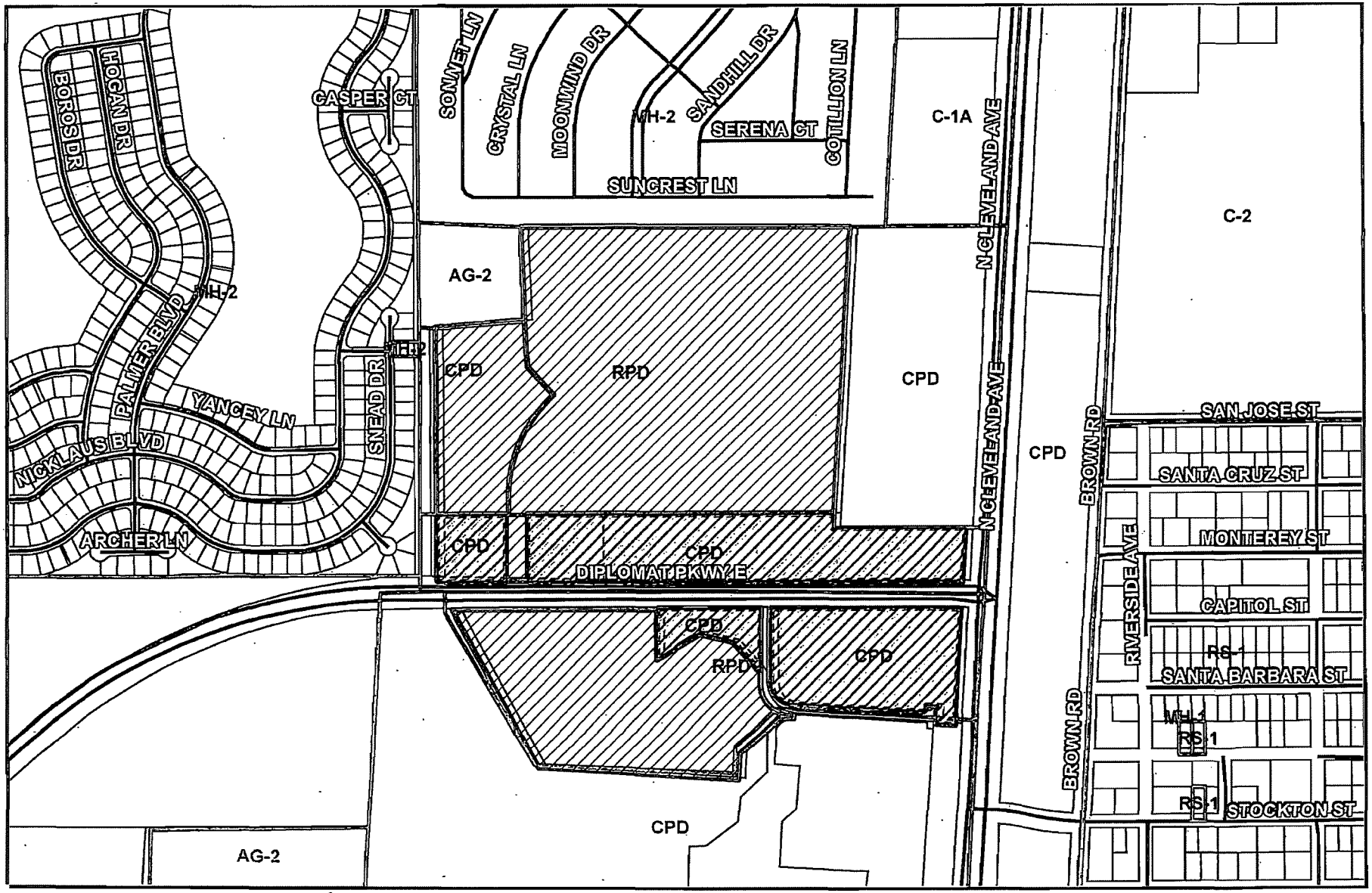


EXHIBIT "B"

ADD2019-00085 Lee County ePlan

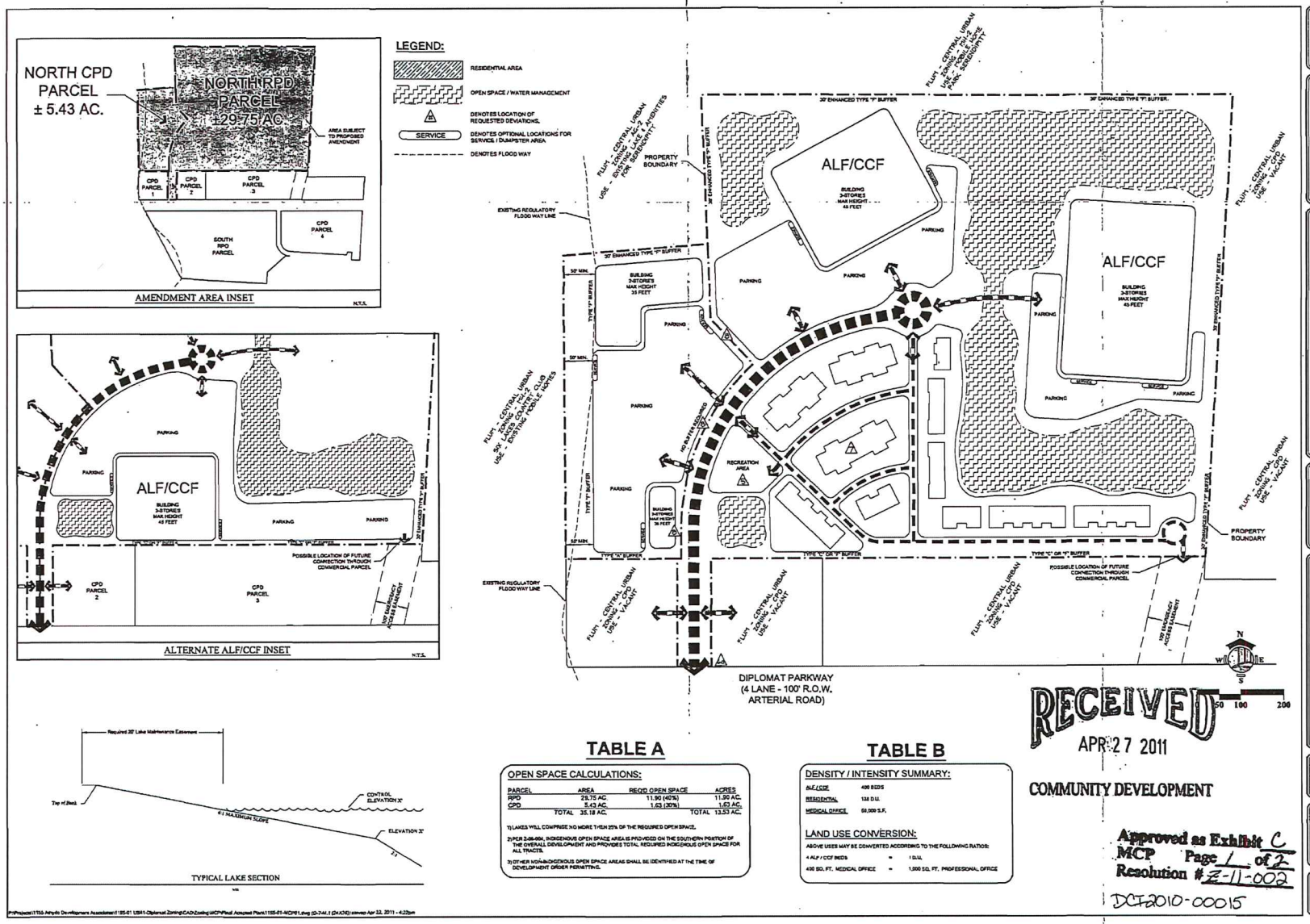


TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQD OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
TOTAL	35.18 AC.	TOTAL	13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER 2-86-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF/CCF	400 BEDS
RESIDENTIAL	132 D.U.
MEDICAL OFFICE	68,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIO:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

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COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite
2901 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
PH: (239) 334-4884 • FX: (239) 278-9916
CA: 29000074

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD
(NORTH PARCEL)
Project Line 3

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 09-06-10	9-22-10
R2	Revised per lee county sufficiency comments dated 12-13-10	12-13-10
R3	Revised per lee county comments	1-3-11
R4	Revised per F&E comments and conditions	1-3-11
R5	Final Adopted Plan	4-22-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO. 1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

EXHIBIT "C"
(Page 1 of 2)

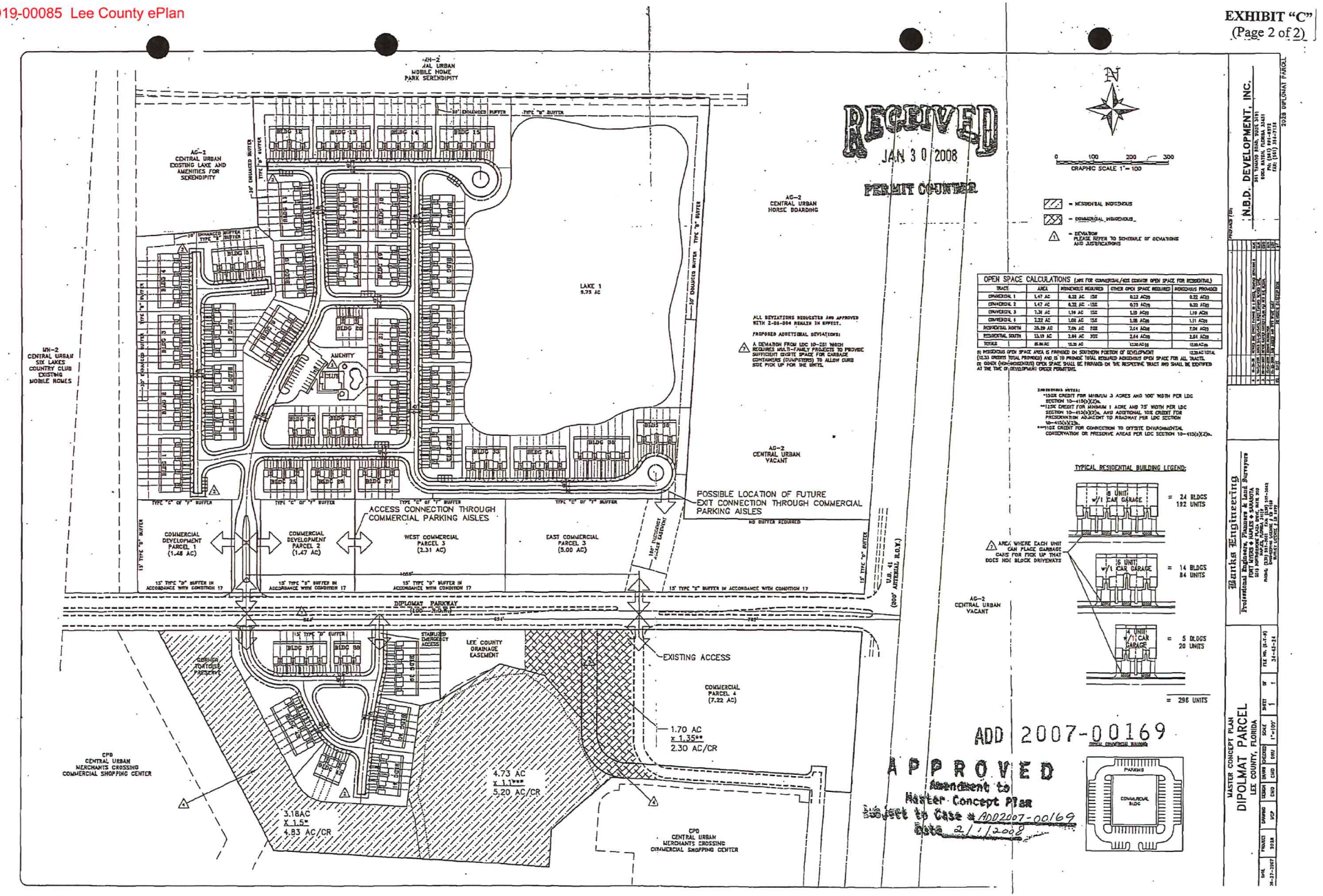

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JAN 30 2008
PERMIT COUNTER
N
0 100 200 300
GRAPHIC SCALE 1" = 100
= RESIDENTIAL INDIGENOUS
= COMMERCIAL INDIGENOUS
= DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS
OPEN SPACE CALCULATIONS (20% FOR COMMERCIAL/40% COMBINED OPEN SPACE FOR RESIDENTIAL)
TRACT | AREA | INDIGENOUS REQUIRED | OTHER OPEN SPACE REQUIRED | INDIGENOUS PROVIDED
COMMERCIAL 1 | 1.47 AC | 0.22 AC | 15% | 0.22 AC(I)
COMMERCIAL 2 | 1.47 AC | 0.22 AC | 15% | 0.22 AC(I)
COMMERCIAL 3 | 7.31 AC | 1.10 AC | 15% | 1.10 AC(I)
COMMERCIAL 4 | 7.22 AC | 1.08 AC | 15% | 1.11 AC(I)
RESIDENTIAL NORTH | 26.39 AC | 7.04 AC | 20% | 7.04 AC(I)
RESIDENTIAL SOUTH | 13.19 AC | 2.64 AC | 20% | 2.64 AC(I)
TOTALS | 55.84 AC | 13.30 AC | | 12.33 AC(I) 12.33 AC(I) TOTAL
(I) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(C) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.
INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)b, AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)a.
ALL DEVIATIONS REQUESTED AND APPROVED WITH 2-06-004 REMAIN IN EFFECT.
PROPOSED ADDITIONAL DEVIATIONS:
A. DEVIATION FROM LDC 10-251 WHICH REQUIRES MULTI-FAMILY PROJECTS TO PROVIDE SUFFICIENT ONSITE SPACE FOR GARBAGE CONTAINERS (DUMPSTERS) TO ALLOW CURB SIDE PICK UP FOR THE UNITS.
TYPICAL RESIDENTIAL BUILDING LEGEND:
8 UNIT w/1 CAR GARAGE = 24 BLDGS 192 UNITS
6 UNIT w/1 CAR GARAGE = 14 BLDGS 84 UNITS
4 UNIT w/1 CAR GARAGE = 5 BLDGS 20 UNITS
= 296 UNITS
AREA WHERE EACH UNIT CAN PLACE GARBAGE CANS FOR PICK UP THAT DOES NOT BLOCK DRIVEWAYS
TYPICAL COMMERCIAL BUILDING
PARKING
COMMERCIAL BLDG
AC-2 CENTRAL URBAN EXISTING LAKE AND AMENITIES FOR SERENDIPITY
AC-2 CENTRAL URBAN HORSE BOARDING
AC-2 CENTRAL URBAN VACANT
AC-2 CENTRAL URBAN VACANT
MH-2 CENTRAL URBAN SIX LAKES COUNTRY CLUB EXISTING MOBILE HOMES
MH-2 CENTRAL URBAN MOBILE HOME PARK SERENDIPITY
CPD CENTRAL URBAN MERCHANTS CROSSING COMMERCIAL SHOPPING CENTER
CPD CENTRAL URBAN MERCHANTS CROSSING COMMERCIAL SHOPPING CENTER
LAKE 1 9.75 AC
AMENITY
CLUB
BLDG 13
BLDG 14
BLDG 15
BLDG 16
BLDG 17
BLDG 18
BLDG 19
BLDG 20
BLDG 21
BLDG 22
BLDG 23
BLDG 24
BLDG 25
BLDG 26
BLDG 27
BLDG 28
BLDG 29
BLDG 30
BLDG 31
BLDG 32
BLDG

Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00169

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Athyrio Development Associates, LLC, filed an application for administrative approval to a Residential Planned Development/Commercial Planned Development (RPD/CPD) on a project known as Diplomat Parcel for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviations to the Land Development Code on property located at 15501 North Cleveland Avenue , described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 24 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as "Exhibit A".

WHEREAS, the property was originally rezoned in case number DCI2005-00055 (Z-06-004); and

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

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

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 457 dwelling units pursuant to condition #1; and

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 200,000 square feet of commercial floor area; and

WHEREAS, the approved master concept plan contemplated filling in an existing lake; and

WHEREAS, the applicant has reconfigured the master concept plan providing for more detail of the residential uses, and utilization of the existing lake; and

WHEREAS, the Diplomat RPD/CPD provided land development regulations for townhouses per Condition 2; and

WHEREAS, the applicant proposes a revised set of land development regulations for their specific townhouse products; and

WHEREAS, these revised land development regulations are substantively the same and acceptable to staff; and

WHEREAS, the applicant requests a deviation from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project; and

WHEREAS, this request was reviewed and approved by the Department of Solid Waste and the Department of Public Works; and

WHEREAS; the deviation request enhances 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 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 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 amendment to the Diplomat Residential Planned Development/Commercial Planned Development (RPD/CPD) for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviation to the Land Development Code is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated JAN 30, 2007, Master Concept Plan for ADD2007-00169 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Condition 2 a. of Zoning Resolution #Z-06-004 is revised with the following Site Development Regulations for Townhouses.**

Minimum Lot Areas and Dimensions

Lot Size	**~~7,500~~ 1,600 square feet**
Lot Width	**~~75~~ 16 feet**
Lot Depth	**100 feet**

Minimum Setbacks

Street	**25 feet (public)/20 feet (private)**
Side	**5 10 feet (Zero feet for common wall unit)**

Rear	**30 feet - All lots containing enhanced buffer. See Condition 13.** **20 feet - all other lots**
Water Body	**25 feet**

All Accessory Uses: **Per the LDC**

Setbacks from Preserves (All Structures) 25 feet per the LDC.

Minimum Perimeter Setbacks: 25 feet (30 feet - All lots containing enhanced buffer. See Condition 13.)

Minimum Building Separation ~~10~~ 20 feet

Maximum Building Height: 35 feet/2 stories

Maximum Lot Coverage: ~~45~~ 65%

3. **Deviation 7 seeks relief from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 1st day of February, A.D., 2008.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
SEP 25 2007
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

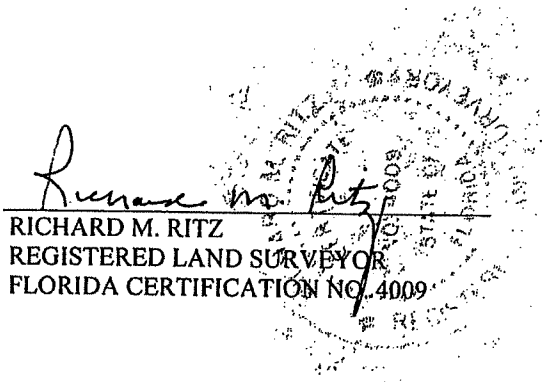
PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.



RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by S 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

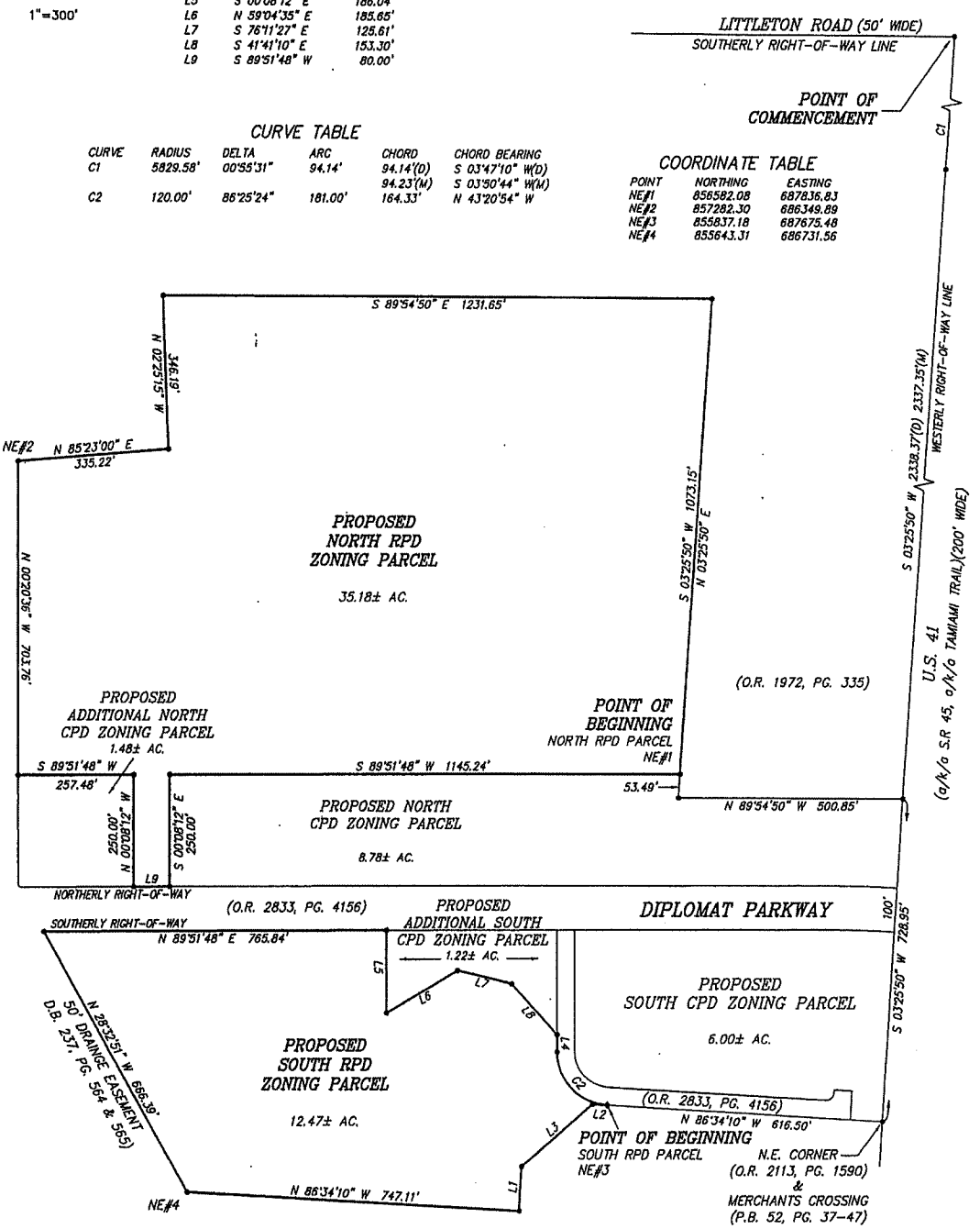
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

Applicant's Legal Checked
by 9/25/07

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED: NOVEMBER 12, 2006.

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

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2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

U.S. 41 (a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
257.48'
N 89°51'48" E
NE#8
N 00°20'35" W 244.12'
S 00°08'12" E 250.00'
253.42'
S 89°51'48" W

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH P.O.C.
POINT "B"
N 00°08'12" W 250.00'

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'

P.O.B. NORTH CPD ZONING PARCEL NE#1
S 89°54'50" E 500.85'

NORTHERLY RIGHT-OF-WAY

POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7

(O.R. 2833, PG. 4156) P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL

DIPLOMAT PARKWAY (100' WIDE)

SOUTHERLY RIGHT-OF-WAY
NE#6
S 89°51'48" W 383.07'
NE#5
N 89°51'48" E 575.20'

P.O.B. SOUTH CPD ZONING PARCEL NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
N 00°08'12" W 274.66'
S 03°25'50" W 429.00'

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

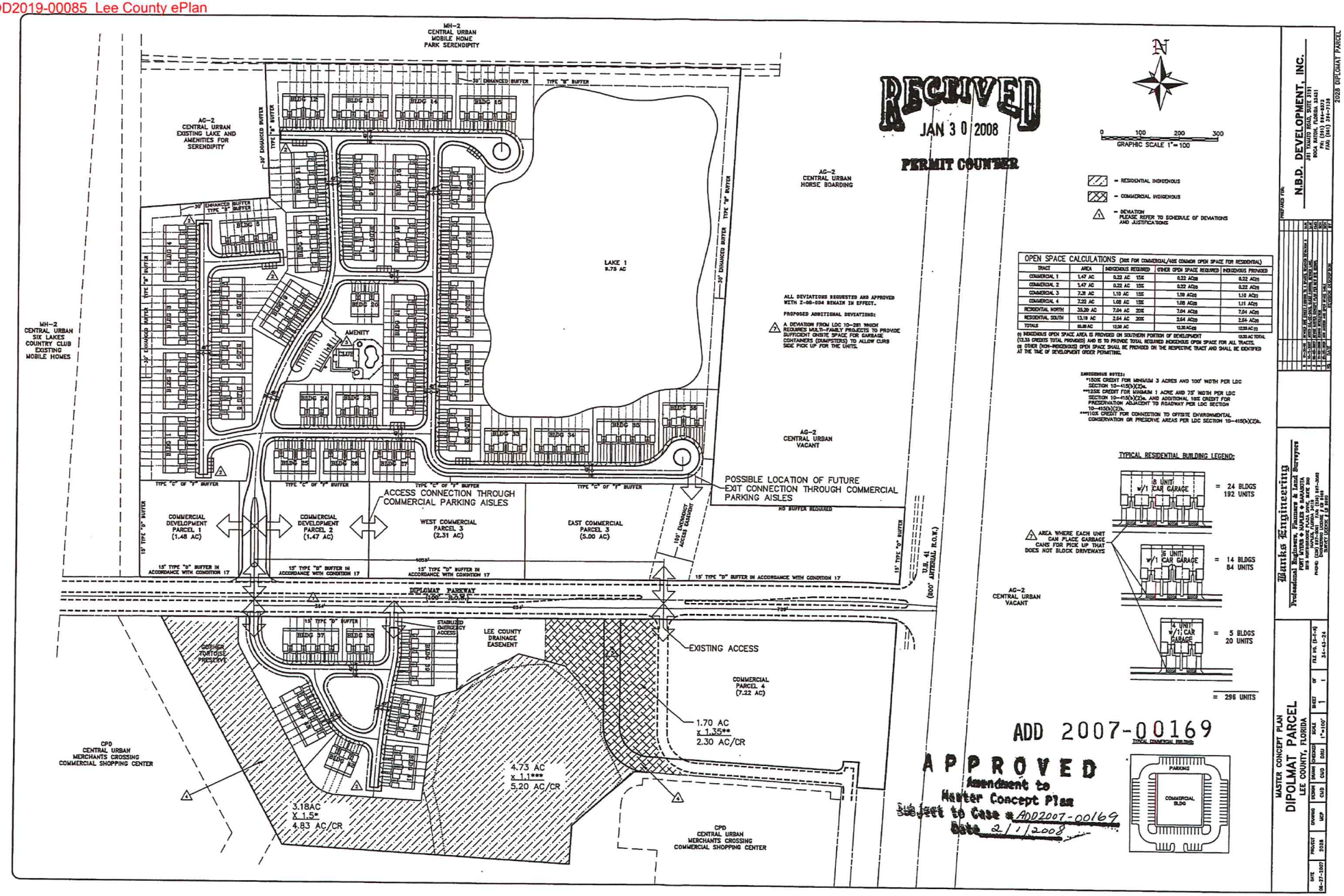
—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED NOVEMBER 27, 2006

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Applicant's Legal Checked by 9/25/07

ADD2019-00085 Lee County ePlan



RECEIVED
JAN 30 2008
PERMIT COUNTER

OPEN SPACE CALCULATIONS (20% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED		OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC	15%	0.22 AC(b)	0.22 AC(b)
COMMERCIAL 2	1.47 AC	0.22 AC	15%	0.22 AC(b)	0.22 AC(b)
COMMERCIAL 3	7.39 AC	1.10 AC	15%	1.39 AC(b)	1.10 AC(b)
COMMERCIAL 4	7.22 AC	1.08 AC	15%	1.08 AC(b)	1.11 AC(b)
RESIDENTIAL NORTH	35.20 AC	7.04 AC	20%	7.04 AC(b)	7.04 AC(b)
RESIDENTIAL SOUTH	13.19 AC	2.64 AC	20%	2.64 AC(b)	2.64 AC(b)
TOTALS	66.88 AC	12.30 AC		12.30 AC(b)	12.33 AC (c)

(c) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(b) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)a.

ADD 2007-00169

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00169
Date 2/1/2008

N.B.D. DEVELOPMENT, INC.
381 YAMATO ROAD, SUITE 3391
BOCA RATON, FLORIDA 33431
PHONE: (561) 394-7100
FAX: (561) 394-7104

Banks Engineering
Professional Engineers, Planners & Land Surveyors
EB 0000484 LB 0000484
2810 NORTHWOOD PLAZA DRIVE, SUITE 300
FORT MYERS, FLORIDA 33907
PHONE: (239) 277-2931 FAX: (239) 277-2932
SURVEY ACCESS # LB 6939

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	FOLDER	Name	SCALE	SHEET	OF	FILE NO. (S-T-R)
06-27-2007	3338	MCP	C:\LD	DBD	1"=100'	1	1	34-43-24

2028 DIPLOMAT PARCEL

ADD2019-00085 Lee County ePlan

Exhibit E

RESOLUTION NUMBER Z-06-004

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

WHEREAS, Athyrio Development Associates, LLC, filed an application on behalf of the property owner, Richard K. Bennett, Successor Trustee of the North Trail Land Trust, to rezone 65± acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district, in reference to Diplomat Property RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on January 12, 2006, and January 13, 2006, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00055; and,

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who 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 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. The property is located in the Central Urban 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. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

   Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (RPD): 381 dwelling units. An additional 76 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 75 units may only be sold to buyers who qualify as a moderate income household at the time of purchase. Moderate income households means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 47.65 acres of RPD. An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 381 (up to 457 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, Indoor only. No outdoor display.
Variety Store

b. **Site Development Regulations - RPD**

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer, See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

MULTI-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13.
	20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

COMMERCIAL

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Building Height:	50 feet/ 3 stories
	35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. Concurrency.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. Model Home and Real Estate Sales.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. Agricultural Uses. No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

6. Blasting. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. 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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. Wireless Communication Facilities.

    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.

14. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Environmental. Prior to local development order approval:

a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,

c. The landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. Commercial Parcels North of Diplomat Parkway. Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.

6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and

2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan -Diplomat Parcel, Stamped Received November 3, 2006

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3030.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD/CPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. No agricultural uses currently exist on the property.

5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

2006 NOV 27 PM 3:20

ADD2019-00085 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI 2005-00055

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

ADD2019-00085 Lee County ePlan

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

Applicant's Legal Checked
by 11/08/06 csl

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.93	686334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'31"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'31"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

U.S. 41 (a/k/a S.R 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.37'(D) 2337.35'(M)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48' N 89°51'48" E
NE#8
N 00°08'12" W 244.12'
S 00°08'12" E 250.00'
253.42' S 89°51'48" W
L17
L3
P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7

N 89°51'48" E 1145.24'

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH P.O.C.
POINT "B"
N 00°08'12" W 250.00'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.

S 89°51'48" W 1484.79'
NORTHERLY RIGHT-OF-WAY

P.O.B. NORTH CPD ZONING PARCEL NE#1
L4
S 89°54'50" E 500.85'

L1
L2
C2
POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

(O.R. 2833, PG. 4156)
P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL
L11
DIPLOMAT PARKWAY (100' WIDE)
C5
L5

SOUTHERLY RIGHT-OF-WAY
NE#6
S 89°51'48" W 383.07'
NE#5
N 89°51'48" E 575.20'
L10
P.O.B. SOUTH CPD ZONING PARCEL NE#3

L12
L13
L14
L15
L16
N 00°08'12" W 274.66'

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

S 03°25'50" W 429.00'

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

C4
N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)
L9
L8
C3
L7
L6

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

DCI 2005-00055

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
—PREPARED NOVEMBER 2, 2005.

CSJ 11402

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE – SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Blehschmidt

ADD2019-00085 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
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Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2005-00055

ADD2019-00085 Lee County ePlan

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

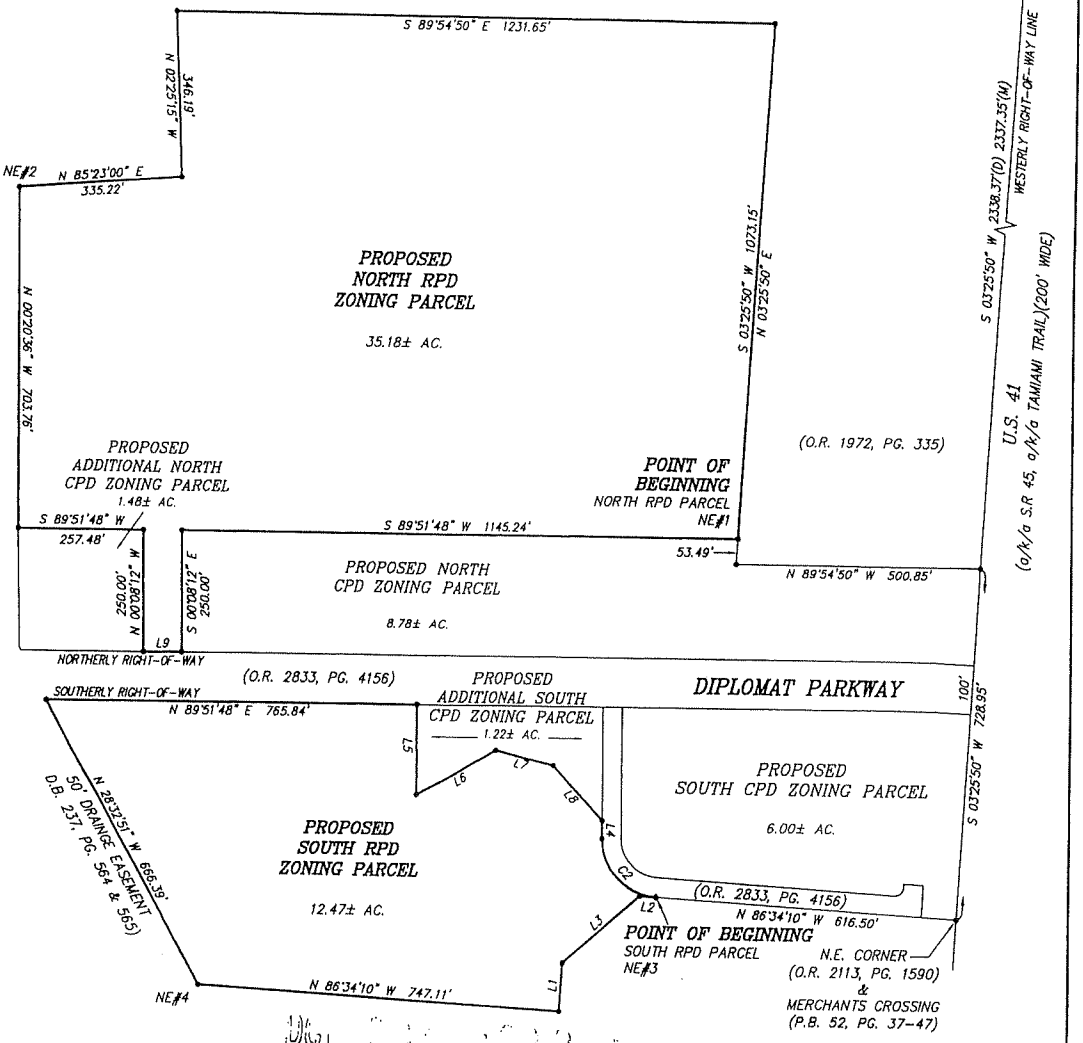
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:

1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4909

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2005

SKETCH

DCI 2005-00055

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2516 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20cx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

PROPOSED ZONING MAP

12/7/2005

Attachment B

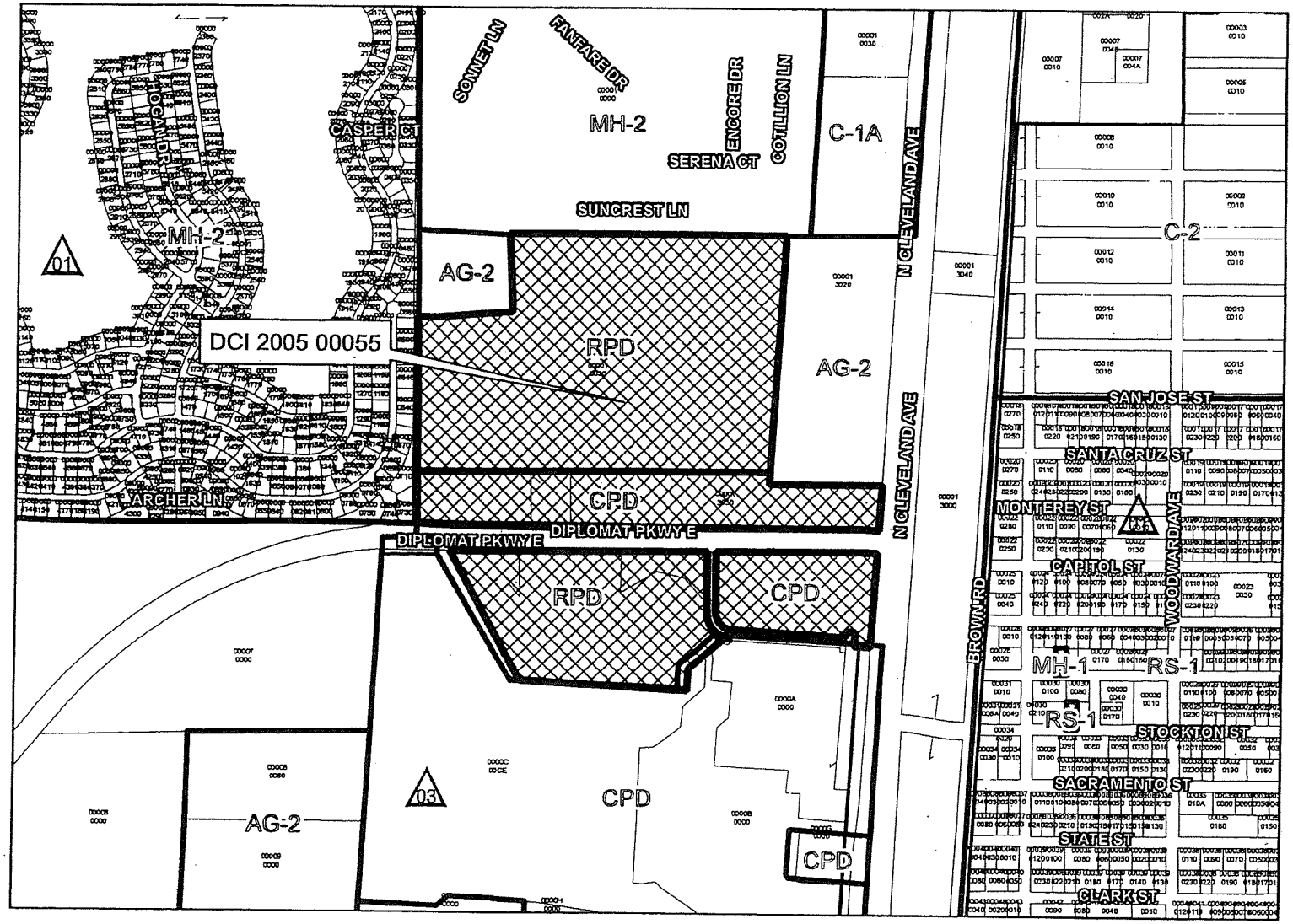


EXHIBIT "B"

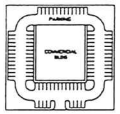
Zoning Map

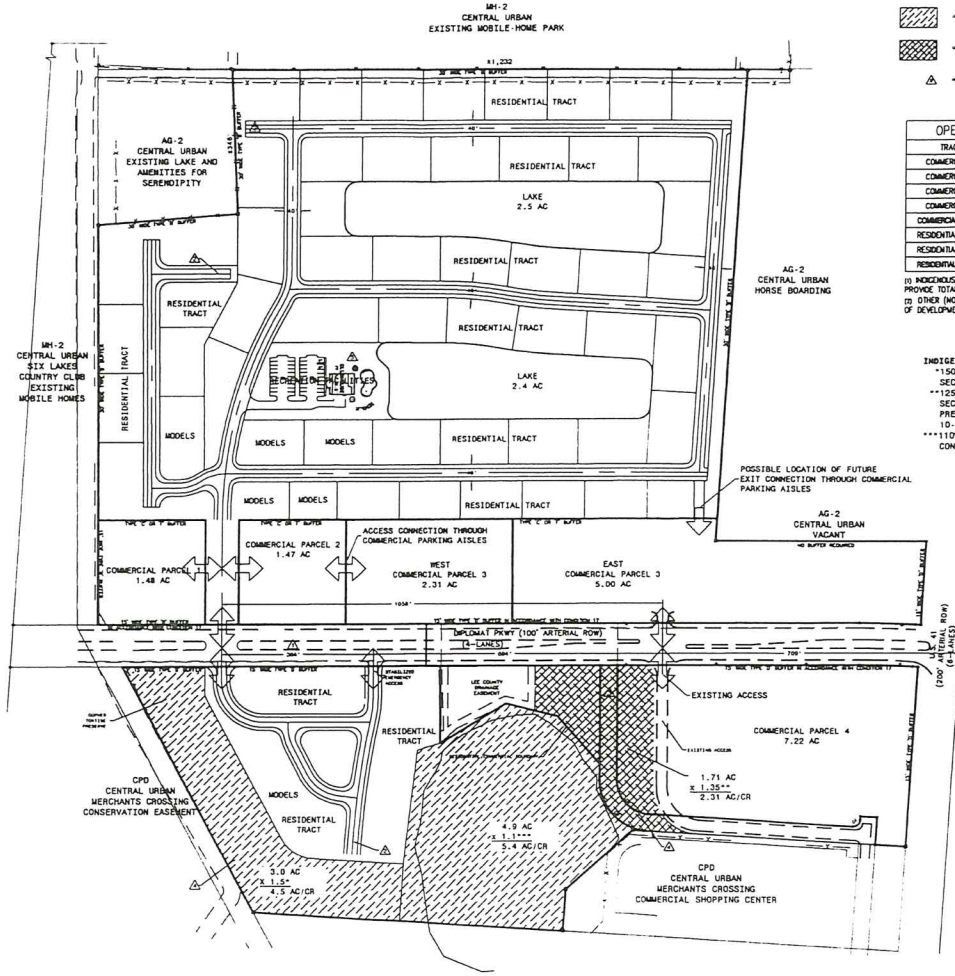
TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:





= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

Δ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)d.

EXHIBIT C

N

0 300' 600'

GRAPHIC SCALE 1"= 300'

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-06-004

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/06/06	ZONING RESOLUTION	JGH
1	9/25/06	ADD ACCESS AND OPEN SPACE TABLE	JGH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34109
PHONE: (239) 597-2061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24

ATTACHMENT L

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00181

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Lee County Housing Authority filed an application for an administrative amendment to a Residential Planned Development (RPD) and Commercial Planned Development (CPD) on a project known as Diplomat South RPD to adopt an alternate Master Concept Plan (MCP) to reflect the existing approved schedule of uses and to clarify a maximum building height of 35 feet on property located south of Diplomat Parkway East, North Fort Myers Planning Community; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 34-43-24-00-00001.303A (see Exhibit "A"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category and Mixed Use Overlay as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-06-004 (with subsequent amendments in case number ADD2007-00169, Resolution Z-11-002, and ADD2019-00085); and

WHEREAS, Zoning Resolution Z-06-004 approved a rezoning of the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a maximum of 457 dwelling units, 200,000 square feet of commercial floor area and 120 hotel rooms on property north and south of Diplomat Parkway East (see Exhibit "G"); and

WHEREAS, ADD2007-00169 approved amendments to the Master Concept Plan (MCP) and property development regulations pertaining to lot areas and dimensions for townhouse dwelling unit types with one deviation from required on-site space for the placement of garbage and recycling containers or receptacles (see Exhibit "F") and

WHEREAS, Development Order DOS2007-00267, which expires on April, 27 2028, approved townhouse type dwelling units within the RPD south of Diplomat Parkway in accordance with ADD2007-00169; and

WHEREAS, the specificity in the amended master concept plan approved by ADD2007-00169 does not reflect all dwelling unit types approved in the existing schedule of uses for the RPD portion of the property south of Diplomat Parkway; and

WHEREAS, the applicant requests approval of an alternate MCP to permit the variety of dwelling unit types within this planned development approval at the option of the developer and maintain the existing access points and open space areas (see Exhibit "B"); and

WHEREAS, Zoning Resolution Z-11-002 approved an amendment to Resolution Z-06-005 (as amended by ADD2007-00169) to permit an optional Assisted Living Facility (ALF)/Continuing Care Facility (CCF) and standard dwelling units with up to 50,000 square feet of medical office for the northerly 35.2-acre RPD portion of the project (north of Diplomat Parkway East) (see Exhibit "D"); and

WHEREAS, ADD2019-00085 amended Condition 1 of Resolution Z-11-002 to clarify that the northerly 35.2 acres may be developed with RPD Uses or an ALF/CCF at the option of the developer with or without the 5.43-acre CPD Parcel North (see Exhibit "E"); and

WHEREAS, Resolution Z-11-002 and ADD2019-00085 did not affect the development parameters of the RPD south of Diplomat Parkway; and

WHEREAS, the site development regulations for the RPD south of Diplomat Parkway permit single family dwelling units to be a maximum of 35 feet in height and 3 stories while limiting duplex, two-family attached, townhouse and multi-family dwelling units to 2 stories within the same 35-foot maximum height limitation; and

WHEREAS, the applicant proposes to modify the site development regulations for the RPD south of Diplomat Parkway to maintain the maximum height for all residential uses to 35 feet without the restriction on number of stories (see Exhibit "C"); and

WHEREAS, the proposed alternate MCP and modified site development regulations for the RPD south of Diplomat Parkway will facilitate the development of affordable housing should funding be awarded while allowing the existing entitlements to remain if funding is not awarded (see Exhibit "C");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 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 amendment to the Residential Planned Development and Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **Condition 1 of ADD2019-00085 is hereby amended in strikethrough and underline as follows:**

   Development ***north of Diplomat Parkway East*** *must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter,".* ***Development south of Diplomat Parkway East must be substantially consistent with the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," OR the 1-page MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10-28-2019*** *except as modified by the conditions below.*

2. **Condition 2.b. of Z-11-002 is hereby amended in strikethrough and underline as follows**

   SITE DEVELOPMENT REGULATIONS

   RPD – South of Diplomat Parkway

   SINGLE-FAMILY:

   Maximum Building Height: 35 feet~~/ 3 stories~~

   DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

   Maximum Building Height: 35 feet~~/ 2 stories~~

   MULTIPLE-FAMILY

   Maximum Building Height: 35 feet~~/ 2 stories~~

3. **The terms and conditions of Resolutions Z-11-002 and ADD2019-00085 remain in full force and effect, except as amended herein.**

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 10/31/2019

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits

Exhibit A: Legal Description
Exhibit B: Alternate Diplomat South RPD Master Concept Plan
Exhibit C: Applicant's Narrative
Exhibit D: Resolution Z-11-002
Exhibit E: Administrative Amendment ADD2019-00085
Exhibit F: Administrative Amendment ADD2007-00169
Exhibit G: Resolution Z-06-004

EXHIBIT A

CASE NUMBER: ADD2019 -00181

STRAP NUMBER

34-43-24-00-00001.303A

REVIEWED
ADD2019-00181
Daniel Munt, Planner
Lee County DCD
10/29/2019

Exhibit B

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC[2]	0.22 AC[1]
COMMERCIAL 2	1.47 AC	0.22 AC 15%	0.22 AC[2]	0.22 AC[1]
COMMERCIAL 3	7.31 AC	1.10 AC 15%	1.10 AC[2]	1.10 AC[1]
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC[2]	1.11 AC[1]
RESIDENTIAL NORTH	35.20 AC	7.04 AC 20%	7.04 AC[2]	7.04 AC[1]
RESIDENTIAL SOUTH	13.18 AC	2.64 AC 20%	2.64 AC[2]	2.64 AC[1]
TOTALS	65.85 AC	12.30 AC	12.30 AC[2]	12.33 AC[1]

[1] INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. 12.33 AC TOTAL

[2] OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**135% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

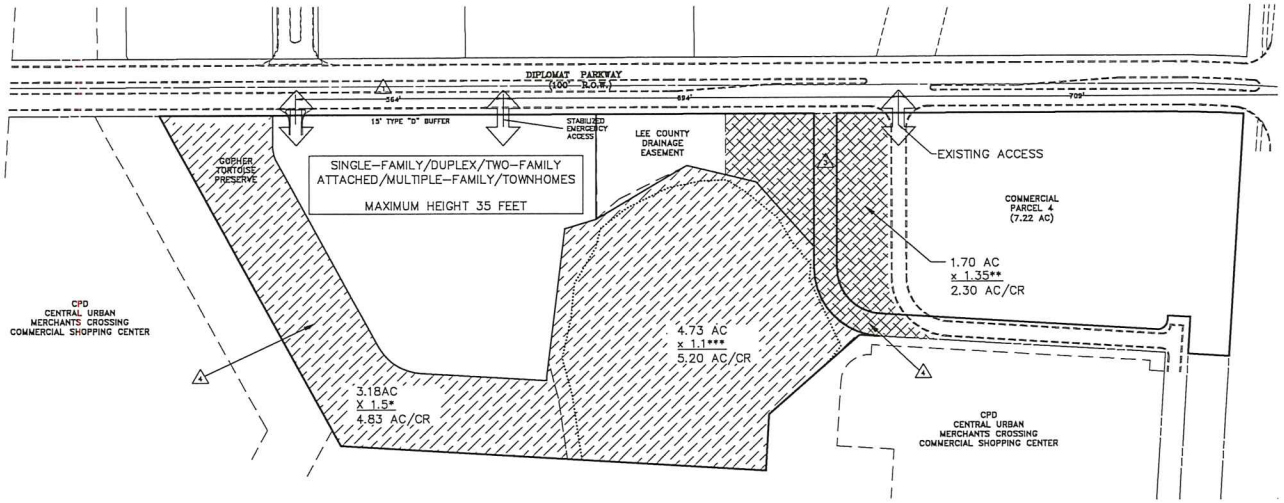
N

0 100 200 300
GRAPHIC SCALE 1" = 100

= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

1 = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS



PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
14170 WARNER CIRCLE
NORTH FORT MYERS, FL 33903

2028 DIPLOMAT PARCEL

NO.	DATE	REVISION DESCRIPTION
1	3/4/24	

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
2159 HANSON COURT, FORT MYERS, FLORIDA 33901
PHONE: (239) 334-1446 FAX: (239) 337-2513
Standard License # EB 1449
Survey License # LB 6690

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWN	DESIGN	CHECK	SCALE	SHEET	OF	FILE NO. (X-Y-#)
10/28/2019	2028	WCP	SEH	SSU	1"=100'	1	1	34-43-24

Exhibit C

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

Diplomat South Property RPD

Minor Administrative Amendment to Planned Development

Narrative of Request

Request Summary

The applicant is requesting a minor administrative amendment to the approved Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD) to update Condition 1 to include an Alternate Diplomat South RPD MCP which reflects the existing schedule of uses which allows single-family/duplex/two-family attached/multiple-family/townhomes and to clarify the maximum of height of 35 feet with no restriction to number of stories. This does not preclude the ability of the developer to build the 44 fee simple single-family attached townhome units as currently permitted under Lee County Development Oder DOS2007-00267.

Background and Approval History

The subject property is located on the north side of Diplomat Parkway East, just west of its intersection with N. Cleveland Ave/U.S. 41. The site is located in the Central Urban future land use category and within the Mixed Use Overlay within the North Fort Myers planning community.

The property is a ±38-acre portion of the ±65-acre Diplomat Property RPD/CPD which received zoning approval via Zoning Resolution Z-06-004. The project was approved for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail.

The original zoning approval was later amended administratively by ADD2007-00169 which amended the Master Concept Plan, revised the site development regulations for townhouses and added a deviation to allow curbside garbage pickup.

On March 21, 2011, an amendment to the northern ±35.2-acre RPD was approved for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum 50,000 square feet of medical office space including a conversion table and an amendment to the master concept plan.

On August 16, 2019, administrative amendment ADD2019-00085 was approved to clarify Condition 1 of Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel and provided strikethrough and underline revisions to Condition 1.

10511 Six Mile Cypress Parkway • Suite 101 • Fort Myers, Florida 33966
Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

The approved Master Concept Plan from ADD2007-00169 is specific to the approved development orders for Diplomat North (DOS2007-00255) and Diplomat South (DOS2007-00267) which are still valid development orders which the property owner wishes to keep these existing entitlements.

Lee County Housing Authority is a potential contract purchaser of the Diplomat South parcel and wishes to potentially construct multiple-family units on the property. In order to facilitate this, an Alternate South Diplomat RPD MCP is proposed which keeps the existing access points and open space areas, but further clarifies that the existing Condition 1 allows 8 dwelling units per acre with an additional 1.6 units per acre subject to affordability requirements and existing Condition 2.a. Schedule of Uses which allows: single-family, duplex, two-family attached, multiple-family, and townhomes. The proposed Alternate South Diplomat RPD MCP will allow development of any of these uses subject to the density limitation which will allow the Lee County Housing Authority proceed on this site should funding be achieved and the existing entitlements will remain if funding is not achieved.

The applicant proposes the following revision to Condition 1 of ADD2019-00085:

> Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date -stamped "Received APR 27, 2011 Community Development" OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit County," **OR the 1-page MCP entitled "ALTERNATE DIPLOMAT SOUTH RPD MCP, DIPLOMAT PARCEL" dated 10-28-2019** except as modified by the conditions below.

The applicant also proposes to clarify that the maximum height for all residential uses is 35 feet with no restriction on number of stories. Below are proposed revisions to Condition 2.b. of Z-11-009:

> SITE DEVELOPMENT REGULATIONS
>
> RPD – South of Diplomat Parkway
>
> SINGLE-FAMILY:
>
> Maximum Building Height: 35 feet~~/ 3 stories~~
>
> DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:
>
> Maximum Building Height: 35 feet~~/ 2 stories~~
>
> MULTIPLE-FAMILY:
>
> Maximum Building Height: 35 feet~~/ 2 stories~~
>
> RECREATIONAL AREA/FACILITIES:

Maximum Building Height: 35 feet~~/ 2 stories~~

The site is within the Mixed Use Overlay and may utilize the development incentives provided in the LDC as part of development order for the property.

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area) except as permitted in chapter 2. This section of the code further specifies that "the Director may not approve a change that will: (1) Result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; (2) Result in a reduction of total open space provided on the master concept plan by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; (3) Decrease preservation areas. Changes to buffer or landscaping areas are permitted but must provide equivalent or better (by comparison with the approved Master concept plan) landscape or buffering; or (4) Adversely impact surrounding land uses."

Conclusions

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). No changes are proposed to the existing intensity approved for the development. The request is simply to update Condition 1 to include an Alternate Diplomat South RPD MCP which reflects the existing schedule of uses which allows single-family/duplex/two-family attached/multiple-family/townhomes and to clarify the maximum of height of 35 feet with no restriction to number of stories. The proposed amendment does not increase the height, density or intensity within the development; does not underutilize public resources or infrastructure, does not reduce open space, does not decrease preservation areas or buffers; and does not adversely impact surrounding land uses. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC.

ADD2019-00181 Lee County ePlan

Exhibit D

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who 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 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-81-11 Z

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories
Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

SEAL

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Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

ADD2019-00181 Lee County ePlan

DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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COMMUNITY DEVELOPMENT

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 11/08/06 CSJ

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.93	686334.48
NE#2	856389.35	686692.19
NE#3	856238.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856430.51	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°28'24"	120.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	8.70'
L4	S 03°25'50" W	53.48'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.88'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

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LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

U.S. 41 (S.R. 45, A/K/A TAMIAMI TRAIL)(200' WIDE)
WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.37'(D) 2337.35'(M)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
257.48' N 89°51'48" E
NE#8
244.12' N 00°08'12" W
250.00' S 00°08'12" E
253.42' S 89°51'48" W
L17

NE#2 CPD ZONING PARCEL ADDITIONAL NORTH
P.O.C.
POINT "B"

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'
NORTHERLY RIGHT-OF-WAY

P.O.B.
NORTH CPD ZONING PARCEL
NE#1
S 89°54'50" E 500.85'

POINT "A"
P.O.C.
SOUTH CPD ZONING PARCEL

P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL
NE#7
SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156)
P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL
S 89°51'48" W 383.07'
NE#6

DIPLOMAT PARKWAY (100' WIDE)
N 89°51'48" E 575.20'
NE#5

POINT "C"
P.O.C.
ADDITIONAL SOUTH CPD ZONING PARCEL
NE#4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
N 00°08'12" W 274.66'
S 03°25'50" W 499.00'

P.O.B.
SOUTH CPD ZONING PARCEL
NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

- PREPARED NOVEMBER 2, 2006.

CSJ 11/4/06

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2618 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8890

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bielschmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
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Fax (239) 597-3082

RECEIVED
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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
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Fort Myers, Florida 33966
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Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	36.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°30'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

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S 89°34'50" E 1231.65'
N 02°25'50" W 346.18'
NE#2 N 85°23'00" E 335.22'
N 00°08'12" W 790.36'
PROPOSED NORTH RPD ZONING PARCEL
35.18± AC
S 02°25'50" W 1021.15'
N 02°25'50" E
S 02°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE
U.S. 41
(N/K/A S.R. 45, A/K/A TAMIAMI TRAIL)(200' WIDE)
(O.R. 1972, PG. 335)
PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
POINT OF BEGINNING NORTH RPD PARCEL NE#1
S 89°51'48" W 257.48'
S 89°51'48" W 1145.24'
53.49'
N 89°34'50" W 500.85'
PROPOSED NORTH CPD ZONING PARCEL
8.78± AC
N 00°08'12" W 250.00'
S 00°08'12" E 250.00'
L9
NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
DIPLOMAT PARKWAY
100'
S 02°25'50" W 728.55'
SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'
L7
L6
L8
C2
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.
N 28°12'51" W 666.39'
50' DRAINAGE EASEMENT O.R. 237, PG. 564 & 565)
(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'
L2
L3
L1
POINT OF BEGINNING SOUTH RPD PARCEL NE#3
N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)
NE#4
N 86°34'10" W 747.11'

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
D.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2216 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-8061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map

DCI2010-00015

Mapped:4/29/11

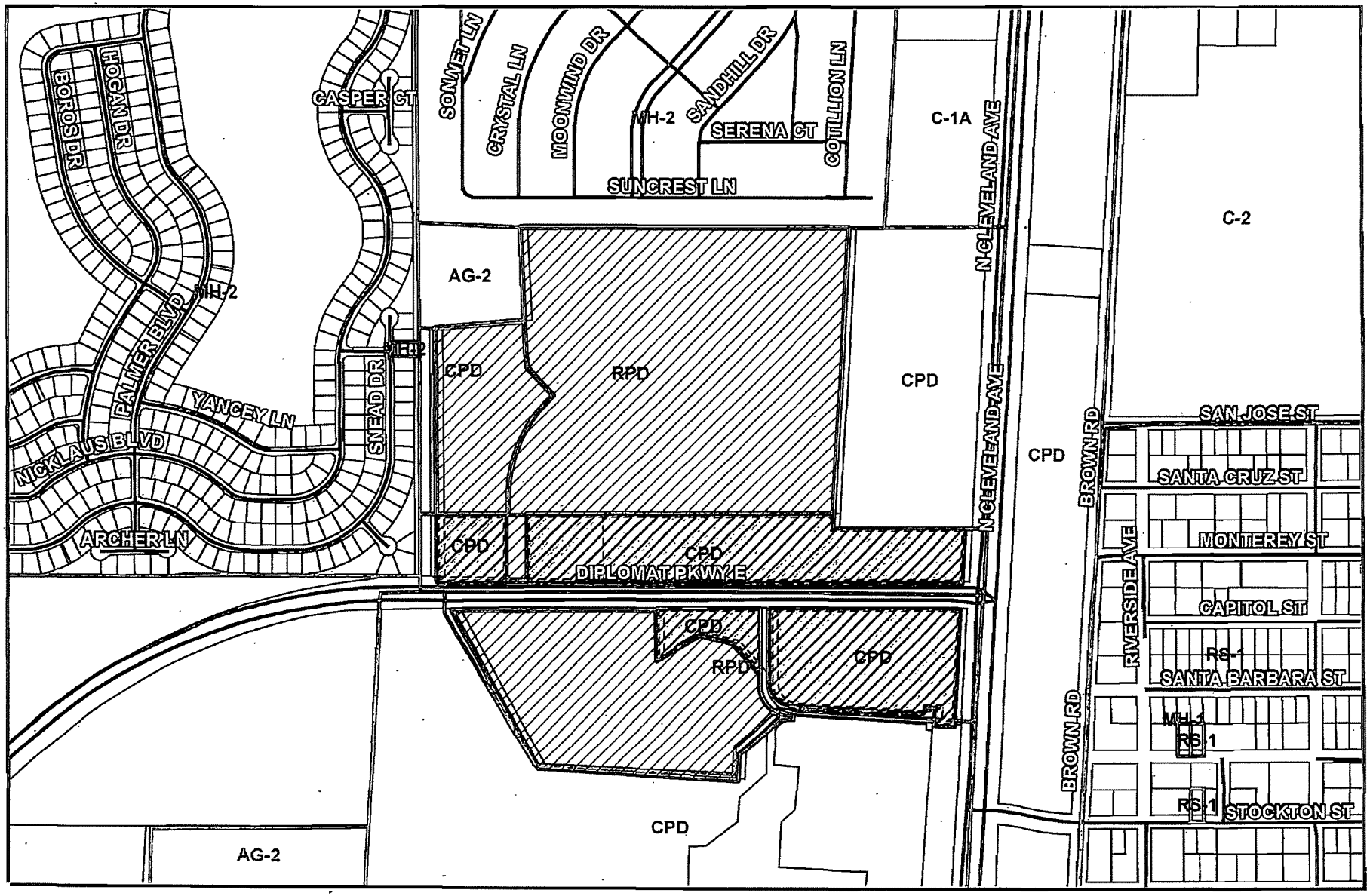


EXHIBIT "B"

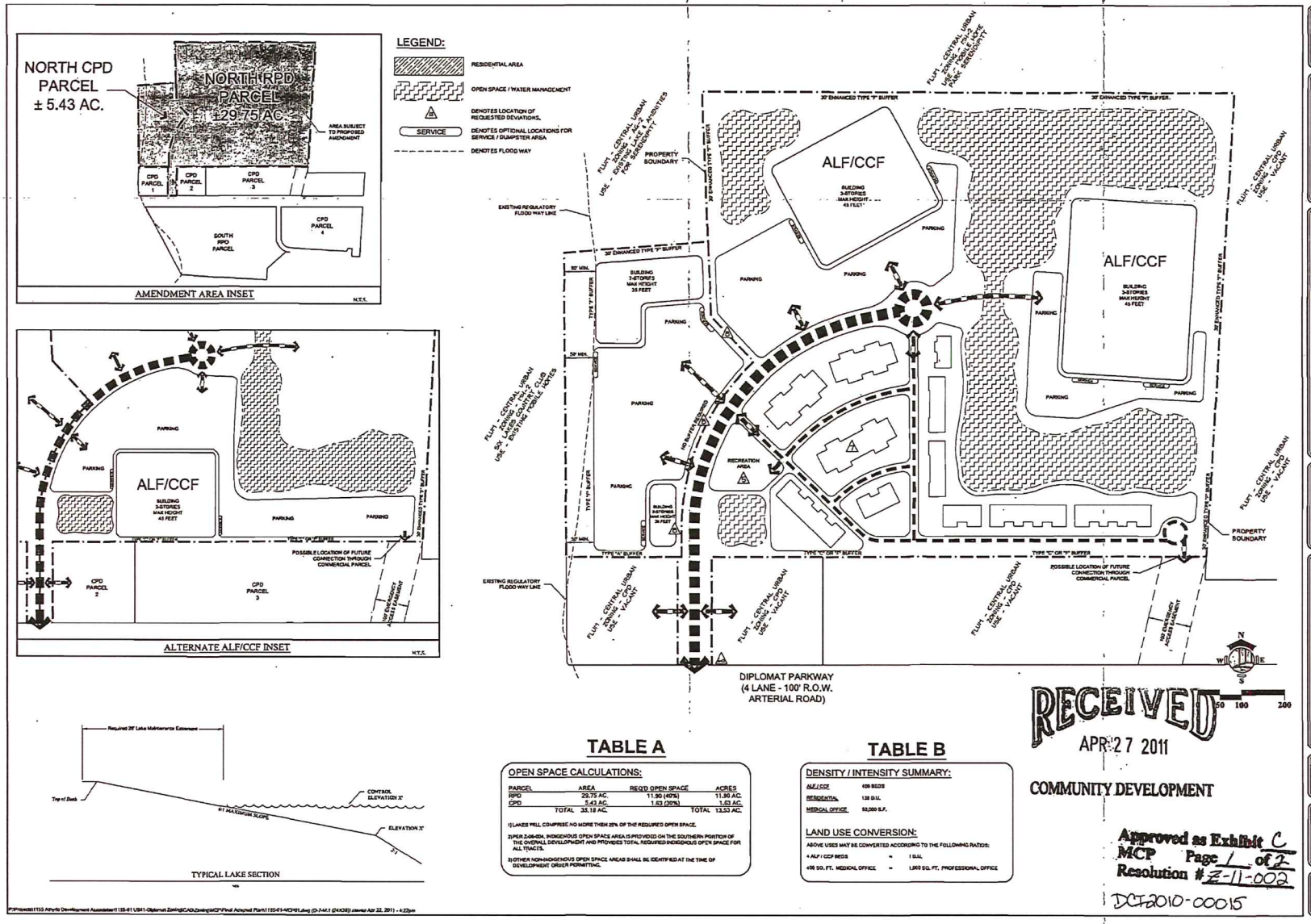


TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
	TOTAL 35.18 AC.		TOTAL 13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-024, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF / CCF	408 BEDS	
RESIDENTIAL	138 D.U.	
MEDICAL OFFICE	50,000 S.F.	

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

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APR 27 2011
COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite
3401 FIRST STREET, SUITE 201
FORT MYERS, FLORIDA 33901
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EB-26044 CA#C26000274

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD
(NORTH PARCEL)
Project Line 3

REVISIONS

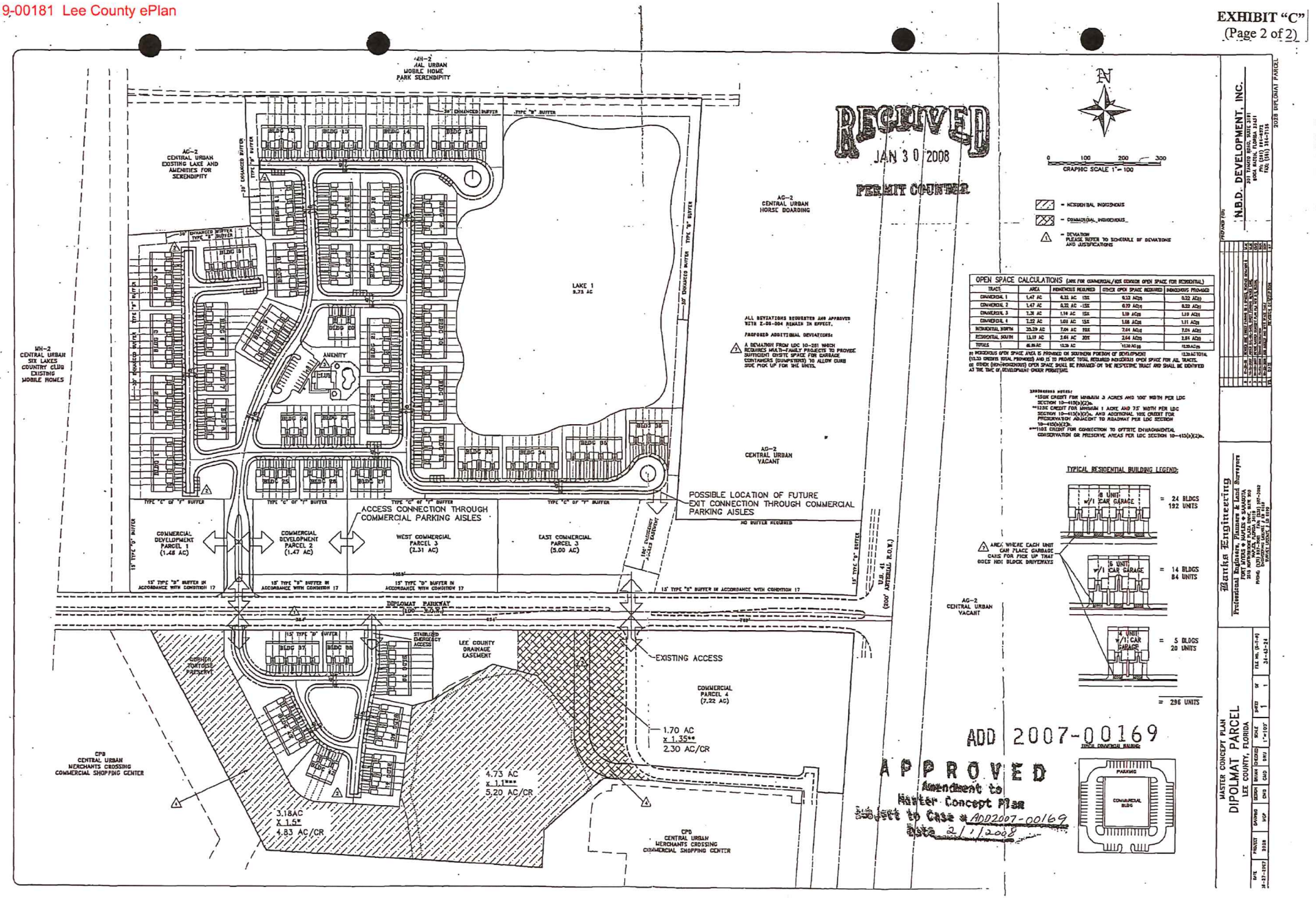
NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 06-06-11	6-23-11
R2	Revised per lee county sufficiency comments dated 10-11-11	10-25-11
R3	Revised per lee county comments	12-13-11
R4	Revised per HEX amendments and modified	1-27-11
R5	Final Adopted Plan	4-23-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO. 1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

EXHIBIT "C"
(Page 1 of 2)



OPEN SPACE CALCULATIONS (ARE FOR COMMERCIAL/ADS DENSITY OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.47 AC	0.22 AC 15%	0.22 AC(1)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC 15%	0.22 AC(1)	0.22 AC(1)
COMMERCIAL 3	7.36 AC	1.10 AC 15%	1.10 AC(1)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC 15%	1.08 AC(1)	1.11 AC(1)
RESIDENTIAL NORTH	35.39 AC	7.04 AC 20%	7.04 AC(2)	7.04 AC(2)
RESIDENTIAL SOUTH	13.19 AC	2.64 AC 20%	2.64 AC(2)	2.64 AC(2)
TOTALS	66.86 AC	13.29 AC	12.30 AC(2)	12.33 AC(2)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (10.33 CREDITS TOTAL PROVIDED) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS. OR OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

DEVIATIONS NOTES:
*15% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**1.35 CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***10% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)a.

ADD 2007-00169

APPROVED
Amendment to Master Concept Plan
Subject to Case # ADD2007-00169
Date 2/1/2008

MASTER CONCEPT PLAN
DIPOLMAT PARCEL
LEE COUNTY, FLORIDA

N.B.D. DEVELOPMENT, INC.
2039 DIPLOMAT PARCEL

Agnika Engineering
Professional Engineering, Planning & Surveying

Exhibit E

ADMINISTRATIVE AMENDMENT (PD) ADD2019-00085

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Habitat Diplomat North, LLC filed an application for an administrative amendment to a Residential Planned Development and Commercial Planned Development on a project known as Diplomat North to clarify Condition 1 of Resolution Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel on property located North of Diplomat Parkway East, North Fort Myers Planning Community; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 34-43-24-00-00001.3030 (see Exhibit "A"); and

WHEREAS, the subject property is located in the Central Urban Future Land Use Category and Mixed Use Overlay as designated by the Lee County Comprehensive Plan (Lee Plan); and

WHEREAS, the property was originally rezoned by Resolution Z-06-004 (with subsequent amendments in case number ADD2007-00169 and Resolution Z-11-002); and

WHEREAS, Zoning Resolution Z-06-004 approved a rezoning of the subject property from Agricultural (AG-2) to Residential Planned Development (RPD) and Commercial Planned Development (CPD) to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area and 120 hotel rooms on property north and south of Diplomat Parkway East (see Exhibit "E"); and

WHEREAS, ADD2007-00169 approved amendments to the Master Concept Plan (MCP) and property development regulations pertaining to lot areas and dimensions for townhouse dwelling unit types with one deviation from required on-site space for the placement of garbage and recycling containers or receptacles (see Exhibit "D") and

WHEREAS, Zoning Resolution Z-11-002 approved an amendment to Resolution Z-06-005 (as amended by ADD2007-00169) to permit an optional Assisted Living Facility (ALF)/Continuing Care Facility (CCF) and standard dwelling units with up to 50,000 square feet of medical office for the northerly 35.2 acre RPD portion of the project (north of Diplomat Parkway East (see Exhibit "C"); and

WHEREAS, Condition 1 of Resolution Z-11-002 notes "the portion of the project on the north side of Diplomat parkway includes Commercial Development parcels 1, 2 and 3 (West 3 and East 3). It also includes 29.75 acres that may be developed either as an RPD or ALF/CCF, with or without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel"; and

WHEREAS, Condition 1 also states development must be substantially consistent with the 1-page Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)" AND the 1-page Master Concept Plan (MCP) entitled "Master Concept Plan, Diplomat Parcel, Lee County, Florida"; and

WHEREAS, the 5.43-acre North CPD Parcel is identified on the amendment area inset map depicted on the Master Concept Plan entitled "Diplomat Property RPD/CPD (North Parcel)"; and

WHEREAS, both Master Concept Plans depict the 35.2± acres of land north of Diplomat Parkway East with alternate development scenarios as follows:

- ALF/CCF, Medical Office and Standard Residential Units (Z-11-002); or
- ALF/CCF and Medical Office (Z-11-002 Alternate ALF/CCF Inset); or
- Solely Standard Residential Units (ADD2007-00169); and

WHEREAS, Condition 1 of Z-11-002 as written is unclear that the intent is to allow the northerly 35.2 acres be optionally developed with RPD uses or ALF/CCF with or without commercial; and

WHEREAS, the applicant wishes to proceed with development under the Master Concept Plan approved by ADD2007-00169 (see Attachment "D") entitled "Diplomat Parcel, Lee County, Florida", without a commercial component on the westerly portion of the site identified as the 5.43-acre North CPD Parcel, which results in an overall decrease in development intensity on the subject property; and

WHEREAS, the requested amendment would be limited to clarify Condition 1 of Resolution Z-11-002; 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 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 amendment to Residential Planned Development and Commercial Planned Development is **APPROVED.**

Approval is subject to the following conditions:

1. **This approval is limited to clarify Condition 1 of Z-11-002 that the northerly 35.2 acres may be optionally developed with RPD uses or ALF/CCF with or without the 5.43-acre CPD Parcel and is hereby amended in strikethrough and underline as follows:**

   Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" ~~AND~~ OR the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a ~~29.75 acres~~ 35.2 acre site that may be developed either ~~as an RPD~~ with RPD uses, ~~or and~~ and/or ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43-acre North CPD Parcel.

2. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

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 8/16/2019 by

Audra Ennis, Zoning Manager
Lee County Community Development

Exhibits
Exhibit A: Legal Description
Exhibit B: Applicant's Narrative
Exhibit C: Resolution Z-11-002
Exhibit D: Administrative Amendment ADD2007-00169
Exhibit E: Resolution Z-06-004

EXHIBIT A

CASE NUMBER: ADD2019-00085

STRAP NUMBER

34-43-24-00-00001.3030

REVIEWED
ADD2019-00085
Daniel Munt, Planner
Lee County DCD
6/18/2019

Exhibit B

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

CELEBRATING 25 YEARS IN BUSINESS 1992 - 2017

Diplomat North Property RPD/CPD

Minor Administrative Amendment to Planned Development

Narrative of Request

Request Summary

The applicant is requesting a minor administrative amendment to the approved Diplomat Property Residential Planned Development (RPD)/Commercial Planned Development (CPD) to codify and clarify condition 1 that the north 5.43-acre optional CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes.

The applicant has verified this interpretation with the Zoning Manager and believes that the language is clear and is requesting clarification to avoid any confusion in the future.

Background and Approval History

The subject property is located on the north side of Diplomat Parkway East, just west of its intersection with N. Cleveland Ave/U.S. 41. The site is located in the Central Urban future land use category and within the Mixed Use Overlay within the North Fort Myers planning community.

The property is a ±38-acre portion of the ±65-acre Diplomat Property RPD/CPD which received zoning approval via Zoning Resolution Z-06-004. The project was approved for a maximum of 457 dwelling units and 200,000 square feet of commercial of which 100,000 square feet could be retail.

The original zoning approval was later amended administratively by ADD2007-00169 which amended the Master Concept Plan, revised the site development regulations for townhouses and added a deviation to allow curbside garbage pickup.

On March 21, 2011, an amendment to the northern ±35.2-acre RPD was approved for a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum 50,000 square feet of medical office space including a conversion table and an amendment to the master concept plan.

Condition 1 on page 2 of Z-11-002 states the following which the applicant submits makes it clear that residential is permitted on the north 5.43-acre optional CPD area:

- Development must be substantially consistent with the new master concept plan AND the master concept plan previously approved by ADD2007-00169

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Phone 239-939-5490 • www.bankseng.com • Fax 239-939-2523
Engineering License No. EB 6469 • Surveying License No. LB 6690

- The following text is in bold text within the resolution "NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD parcel."

Z-11-002, states that it is an amendment to the RPD/CPD and does not state anywhere that it is a rezoning a portion of the RPD to CPD. The legal descriptions attached to the resolution are the same RPD/CPD approved with the 2006 resolution and do not include a description for the north 5.43 acre CPD parcel. The 5.43 acre CPD is only depicted on the alternate MCP approved for the ALF/CCF.

ZVL2018-10080 was issued on December 21, 2018 stating that residential dwelling units were not allowed within the 5.43-acre CPD.

The ZVL determination would make the existing development order for residential development on the northern RPD (DOS2007-00255) for the property that is valid until 2023 inconsistent with the zoning since residential is not currently shown in the schedule of uses for the 5.43-acre north CPD. This was clearly not the intent of the rezoning which would be to add alternate entitlements to the property not remove existing entitlements. The alternate development plan approved by the 2011 zoning resolution never received development order approval. Residential development on the 5.43-acres would be less intense than 50,000 square feet of medical office.

A meeting was held on February 27, 2019 with Zoning staff, Zoning Manager and County Attorney's office to discuss the existing development order approval and that no paperwork to revoke the existing development order was provided during the zoning amendment. The currently approved residential development order furthers the fact that residential development is still allowed on the entire North RPD zoning area, including the 5.43-acre optional CPD.

An email was received from the Zoning Manager on March 7, 2019 that "Staff is in agreement that the 5.43 CPD area may be used for residential development as noted in Condition 1 of Z-11-002."

LDC Consistency/Minimal Modification

LDC Section 34-377(a)(5) in part provides that applications for administrative approval will be processed as administrative amendments in accordance with Section 34-380. This section also states that administrative amendments may be granted by the Director upon a finding that public health, safety, and welfare will not be adversely affected by the request. LDC Section 34-380(a) provides that amendments to an approved master concept plan or its attendant documentation may be requested at any time during the development of or useful life of a planned development. LDC Section 34-380(b) provides that the Director may approve any change to the development that does not increase height, density or intensity (i.e., number of dwelling units or quantity of commercial or industrial floor area) except as permitted in chapter 2. This section of the code further specifies that "the Director may not approve a change that will: (1) Result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; (2) Result in a reduction of total open space provided on the master concept plan

by more than ten percent or that would decrease the amount of indigenous native vegetation or open space required by the Code; (3) Decrease preservation areas. Changes to buffer or landscaping areas are permitted but must provide equivalent or better (by comparison with the approved Master concept plan) landscape or buffering; or (4) Adversely impact surrounding land uses."

Conclusions

The request is consistent with the administrative amendment requirements contained in LDC Section 34-380(b). No changes are proposed to the existing intensity approved for the development. The request is simply to codify and clarify condition 1 that the north 5.43-acre CPD allows residential development including single-family, duplex, two-family attached, multifamily and townhomes. The proposed amendment does not increase the height, density or intensity within the development; does not underutilize public resources or infrastructure, does not reduce open space, does not decrease preservation areas or buffers; and does not adversely impact surrounding land uses. The requested amendment is a minimal necessary modification to the already approved planned development to allow the project to proceed with development. The proposed modifications do not change the fact that the project is consistent with the Lee Plan and the LDC.

Exhibit C

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who 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 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-21-11 Z

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories
Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet
All Accessory Uses:	Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

SEAL
BOARD OF COUNTY COMMISSIONERS
LEE COUNTY, FLORIDA

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

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MW
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DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

APR 27 2011

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

COMMUNITY DEVELOPMENT

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 11/08/06 csf

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.83	686334.48
NE#2	856328.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687802.01
NE#5	856231.43	687562.01
NE#6	856230.91	687178.84
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°31'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°28'24"	120.67'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°31'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.93'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	8.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	183.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (90' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

U.S. 41 (a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.17'(D) 2337.35'(M)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48' N 89°51'48" E
NE#8
N 00°08'12" E 250.00'
231.42' S 89°51'48" W
S 00°08'12" E 250.00'
NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH
P.O.C.
POINT "B"
N 89°51'48" E 1145.24'
P.O.B. NORTH CPD ZONING PARCEL NE#1
S 89°54'50" E 500.85'
PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'
NORTHERLY RIGHT-OF-WAY
POINT "A" P.O.C. SOUTH CPD ZONING PARCEL
P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL NE#7
SOUTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL
S 89°51'48" W 383.07'
NE#6
NE#5
DIPLOMAT PARKWAY (100' WIDE)
N 89°51'48" E 575.20'
P.O.B. SOUTH CPD ZONING PARCEL NE#3
POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4
N 00°08'12" W 274.86'
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
S 03°25'50" W 429.00'
PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)
PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC
N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

CSJ 11/4/08

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

- PREPARED NOVEMBER 2, 2008.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
8018 NORTHBROOKE PLAZA DRIVE - SUITE 300
NAPLES, FLORIDA 34119
(239) 597-3061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6990

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2008 4:24:53 PM, David Biehschmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 2 ? 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

RECEIVED
APR 27 2011
DCI DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°30'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.06	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855633.31	686731.56

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

S 89°34'50" E 1231.65'
N 00°25'50" W 596.19'
NE#2 N 89°23'00" E 335.22'
N 00°02'00" W 701.76'
PROPOSED NORTH RPD ZONING PARCEL
35.18± AC
S 00°25'50" W 1021.15'
N 00°25'50" E
S 00°25'50" W 2334.37'(M) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE
U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
(O.R. 1972, PG. 335)
PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
POINT OF BEGINNING NORTH RPD PARCEL NE#1
S 89°51'48" W 257.48'
S 89°51'48" W 1145.24'
53.49'
N 89°34'50" W 500.85'
N 00°08'12" W 250.00'
S 00°08'12" E 250.00'
PROPOSED NORTH CPD ZONING PARCEL
8.78± AC
L9
NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
DIPLOMAT PARKWAY
100'
SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'
S 00°25'50" W 728.95'
L5 L6 L7 L8 L4 C2 L2 L3 L1
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
50' DRAINAGE EASEMENT O.R. 217, PG. 564 & 565)
N 28°33'15" W 666.38'
PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.
(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'
POINT OF BEGINNING SOUTH RPD PARCEL NE#3
N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-42)
N 86°34'10" W 247.11'
NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE NOTES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.00°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
O.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809
THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER
PREPARED NOVEMBER 2, 2006

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2158 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-8081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6990

SHEET 3 OF 3

S:\Jobs\20or\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blahschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map
DCI2010-00015

Mapped:4/29/11

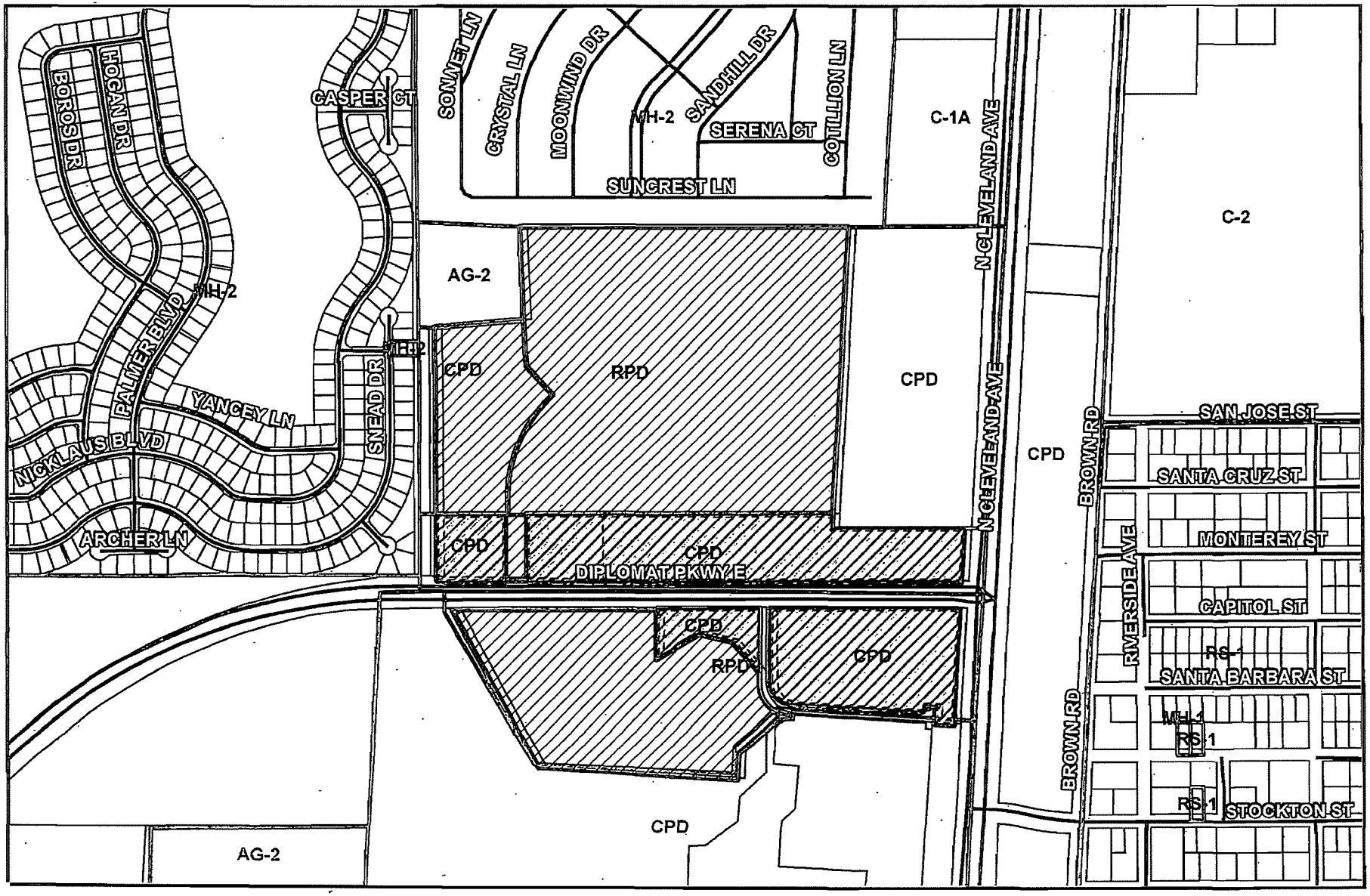
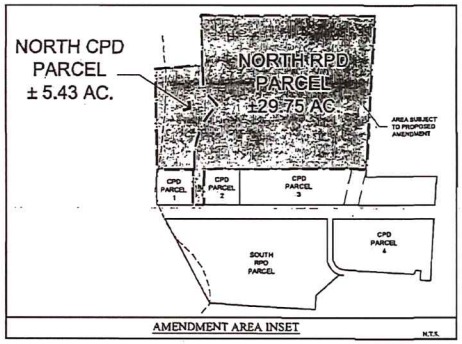
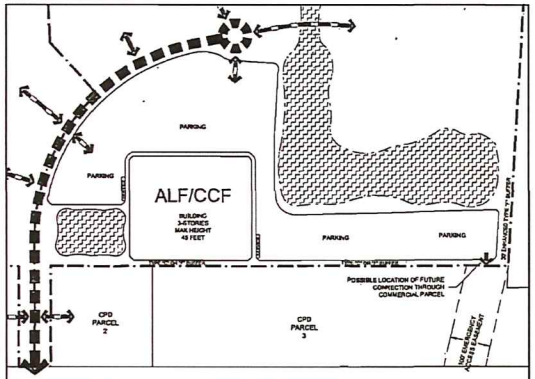


EXHIBIT "B"

ADD2019-00085 Lee County ePlan



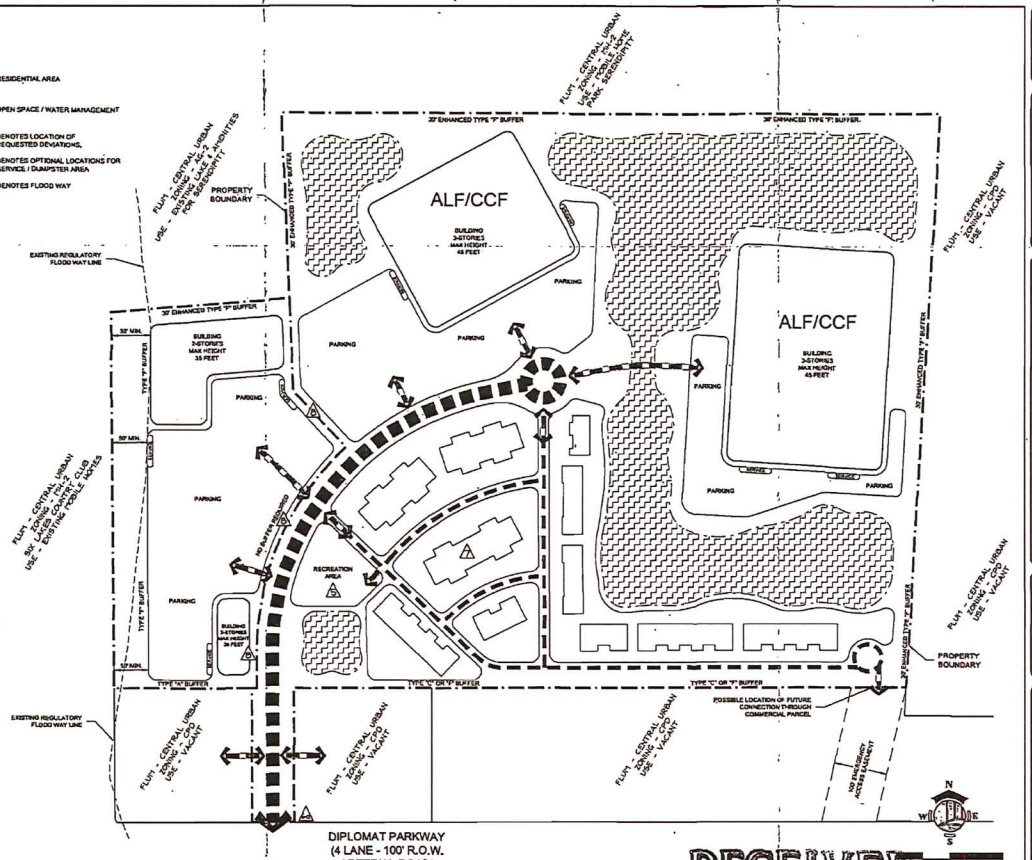
AMENDMENT AREA INSET N.T.S.

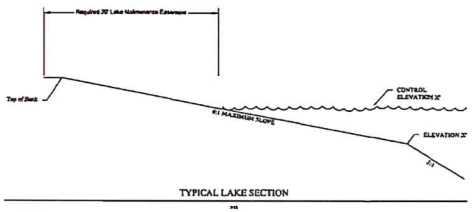


ALTERNATE ALF/CCF INSET N.T.S.

LEGEND:

- RESIDENTIAL AREA
- OPEN SPACE / WATER MANAGEMENT
- DENOTES LOCATION OF REQUESTED DEVIATIONS.
- SERVICE — DENOTES OPTIONAL LOCATIONS FOR SERVICE / DUMPSTER AREA
- DENOTES FLOOD WAY





TYPICAL LAKE SECTION

TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQD OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
	TOTAL 35.18 AC.		TOTAL 13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER Z-06-004, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF/CCF	400 BEDS
RESIDENTIAL	134 D.U.
MEDICAL OFFICE	50,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS = 1 D.U.

400 SQ. FT. MEDICAL OFFICE = 1,200 SQ. FT. PROFESSIONAL OFFICE

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite
Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD (NORTH PARCEL)
Project Line 3

REVISIONS

NO.	DESCRIPTION	DATE
R1	Revised per fire county sufficiency comments dated 06-06-19	8-23-10
R2	Revised per fire county sufficiency comments dated 10-10-19	10-20-10
R3	Revised per fire county comments	12-17-10
R4	Revised per HCE environmental conditions	3-2-11
R5	Final Adopted Plan	4-20-11

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO.1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

EXHIBIT "C"
(Page 2 of 2)

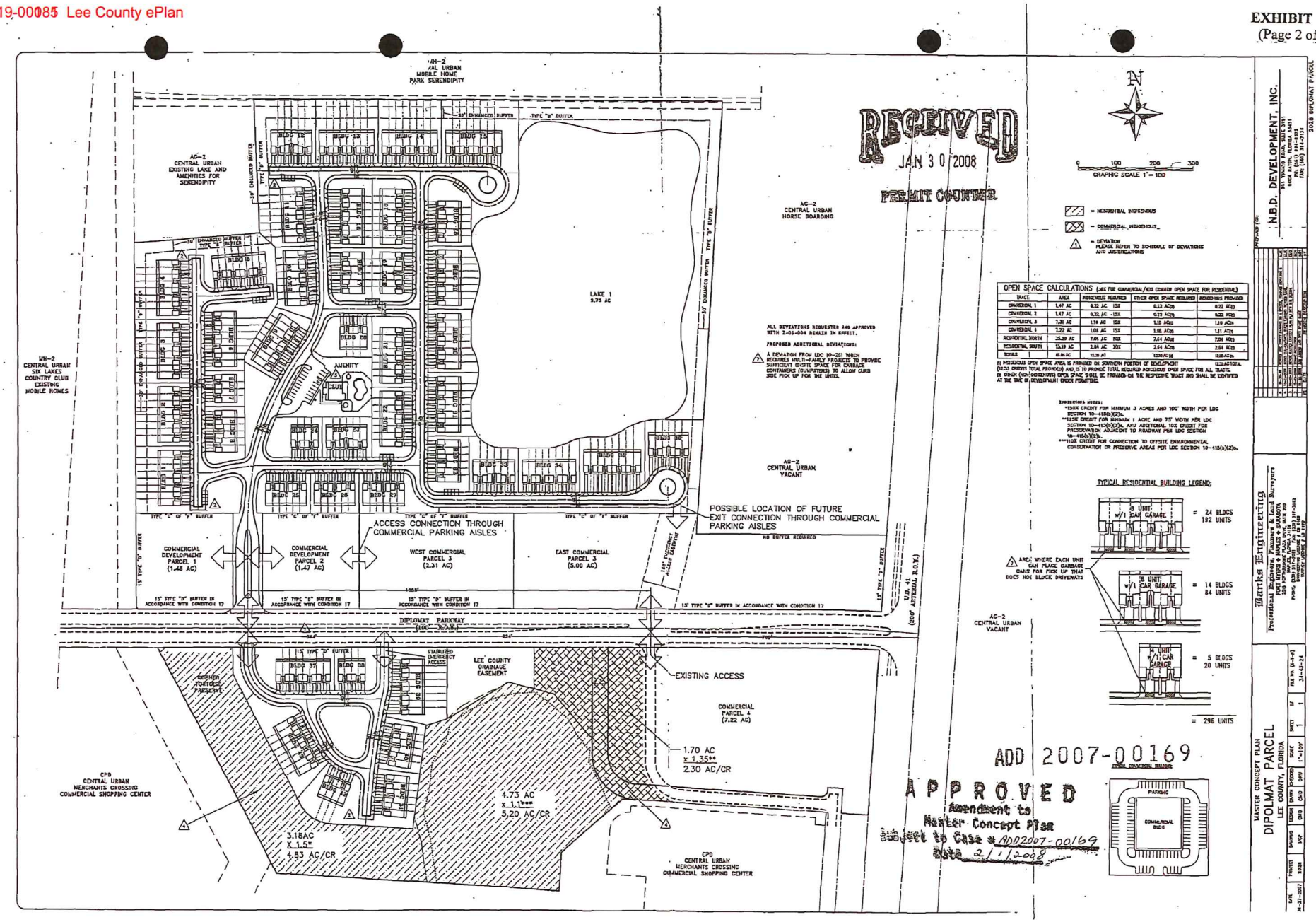


Exhibit D

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00169

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Athyrio Development Associates, LLC, filed an application for administrative approval to a Residential Planned Development/Commercial Planned Development (RPD/CPD) on a project known as Diplomat Parcel for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviations to the Land Development Code on property located at 15501 North Cleveland Avenue , described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 24 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as "Exhibit A".

WHEREAS, the property was originally rezoned in case number DCI2005-00055 (Z-06-004); and

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

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

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 457 dwelling units pursuant to condition #1; and

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 200,000 square feet of commercial floor area; and

WHEREAS, the approved master concept plan contemplated filling in an existing lake; and

WHEREAS, the applicant has reconfigured the master concept plan providing for more detail of the residential uses, and utilization of the existing lake; and

WHEREAS, the Diplomat RPD/CPD provided land development regulations for townhouses per Condition 2; and

WHEREAS, the applicant proposes a revised set of land development regulations for their specific townhouse products; and

WHEREAS, these revised land development regulations are substantively the same and acceptable to staff; and

WHEREAS, the applicant requests a deviation from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project; and

WHEREAS, this request was reviewed and approved by the Department of Solid Waste and the Department of Public Works; and

WHEREAS; the deviation request enhances 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 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 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 amendment to the Diplomat Residential Planned Development/Commercial Planned Development (RPD/CPD) for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviation to the Land Development Code is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated JAN 30, 2007, Master Concept Plan for ADD2007-00169 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Condition 2 a. of Zoning Resolution #Z-06-004 is revised with the following Site Development Regulations for Townhouses.**

Minimum Lot Areas and Dimensions
Lot Size ~~**7,500**~~ **1,600 square feet**
Lot Width ~~**75**~~ **16 feet**
Lot Depth 100 feet

Minimum Setbacks

Street	**25 feet (public)/20 feet (private)**
Side	**5 10 feet (Zero feet for common wall unit)**

Rear	**30 feet - All lots containing enhanced buffer. See Condition 13.** **20 feet - all other lots**
Water Body	**25 feet**

All Accessory Uses: **Per the LDC**

Setbacks from Preserves (All Structures) 25 feet per the LDC.

Minimum Perimeter Setbacks: 25 feet (30 feet - All lots containing enhanced buffer. See Condition 13.)

Minimum Building Separation ~~10~~ 20 feet

Maximum Building Height: 35 feet/2 stories

Maximum Lot Coverage: ~~45~~ 65%

3. **Deviation 7 seeks relief from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 1st day of February, A.D., 2008.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

EXHIBIT A

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
SEP 25 2007
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

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Fort Myers, Florida 33966
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Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

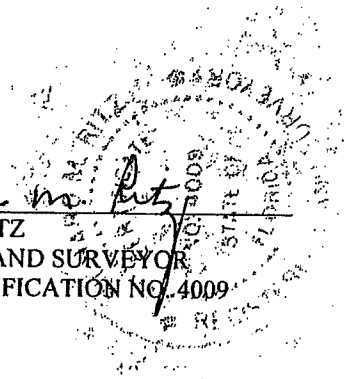
PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.



RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by S 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	128.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

S 89°54'50" E 1231.65'

N 51°25'20" W 346.19'

NE#2 N 85°23'00" E 335.22'

N 00°20'36" W 703.76'

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

S 03°25'50" W 1073.15'
N 03°25'50" E

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

S 89°51'48" W 257.48'

N 00°08'12" W 250.00'

S 00°08'12" E 250.00'

L9

NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.

POINT OF BEGINNING
NORTH RPD PARCEL
NE#1

S 89°51'48" W 1145.24'

53.49'

N 89°54'50" W 500.85'

(O.R. 1972, PG. 335)

C1

S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

DIPLOMAT PARKWAY
100'

S 03°25'50" W 728.95'

SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

L5 L6 L7 L8 L4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

N 28°32'57" W 666.39'
50' DRAINGE EASEMENT
D.B. 237, PG. 564 & 565)

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

G2

(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'

L2

POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

L3

L1

N 86°34'10" W 747.11'

NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

Applicant's Legal Checked
by 9/25/07

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 5005

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED: NOVEMBER 12, 2006.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

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Sarasota Office
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Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

U.S. 41 (a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.37'(D) 2337.35'(M)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48' N 89°51'48" E
NE#8
N 00°20'36" W 244.12'
253.42' S 89°51'48" W
S 00°08'12" E 250.00'
L17

NE#2 CPD ZONNING PARCEL ADDITIONAL NORTH
P.O.C. POINT "B"
N 00°08'12" W 250.00'

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'

P.O.B. NORTH CPD ZONING PARCEL NE#1
S 89°54'50" E 500.85'
L4

NORTHERLY RIGHT-OF-WAY
C2
L2
L1
POINT "A" P.O.C. SOUTH CPD ZONING PARCEL

P.O.B. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#7
L3
SOUTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
P.O.B. ADDITIONAL SOUTH CPD ZONING PARCEL
NE#6
S 89°51'48" W 383.07'
NE#5
L11
DIPLOMAT PARKWAY (100' WIDE)
N 89°51'48" E 575.20'
C5
L10
L5
P.O.B. SOUTH CPD ZONING PARCEL NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
L12
L13
L14
L15

POINT "C" P.O.C. ADDITIONAL SOUTH CPD ZONNING PARCEL NE#4
N 00°08'12" W 274.66'
L16
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
S 03°25'50" W 429.00'

C4
N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)
L8
C3
L7
L6

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

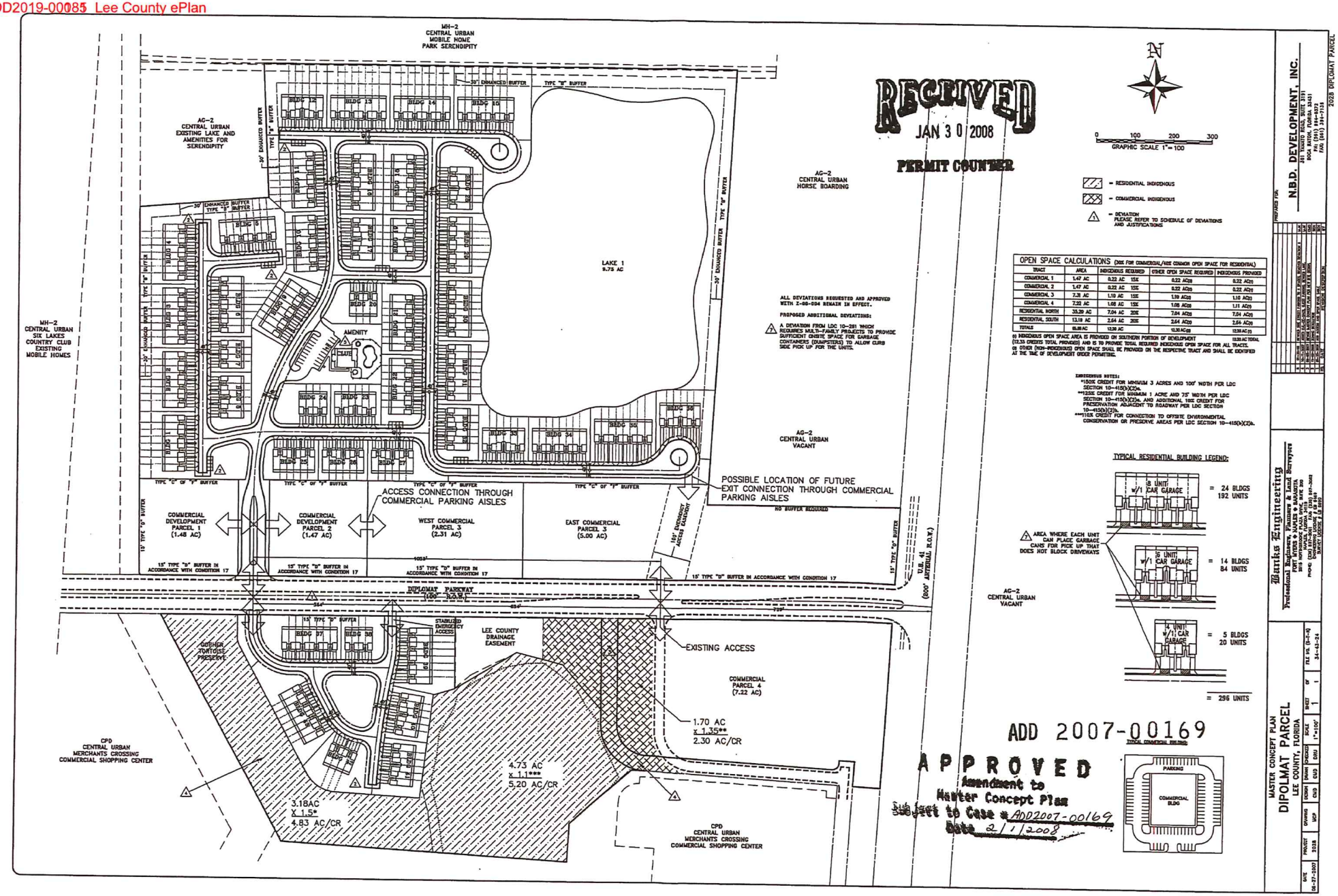
—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 27, 2006

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

Applicant's Legal Checked by 9/25/07

SHEET 3 OF 3



RECEIVED
JAN 30 2008
PERMIT COUNTER

ADD 2007-00169

APPROVED
Amendment to
Master Concept Plan
Subject to Case # ADD2007-00169
Date 2/1/2008

PREPARED FOR
N.B.D. DEVELOPMENT, INC.
201 TAMIAMI TRAIL SOUTH, SUITE 3191
NOKOMIS, FLORIDA 34275
PH: (941) 966-6072
FAX: (941) 966-7138

NO.	DATE	REVISION DESCRIPTION	BY
1	5-5-08	REVISED PER LEE COUNTY DEVELOPMENT SERVICES REVIEW 4	LAK
2	5-13-08	REVISED PER LEE COUNTY DEVELOPMENT SERVICES REVIEW 5	LAK
3	5-21-08	REVISED PER LEE COUNTY DEVELOPMENT SERVICES REVIEW 6	LAK
4	6-4-08	REVISED PER LEE COUNTY DEVELOPMENT SERVICES REVIEW 7	LAK
5	6-27-08	REVISED PER LEE COUNTY DEVELOPMENT SERVICES REVIEW 8	LAK

Banks Engineering
Professional Engineers, Planners & Land Surveyors
FORT MYERS • NAPLES • SARASOTA
9118 COLLEGE PARKWAY, SUITE 200
FORT MYERS, FLORIDA 33919 PHONE: (239) 277-3090
CERTIFICATE NUMBER: EB 0006939 FAX: (239) 277-3094
CERTIFICATE NUMBER: LB 0006939

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE No. (D-E-R)
06-27-2007	2038	MCP	CLD	CLD	DMJ	1"=100'	1	1	34-43-24

2028 DIPLOMAT PARCEL

Exhibit E

RESOLUTION NUMBER Z-06-004

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

WHEREAS, Athyrio Development Associates, LLC, filed an application on behalf of the property owner, Richard K. Bennett, Successor Trustee of the North Trail Land Trust, to rezone 65± acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district, in reference to Diplomat Property RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on January 12, 2006, and January 13, 2006, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00055; and,

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who 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 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. The property is located in the Central Urban 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. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

   Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (RPD): 381 dwelling units. An additional 76 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 75 units may only be sold to buyers who qualify as a moderate income household at the time of purchase. Moderate income households means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 47.65 acres of RPD. An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 381 (up to 457 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, Indoor only. No outdoor display.
Variety Store

b. **Site Development Regulations - RPD**

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer, See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

MULTI-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

COMMERCIAL

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Building Height:	50 feet/ 3 stories
	35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. Concurrency.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. Model Home and Real Estate Sales.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. Agricultural Uses. No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

6. Blasting. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. 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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. Wireless Communication Facilities.

    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.

14. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Environmental. Prior to local development order approval:

a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,

c. The landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. Commercial Parcels North of Diplomat Parkway. Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.

6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and

2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan -Diplomat Parcel, Stamped Received November 3, 2006

The applicant has indicated that the STRAP number for the subject property is: 34-43-24-00-00001.3030.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD/CPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. No agricultural uses currently exist on the property.

5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

2006 NOV 27 PM 3:20

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI 2005-00055

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

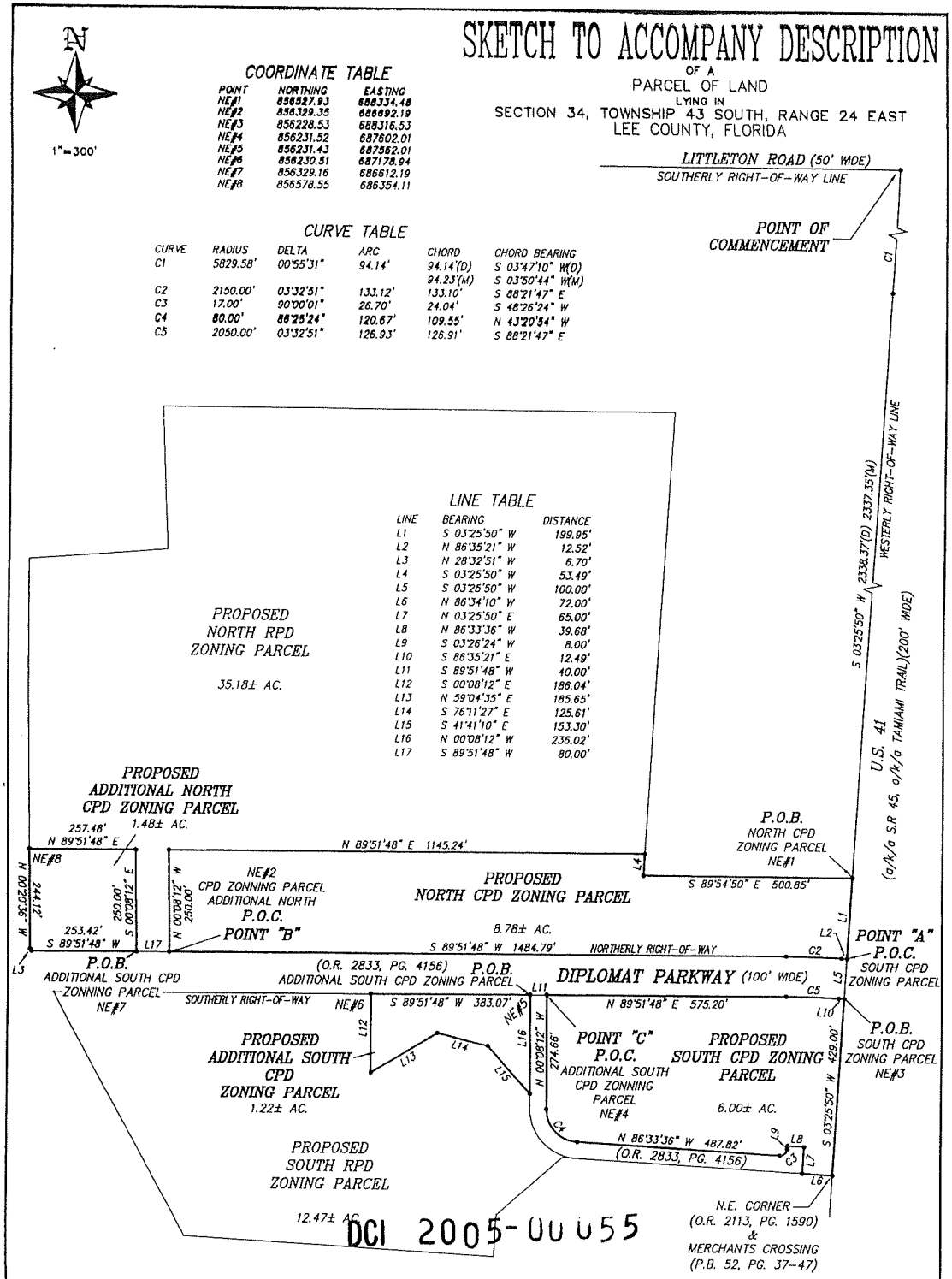
Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

Applicant's Legal Checked
by 11/08/06 CSJ

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DCI 2005-00055

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686892.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	88°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 2, 2006.

CSJ 11/4/08

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Biehschmidt

ADD2019-00085 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2005-00055

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

LINE TABLE

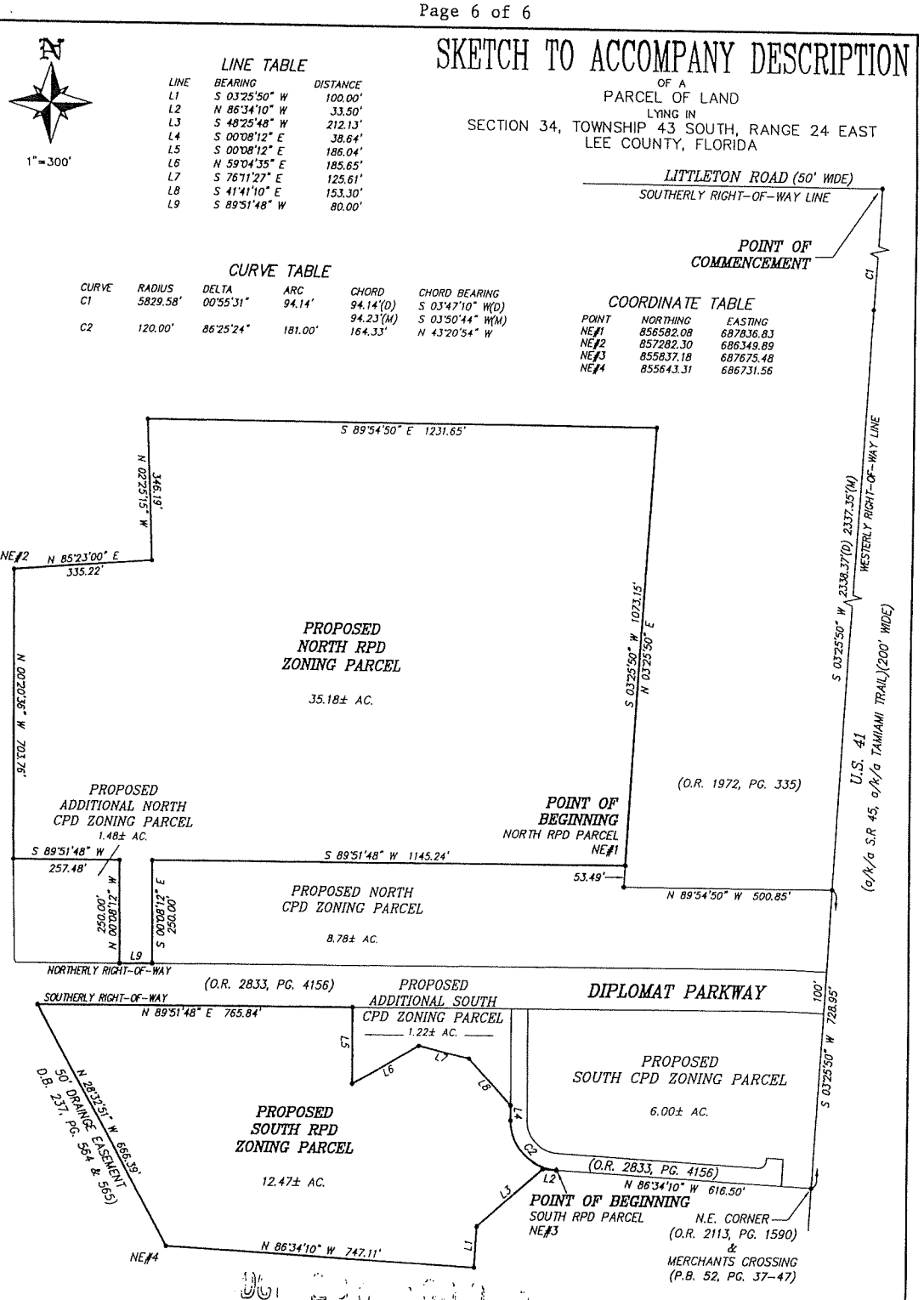
LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56



NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4609

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006.

SKETCH

DCI 2005-00055

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

PROPOSED ZONING MAP

Attachment B

12/7/2005

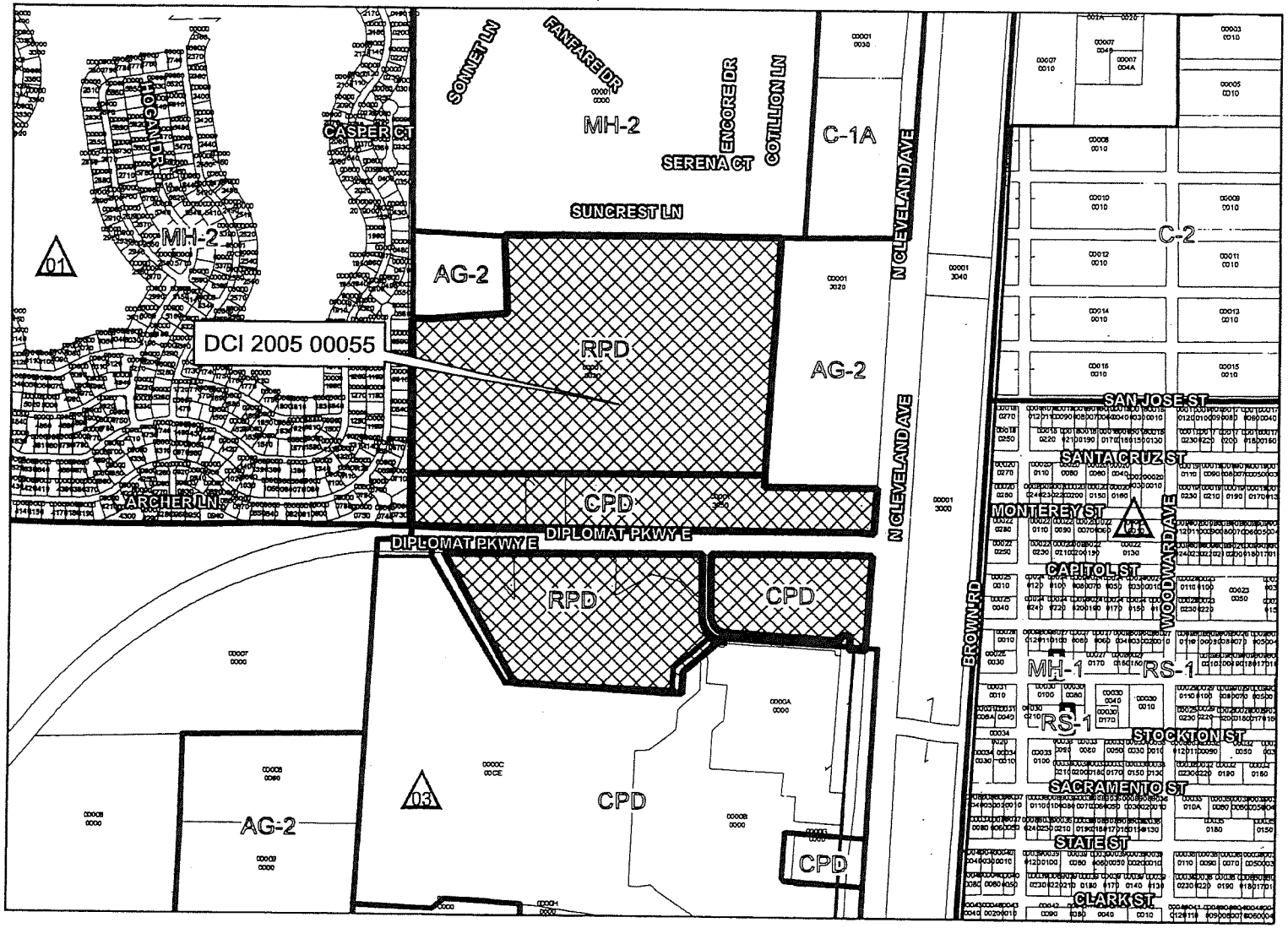
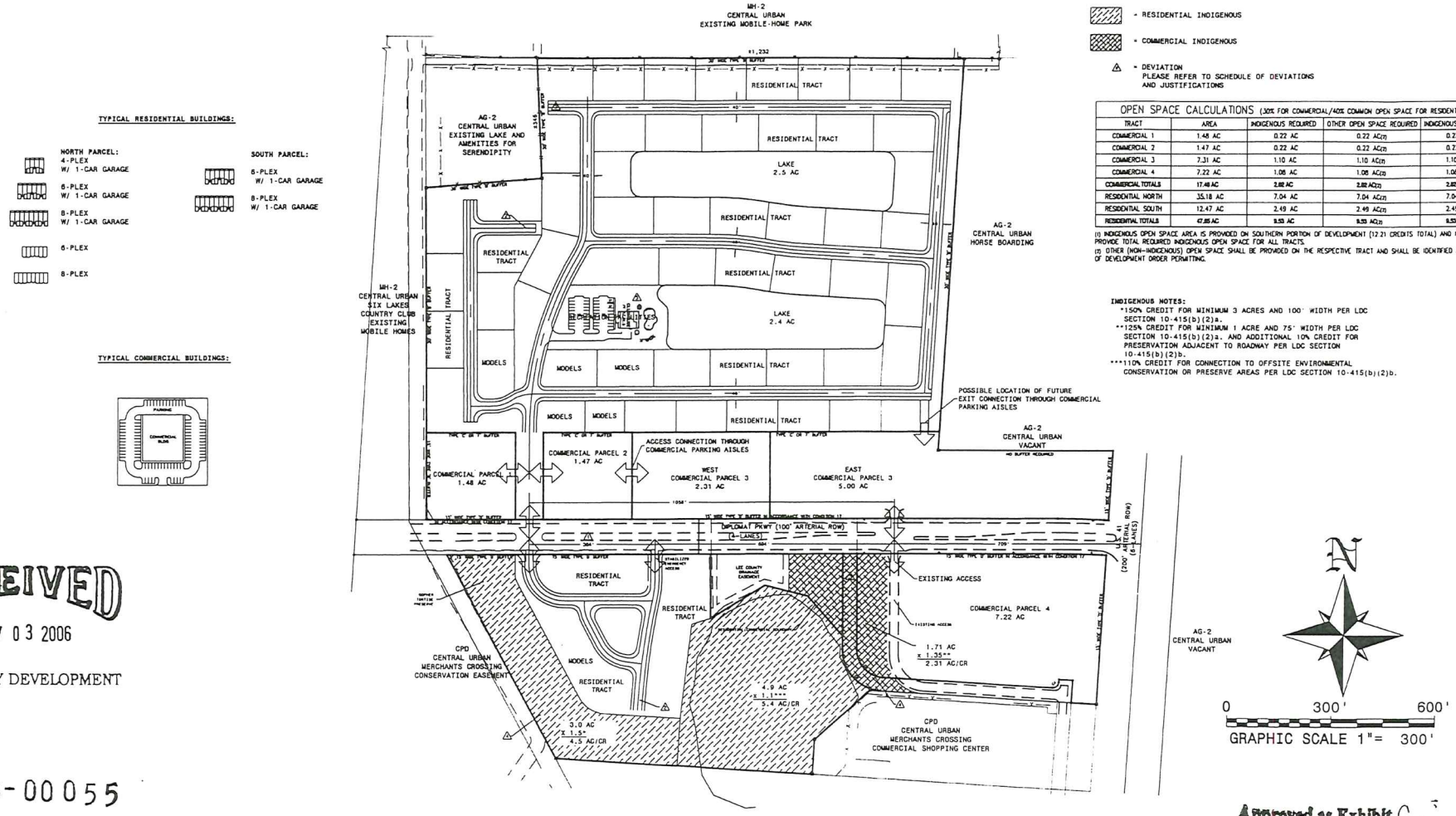


EXHIBIT "B"

Zoning Map



OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

EXHIBIT C

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-06-004

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/30/06	ZONING RESOLUTION	JGH
1	01/23/06	ADD ACCESS AND OPEN SPACE TABLE	WH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
8640 WILLOW PARK DRIVE, SUITE B
NAPLES, FLORIDA 34120
PHONE: (239) 597-2061 FAX: (239) 597-3062
ENGINEERING LICENSE # EB 8480
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24

Exhibit F

ADMINISTRATIVE AMENDMENT (PD) ADD2007-00169

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Athyrio Development Associates, LLC, filed an application for administrative approval to a Residential Planned Development/Commercial Planned Development (RPD/CPD) on a project known as Diplomat Parcel for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviations to the Land Development Code on property located at 15501 North Cleveland Avenue , described more particularly as:

LEGAL DESCRIPTION: In Section 34, Township 43 South, Range 24 East, Lee County, Florida:

See Legal Description and Sketch attached hereto as "Exhibit A".

WHEREAS, the property was originally rezoned in case number DCI2005-00055 (Z-06-004); and

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

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

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 457 dwelling units pursuant to condition #1; and

WHEREAS, the Diplomat RPD/CPD was approved with a maximum of 200,000 square feet of commercial floor area; and

WHEREAS, the approved master concept plan contemplated filling in an existing lake; and

WHEREAS, the applicant has reconfigured the master concept plan providing for more detail of the residential uses, and utilization of the existing lake; and

WHEREAS, the Diplomat RPD/CPD provided land development regulations for townhouses per Condition 2; and

WHEREAS, the applicant proposes a revised set of land development regulations for their specific townhouse products; and

WHEREAS, these revised land development regulations are substantively the same and acceptable to staff; and

WHEREAS, the applicant requests a deviation from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project; and

WHEREAS, this request was reviewed and approved by the Department of Solid Waste and the Department of Public Works; and

WHEREAS; the deviation request enhances 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 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 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 amendment to the Diplomat Residential Planned Development/Commercial Planned Development (RPD/CPD) for reconfiguration of the master concept plan; provide for minimum lot areas and dimensions for townhouses; and approval of a deviation to the Land Development Code is **APPROVED.**

Approval is subject to the following conditions:

1. **The Development must be in compliance with the amended Master Concept Plan, dated JAN 30, 2007, Master Concept Plan for ADD2007-00169 is hereby APPROVED and adopted. A reduced copy is attached hereto.**

2. **Condition 2 a. of Zoning Resolution #Z-06-004 is revised with the following Site Development Regulations for Townhouses.**

Minimum Lot Areas and Dimensions

Lot Size	**~~7,500~~ 1,600 square feet**
Lot Width	**~~75~~ 16 feet**
Lot Depth	**100 feet**

Minimum Setbacks

Street	**25 feet (public)/20 feet (private)**
Side	**~~5~~ 10 feet (Zero feet for common wall unit)**

Rear	**30 feet - All lots containing enhanced buffer. See Condition 13.** **20 feet - all other lots**
Water Body	**25 feet**

All Accessory Uses: **Per the LDC**

Setbacks from Preserves (All Structures) 25 feet per the LDC.

Minimum Perimeter Setbacks: 25 feet (30 feet - All lots containing enhanced buffer. See Condition 13.)

Minimum Building Separation ~~10~~ 20 feet

Maximum Building Height: 35 feet/2 stories

Maximum Lot Coverage: ~~45~~ 65%

3. **Deviation 7 seeks relief from LDC Sec. 10-261(a) which requires all new multifamily residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curb side garbage pick up at the proposed townhouse units that are planned within the project. This Deviation is APPROVED.**

4. **The terms and conditions of the original zoning resolutions remain in full force and effect, except as amended herein.**

DULY SIGNED this 1st day of February, A.D., 2008.

BY: Pam Houck

Pam Houck, Director
Division of Zoning
Department of Community Development

ADD2019-00181 Lee County ePlan

EXHIBIT A

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
SEP 25 2007
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

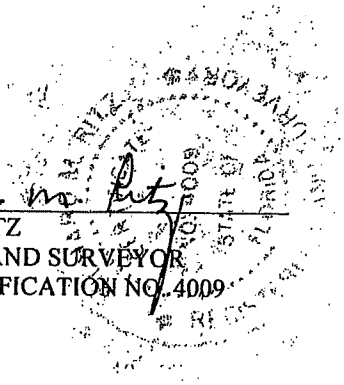
PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.



RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked by S 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

C1

WESTERLY RIGHT-OF-WAY LINE
U.S. 41
(a/k/a S.R 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

S 03°25'50" W 2338.37'(D) 2337.35'(M)

S 89°54'50" E 1231.65'

N 00°25'15" W 346.19'

NE#2

N 85°23'00" E 335.22'

N 00°08'36" W 702.76'

PROPOSED
NORTH RPD
ZONING PARCEL
35.18± AC.

S 03°25'50" W 1073.15'
N 03°25'50" E

(O.R. 1972, PG. 335)

PROPOSED
ADDITIONAL NORTH
CPD ZONING PARCEL
1.48± AC.

POINT OF BEGINNING
NORTH RPD PARCEL
NE#1

S 89°51'48" W 257.48'

S 89°51'48" W 1145.24'

53.49'

N 89°54'50" W 500.85'

N 00°08'12" W 250.00'

S 00°08'12" E 250.00'

PROPOSED NORTH
CPD ZONING PARCEL
8.78± AC.

L9

NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)

PROPOSED
ADDITIONAL SOUTH
CPD ZONING PARCEL
1.22± AC.

DIPLOMAT PARKWAY
100'

SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'

S 03°25'50" W 728.95'

L5
L6
L7
L8
L4
G2
L2
L3
L1

PROPOSED
SOUTH CPD ZONING PARCEL
6.00± AC.

N 28°33'51" W 666.39'
50' DRAINGE EASEMENT
O.R. 237, PG. 564 & 565)

PROPOSED
SOUTH RPD
ZONING PARCEL
12.47± AC.

(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'

POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

N 86°34'10" W 747.11'

NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

Applicant's Legal Checked
by _____ 9/25/07

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 3005

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 12, 2006.

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING;** THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING;**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by 9/25/07

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856527.93	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

U.S. 41 (a/k/a S.R 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
WESTERLY RIGHT-OF-WAY LINE
S 03°25'50" W 2338.37'(D) 2337.35'(M)

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

257.48'
N 89°51'48" E

N 89°51'48" E 1145.24'

P.O.B.
NORTH CPD ZONING PARCEL
NE#1

S 89°54'50" E 500.65'

NE#8
N 00°08'12" W 244.12'
S 00°08'12" E 250.00'
253.42'
S 89°51'48" W

NE#2
CPD ZONNING PARCEL
ADDITIONAL NORTH
P.O.C.
POINT "B"
N 00°08'12" W 250.00'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'

NORTHERLY RIGHT-OF-WAY

POINT "A"
P.O.C.
SOUTH CPD ZONING PARCEL

P.O.B.
ADDITIONAL SOUTH CPD ZONNING PARCEL
NE#7

SOUTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156)
P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL

DIPLOMAT PARKWAY (100' WIDE)

NE#6
S 89°51'48" W 383.07'

NE#5
N 89°51'48" E 575.20'

P.O.B.
SOUTH CPD ZONING PARCEL
NE#3

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

POINT "C"
P.O.C.
ADDITIONAL SOUTH CPD ZONNING PARCEL
NE#4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

N 00°08'12" W 274.66'
S 03°25'50" W 429.00'

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.

N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

—PREPARED NOVEMBER 21, 2006

Applicant's Legal Checked by 9/25/07

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

ADD2019-00181 Lee County ePlan

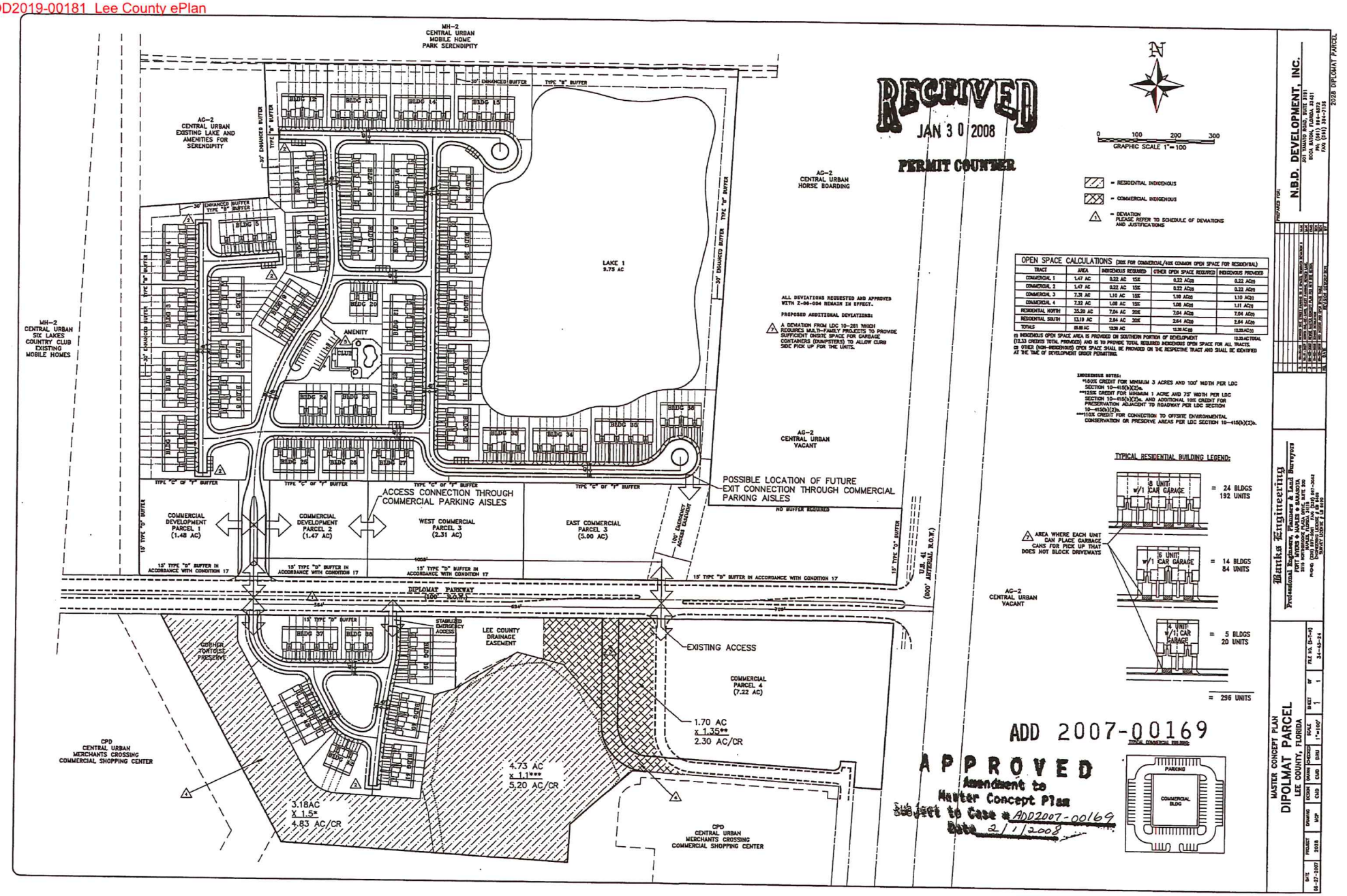


Exhibit G

RESOLUTION NUMBER Z-06-004

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

WHEREAS, Athyrio Development Associates, LLC, filed an application on behalf of the property owner, Richard K. Bennett, Successor Trustee of the North Trail Land Trust, to rezone 65± acres of land from the Agricultural (AG-2) zoning district to the Residential Planned Development/Commercial Planned Development (RPD/CPD) zoning district, in reference to Diplomat Property RPD/CPD; and,

WHEREAS, a public hearing was advertised and held on January 12, 2006, and January 13, 2006, before the Lee County Zoning Hearing Examiner Diana Parker, who gave full consideration to the evidence in the record for Case #DCI2005-00055; and,

WHEREAS, a second public hearing was advertised and held on April 3, 2006, before the Lee County Board of Commissioners, who 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 65 acres of land from AG-2 to RPD/CPD to allow a maximum of 468 dwelling units, 200,000 square feet of commercial floor area, and a maximum of 120 hotel rooms. Maximum proposed building height is three (3) stories/50 feet commercial and two (2) stories/ 35 feet residential. No development blasting is requested. The property is located in the Central Urban 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. Development must be consistent with the one-page Master Concept Plan entitled "CONCEPTUAL SITE PLAN: DIPLOMAT PARCEL," Sheet 1 of 1, date stamped "Received November 3, 2006," and prepared by Banks Engineering, Inc. (attached hereto as Exhibit C), except as modified by the conditions below.

   Development must comply with the Lee County LDC at time of local development order approval, except as may be granted by deviation as part of this planned development. If changes to the Master Concept Plan (MCP) are subsequently pursued, appropriate approvals will be necessary.

Maximum Number of Dwelling Units (RPD): 381 dwelling units. An additional 76 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 75 units may only be sold to buyers who qualify as a moderate income household at the time of purchase. Moderate income households means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Planning Division.

Eight (8.0) dwelling units per acre maximum, for the 47.65 acres of RPD. An additional 1.6 units per acre may be constructed subject to affordability requirements above.

Maximum Commercial Floor Area (CPD): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **Schedule of Uses: RPD**

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP.
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - 381 (up to 457 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/ REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

Schedule of Uses: CPD

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I
Bait and Tackle Shop
Banks and Financial Establishments, Group I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Group I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC 34 Division 11)

A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.

Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing).

Contractors and Builders, Group I and II (Not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 4 or 3)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Group I and II
Funeral Home or Mortuary, with or without cremation
Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Group I, II, III (no Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.

Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Group I, II, III, IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II (excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Group I, II, III
Research and Development Laboratories, Group I, II, III, IV.
Restaurants, Group I, II, III, IV.
Restaurant, Fast Food, No stand-alone or drive-through. Within a multi-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with Chapter 30
Social Services Group I
Specialty Retail, Group I, II, III, IV
Storage, Indoor Only
Studios
Supermarkets
Temporary Uses
Used Merchandise, Group I, II, Indoor only. No outdoor display.
Variety Store

b. **Site Development Regulations - RPD**

SINGLE-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (0 feet for common wall unit)
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer, See Condition 13.

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

MULTI-FAMILY

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	30 feet - all lots containing enhanced buffer. See Condition 13. 20 feet - all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet
30 feet - all lots containing enhanced buffer. See Condition 13.

Minimum Building Separation: 20 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

RECREATIONAL AREA/FACILITIES

Minimum Lot Areas and Dimensions

Lot Size:	9,000 square feet
Lot Width:	50 feet
Lot Depth:	120 feet

Minimum Setbacks (Also see Deviation 5):

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet.

Building Height: 35 feet/ 2 stories

Maximum Lot Coverage: 45 percent

Site Development Regulations - CPD

Minimum Lot Areas and Dimensions

COMMERCIAL

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.
Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet.

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Building Height: 50 feet/ 3 stories
35 feet/ 2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

3. Concurrency.

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. Model Home and Real Estate Sales.

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real Estate sales within the Residential Planned Development (RPD) are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the Commercial Planned Development (CPD)

h. Real Estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of ~~up to~~ 5 years from the date of issuance of a certificate of occupancy of a model home per LDC § 34-1954(d)(1).

5. Agricultural Uses. No agricultural uses are existing on site, and none are approved by virtue of this rezoning.

6. Blasting. No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. All required buffers must utilize 100 percent all native vegetation.

8. Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the Lee County LDC may be required to obtain a local development order.

10. 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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

11. The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of U.S. 41 and Diplomat Road.

12. Wireless Communication Facilities.

    a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

    b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC Sec. 34-1441, et. seq. (Commercial parcels only).

13. Buffers. The 15-foot-wide Type B buffer to the west (adjacent to Six Lakes Country Club), to the east (adjacent to horse boarding), and to the north (adjacent to the existing Serendipity Mobile Home Park) must be enhanced to 30 feet, 10 trees per 100 linear feet, and canopy-type trees (no palms) with a minimum 4-inch caliper. The Type "B" buffer shown adjacent to the "Existing Lake and Amenities for Serendipity" also requires enhancement as described in this condition. See Condition 17 for enhanced buffer along north side of Diplomat Parkway where parking areas are adjacent to the Parkway.

14. Accessory Uses. Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

15. Open Space. Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space within the common area on the MCP, and a minimum of 40 percent common open space is provided within the residential tracts.

16. Environmental. Prior to local development order approval:

a. The developer must submit a detailed indigenous preservation management plan for the Division of Environmental Sciences Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and,

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the 3-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and,

c. The landscape plans must delineate a double staggered native hedge (minimum 3-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

17. Commercial Parcels North of Diplomat Parkway. Commercial buildings located within Commercial Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed 2 stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway at an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a 2-foot-high berm with 10 trees and a staggered 36-inch- high hedge per 100 linear feet. Applicant is to be strongly encouraged to utilize the commercial building site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2 and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify the them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

SECTION C. DEVIATIONS:

1. Deviation (1) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road, to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. Deviation (2) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow two dead-end streets as shown on the MCP. This deviation is APPROVED.

3. Deviation (3) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities provide 50 percent of their open space percentage requirements through onsite preservation of existing native vegetative communities, to permit 0.45 acres of right-of-way to be vacated, enhanced, and preserved

to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

a. Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

4. Deviation (4) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a stormwater management system. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Prior to local development order, the development orders plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked, to avoid impacting any large native trees or gopher tortoise burrows, for the Division of Environmental Sciences' Staff review and approval.

5. Deviation (5) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

a. Development of a recreational facility and clubhouse must be generally consistent with the location and size as shown on the approved MCP.

6. a. Deviation (6.a.) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

2) The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

3) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency

vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

4) Prior to build-out of the north residential development, applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate;

6. b. Deviation (6.b.) seeks relief from the LDC §10-291(3) (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway with an emergency access also onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

1) Access to the residential component South of Diplomat Parkway must be generally consistent with the approved MCP; and

2) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

3) Prior to the issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

SECTION D. EXHIBITS AND STRAP NUMBER:

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

Exhibit A: Legal description
Exhibit B: Zoning Map (subject parcel identified with shading)
Exhibit C: Master Concept Plan -Diplomat Parcel, Stamped Received November 3, 2006

The applicant has indicated that the STRAP number for the subject property is:
34-43-24-00-00001.3030.

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and other applicable codes or regulations.

2. The RPD/CPD rezoning, as approved:

   a. meets or exceeds the performance and locational standards set forth for the potential uses allowed by the request; and,

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan; and,

   c. is compatible with existing or planned uses in the surrounding area; and,

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and,

   e. will not adversely affect environmentally critical areas or natural resources.

3. The RPD/CPD rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location; and

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

   c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. No agricultural uses currently exist on the property.

5. Urban services, as defined in the Lee Plan, will be available and adequate to serve the proposed land use.

6. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

Robert P. Janes	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Tammara Hall	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 3rd day of April 2006.

ATTEST:
CHARLIE GREEN, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Tammara Hall, Chairwoman

Approved as to form by:

_____
Donna Marie Collins
County Attorney's Office

2006 NOV 27 PM 3:20

ADD2019-00181 Lee County ePlan

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

DCI 2005-00055

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

DCI 2005-00055

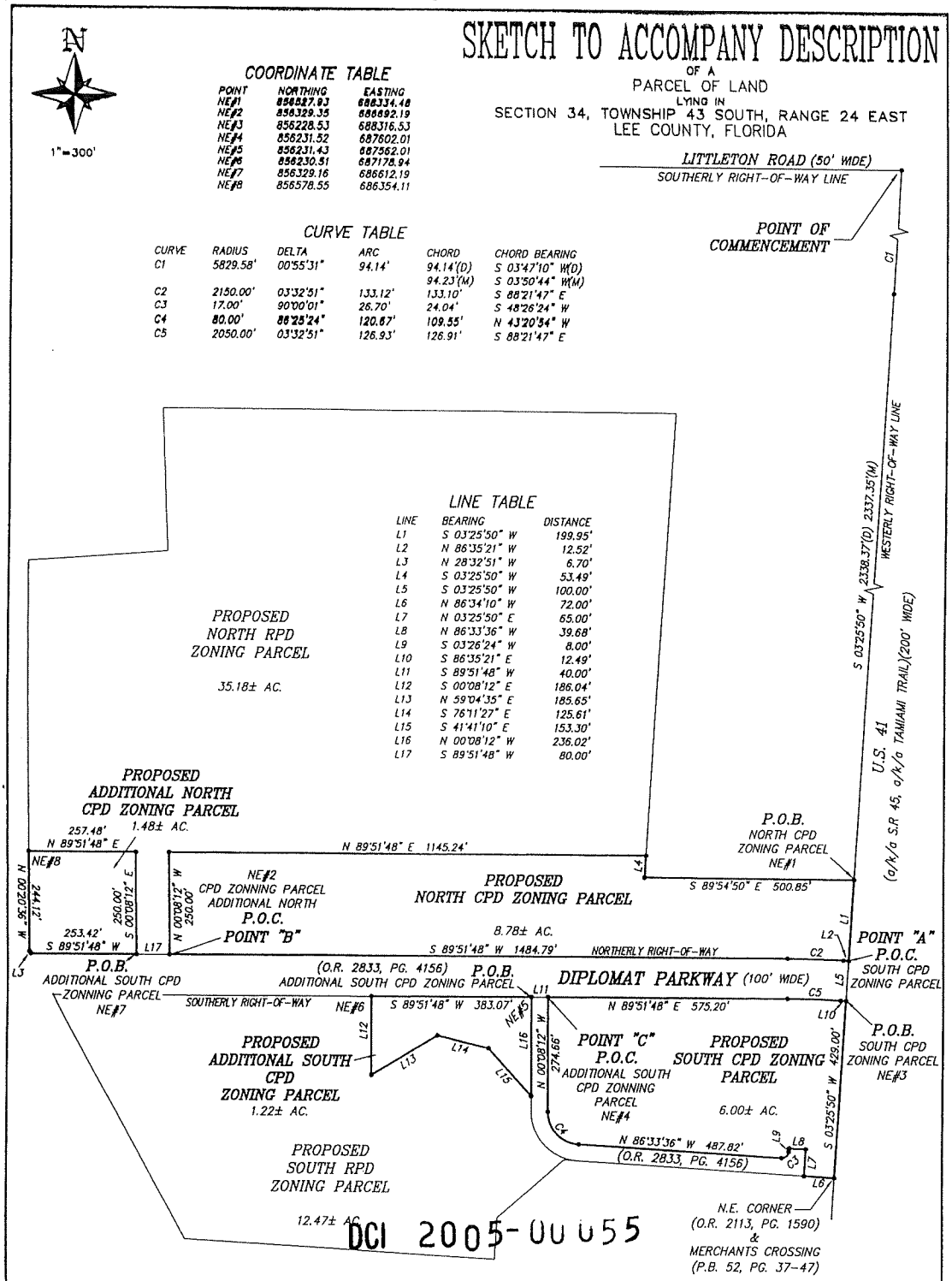
Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4008

Applicant's Legal Checked
by 11/08/06 CSJ

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



DCI 2005-00055

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.83	688334.48
NE#2	856329.35	686692.19
NE#3	856228.53	688316.53
NE#4	856231.52	687602.01
NE#5	856231.43	687562.01
NE#6	856230.51	687178.94
NE#7	856329.16	686612.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	86°25'24"	120.67'	109.55'	N 43°20'54" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	6.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.68'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

—PREPARED NOVEMBER 2, 2006.

CSJ 11/4/08

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE – SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Biehschmidt

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Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2005-00055

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BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

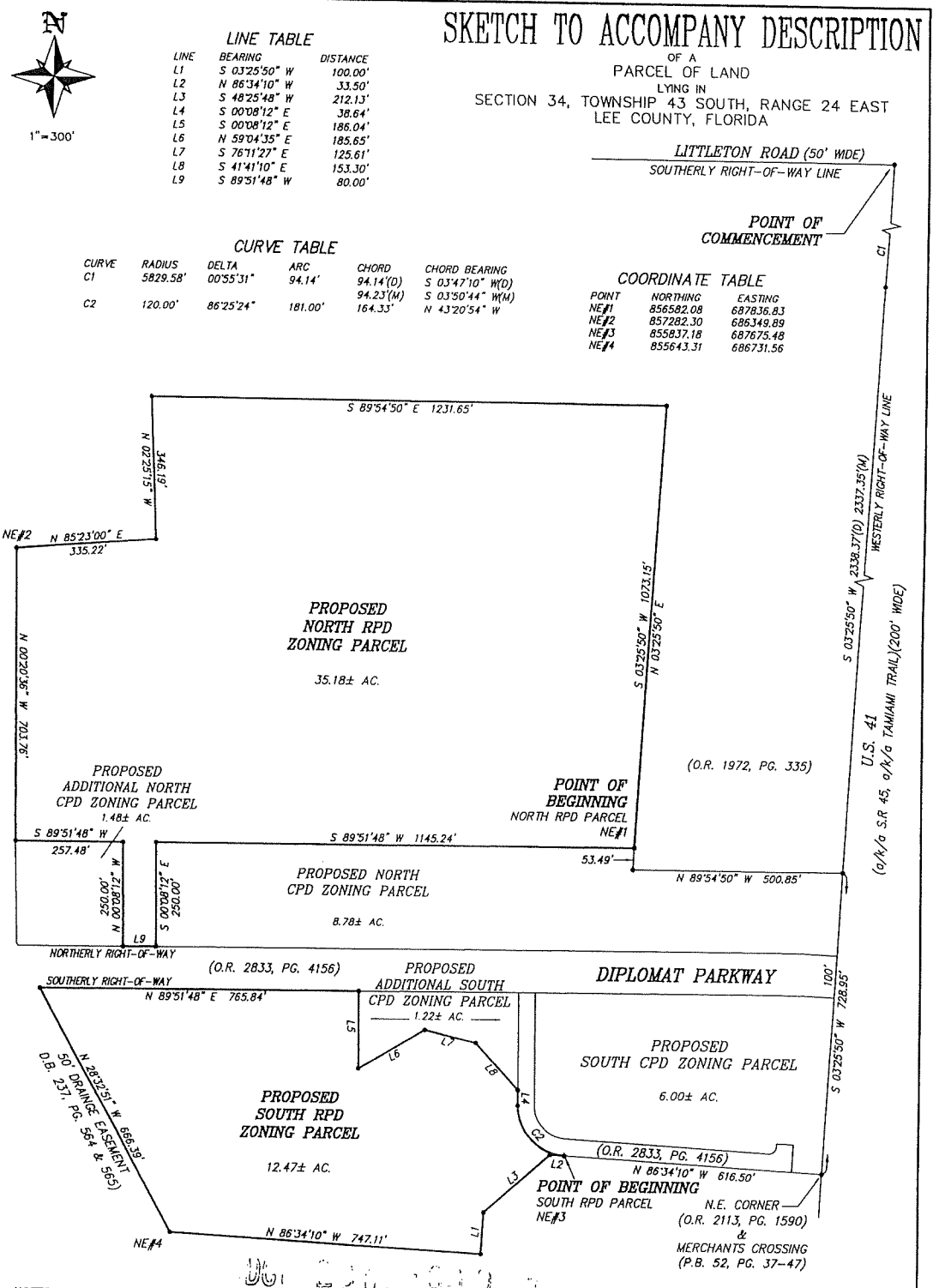
RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2005-00055

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.83
NE#2	857282.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	686731.56

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4609

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2006.

SKETCH

DCI 2005-00055

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING
2515 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

PROPOSED ZONING MAP

Attachment B

12/7/2005

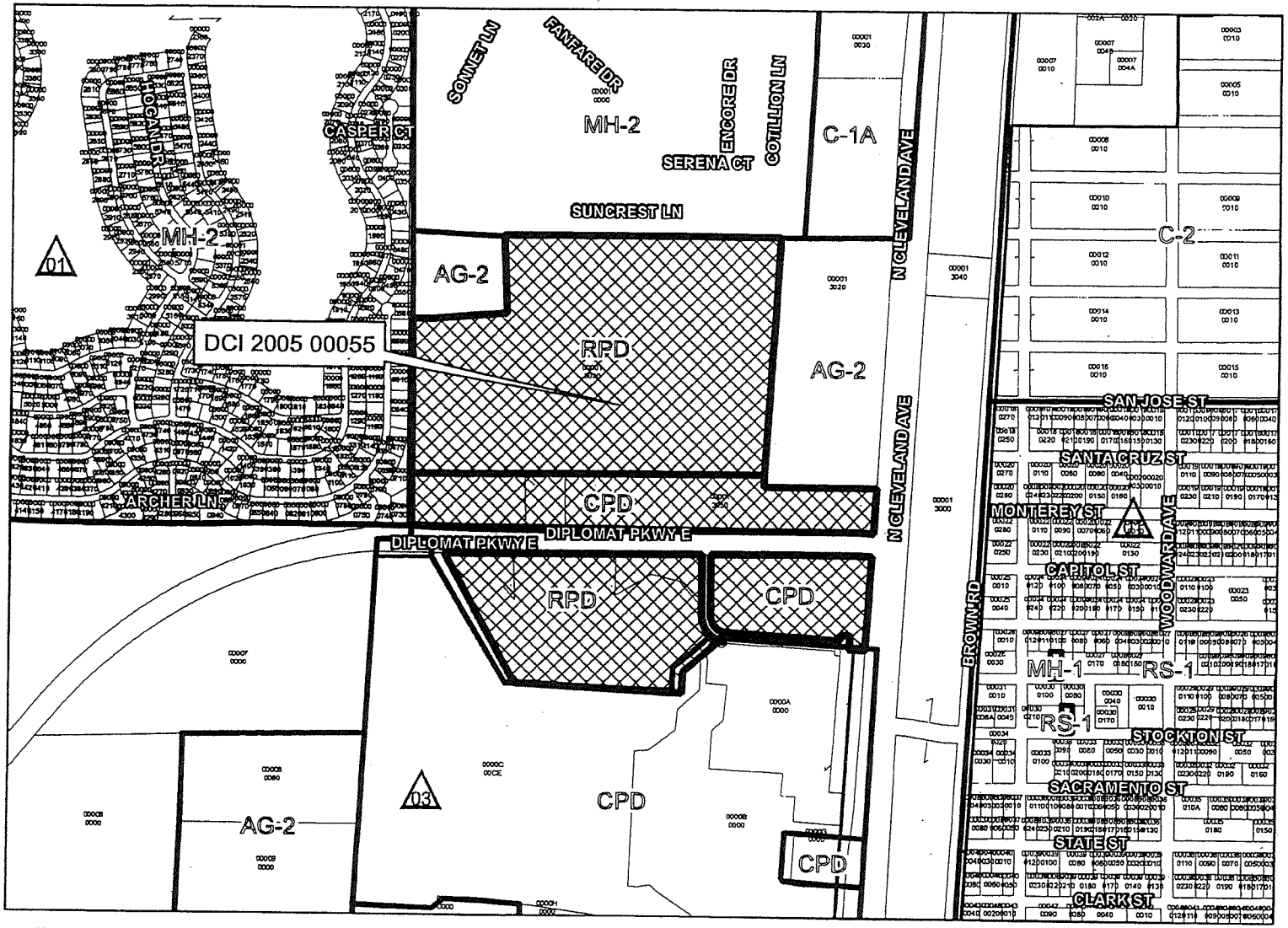


EXHIBIT "B"

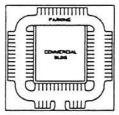
Zoning Map

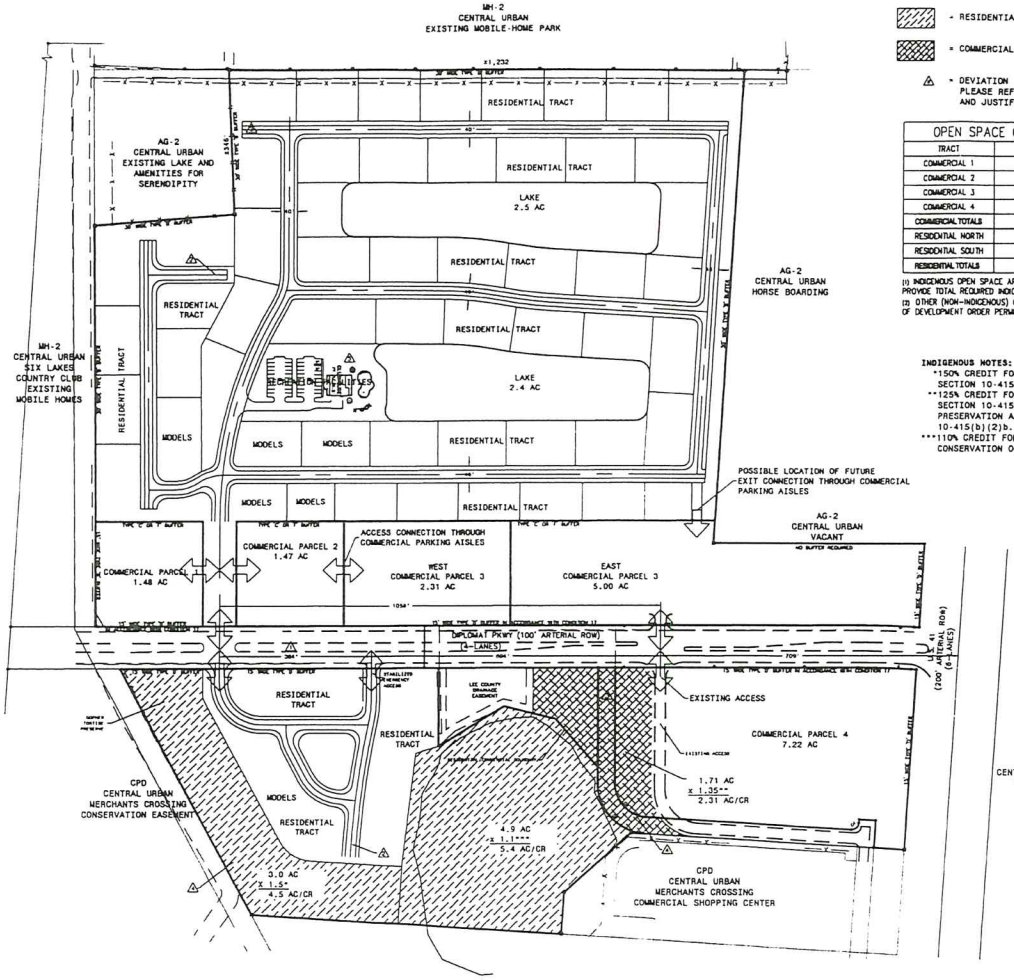
TYPICAL RESIDENTIAL BUILDINGS:

NORTH PARCEL:
- 4-PLEX W/ 1-CAR GARAGE
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE
- 6-PLEX
- 8-PLEX

SOUTH PARCEL:
- 6-PLEX W/ 1-CAR GARAGE
- 8-PLEX W/ 1-CAR GARAGE

TYPICAL COMMERCIAL BUILDINGS:





= RESIDENTIAL INDIGENOUS

= COMMERCIAL INDIGENOUS

△ = DEVIATION
PLEASE REFER TO SCHEDULE OF DEVIATIONS AND JUSTIFICATIONS

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)

TRACT	AREA	INDIGENOUS REQUIRED	OTHER OPEN SPACE REQUIRED	INDIGENOUS PROVIDED
COMMERCIAL 1	1.48 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 2	1.47 AC	0.22 AC	0.22 AC(2)	0.22 AC(1)
COMMERCIAL 3	7.31 AC	1.10 AC	1.10 AC(2)	1.10 AC(1)
COMMERCIAL 4	7.22 AC	1.08 AC	1.08 AC(2)	1.08 AC(1)
COMMERCIAL TOTALS	17.48 AC	2.62 AC	2.62 AC(2)	2.62 AC(1)
RESIDENTIAL NORTH	35.18 AC	7.04 AC	7.04 AC(2)	7.04 AC(1)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	2.49 AC(2)	2.49 AC(1)
RESIDENTIAL TOTALS	47.65 AC	9.53 AC	9.53 AC(2)	9.53 AC(1)

(1) INDIGENOUS OPEN SPACE AREA IS PROVIDED ON SOUTHERN PORTION OF DEVELOPMENT (12.21 CREDITS TOTAL) AND IS TO PROVIDE TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.
(2) OTHER (NON-INDIGENOUS) OPEN SPACE SHALL BE PROVIDED ON THE RESPECTIVE TRACT AND SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING

INDIGENOUS NOTES:
*150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)a.
**125% CREDIT FOR MINIMUM 1 ACRE AND 75' WIDTH PER LDC SECTION 10-415(b)(2)a. AND ADDITIONAL 10% CREDIT FOR PRESERVATION ADJACENT TO ROADWAY PER LDC SECTION 10-415(b)(2)b.
***110% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

N

0 300' 600'

GRAPHIC SCALE 1"= 300'

EXHIBIT C

RECEIVED
NOV 03 2006
COMMUNITY DEVELOPMENT

DCI 2005-00055

Approved as Exhibit C
MCP Page 1 of 1
Resolution # Z-06-004

PREPARED FOR:
N.B.D. DEVELOPMENT, INC
301 YAMATO ROAD, SUITE 3191
BOCA RATON, FLORIDA 33431
PH: (561) 994-8572
FAX: (561) 394-7136

NO.	DATE	REVISION DESCRIPTION	BY
2	11/10/06	ZONING RESOLUTION	JGH
1	01/25/06	ADD ACCESS AND OPEN SPACE TABLE	JGH

Banks Engineering, Inc.
Professional Engineers, Planners & Land Surveyors
FORT MYERS ◆ NAPLES ◆ SARASOTA
6640 WILLOW PARK DRIVE, SUITE 8
NAPLES, FLORIDA 34109
PHONE: (239) 597-3061 FAX: (239) 597-3062
ENGINEERING LICENSE # ES 8680
SURVEY LICENSE # LB 6690

MASTER CONCEPT PLAN
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. (S-T-R)
FEB 2005	2028	021705	JGH	SDJ	JGH	1"=300'	1	1	34-43-24

ATTACHMENT M

ADMINISTRATIVE AMENDMENT (PD) ADD2020-00034

ADMINISTRATIVE AMENDMENT
LEE COUNTY, FLORIDA

WHEREAS, Waldrop Engineering, PA, on behalf of Tom Flood, Cooper Street Property, Inc., filed an application for an administrative amendment to Parcels 3 and 4 of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD) to remove references to commercial site location standards, amend the schedule of uses to permit multifamily residential dwellings on the subject parcels, and establish a conversion ratio for commercial intensity to residential density on property located at the intersection of North Cleveland Avenue/Diplomat Parkway East; and

WHEREAS, the applicant has indicated that the property's current STRAP number is 34-43-24-00-00001.3050 (see Exhibit "A"); and

WHEREAS, the subject property is zoned RPD/CPD and is located in the Central Urban Future Land Use Category as designated by the Lee Plan; and

WHEREAS, the subject property was originally rezoned by Resolution Z-06-004 and was subsequently amended by ADD2007-00169 and Resolution Z-11-002; and

WHEREAS, Resolution Z-11-002 limits retail commercial development to Parcel 4 of the RPD/CPD based upon Commercial Site Location Standards previously contained in Policy 6.1.2 of the Lee Plan (see Exhibit "B"); and

WHEREAS, the Commercial Site Location Standards established in the Lee Plan were eliminated as a result of the adoption of Ordinance 16-07; and

WHEREAS, the applicant has filed a request to amend Condition 1 of Resolution Z-11-002 to remove the limitation on retail commercial development to Parcel 4 only (see Exhibit "C"); and

WHEREAS, the requested amendment reflects the elimination of the Commercial Site Location Standards from the Lee Plan; and

WHEREAS, the subject property is located in the Mixed Use Overlay established by the Lee Plan; and

WHEREAS, Resolution Z-11-002 permits a maximum of 200,000 square feet of commercial floor area on Commercial Parcels 1 through 4 (see Exhibit "B"); and

WHEREAS, the applicant has filed a request to amend the approved schedule of uses for Parcels 3 and 4 to permit multifamily residential dwelling units and associated ancillary/accessory uses on these parcels (see Exhibit "C"); and

WHEREAS, the applicant proposes a maximum of 116 multifamily dwelling units on Parcels 3 and 4 (see Exhibit "C"); and

WHEREAS, the subject property is approximately 14.53 acres in area, and the proposed maximum number of dwelling units amounts to a density of eight (8) dwelling units per acre; and

WHEREAS, the applicant proposes a trip-generation-based conversion ratio of commercial square footage to residential dwellings to permit the development of residential dwellings without an increase in development intensity on the subject parcels; and

WHEREAS, the applicant has demonstrated that adequate potable water and sanitary sewer capacity exists to serve the proposed reallocation of commercial intensity to residential density (see Exhibit "D"); and

WHEREAS, the subject property is located in the North Fort Myers Community Plan area established by the Lee Plan; and

WHEREAS, LDC Section 33-1532 requires an applicant or agent applying for an administrative amendment to a planned development to conduct one publicly-advertised public information session within the North Fort Myers Community Plan area prior to approval of such a request; and

WHEREAS, the applicant was scheduled to conduct a public information session before the North Fort Myers Community Planning Panel on May 5, 2020; and

WHEREAS, the North Fort Myers Community Planning Panel meeting was canceled as a result of COVID-19-related social distancing measures; and

WHEREAS, the applicant solicited and received direction from County staff regarding the feasibility of conducting a publicly-advertised virtual public information session for the subject request; and

WHEREAS, the applicant conducted a virtual public information session on May 14, 2020 and has provided the required meeting summary document in accordance with LDC Section 33-1532(b) (see Exhibit "E"); 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 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; and

WHEREAS, it is also found that the proposed amendment will allow for internal capture of vehicular trips; will provide connections to adjacent uses; will allow for urban forms of development and a variety of uses; will not result in the substantial underutilization of public resources and public infrastructure committed to the support of the development; will not decrease the amount of indigenous native vegetation or preservation area below the amount required by Code; will not adversely impact surrounding land uses; and is consistent with applicable provisions of the Lee Plan and land development regulations in effect at the time of the amendment request.

NOW, THEREFORE, IT IS HEREBY DETERMINED that the application for an administrative amendment to Parcels 3 and 4 of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD) to remove references to commercial site location standards, amend the schedule of uses to permit multifamily residential dwellings on the subject parcels, and establish a conversion ratio for commercial intensity to residential density on property located at the intersection of North Cleveland Avenue/Diplomat Parkway East is hereby **APPROVED subject to the following conditions:**

1. **Condition 1 of Resolution Z-11-002 is hereby amended as follows to establish a maximum residential density on CPD Parcels 3 and 4 and to remove references to obsolete Commercial Site Location Standards:**

   Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~

   ~~Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).~~

2. **Condition 2.a of Resolution Z-11-002 is hereby amended as follows to add the following uses to the approved Schedule of Uses for CPD Parcels 3 and 4 (North and South of Diplomat Parkway):**

   Dwelling units, multifamily (Limited to Parcels 3 and 4)
   Model Home, Model Display Center, Model Unit (Limited to Parcels 3 and 4)
   Real Estate Sales
   Limited to rental/sales of units within multifamily development permitted on Parcels 3 and 4
   Residential accessory uses (Limited to Parcels 3 and 4)

3. **CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units in accordance with the following Land Use Conversion Matrix:**

	Multifamily Residential LUC 220 (0.56 Trips/DU)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)
Multifamily Residential LUC 220 (0.56 Trips/DU)	Same	147 sq ft./1 DU
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1,000 sq. ft.)	6.80 DU/1,000 sq. ft.	Same

4. **A maximum of 116 multifamily dwelling units (8 dwelling units per acre) may be constructed on CPD Parcels 3 and 4 in accordance with the Land Use Conversion Matrix in Condition 3.**

5. **With any local development order application proposing multifamily residential development, the applicant must submit a report itemizing:**

a. **The density (expressed in number of dwelling units) and, if applicable, the intensity (expressed in the square feet of floor area) of each use proposed by the local development order application.**

b. **The cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 by prior local development order approvals.**

c. **The remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each individual classification in Condition 5(a).**

6. **The terms and conditions of the original zoning resolution and subsequent amendments thereto remain in full force and effect.**

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 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 6/22/2020

Audra Ennis, Zoning Manager

List of Exhibits
Exhibit A: STRAP Number
Exhibit B: Resolution Z-11-002
Exhibit C: Request Narrative
Exhibit D: LCU/FGUA Correspondence
Exhibit E: Public Information Session Summary

EXHIBIT A

CASE NUMBER: ADD2020-00034

STRAP NUMBER

34-43-24-00-00001.3050

REVIEWED
ADD2020-00034
Daniel Munt, Planner
Lee County DCD
4/7/2020

ADD2020-00034 Lee County ePlan

EXHIBIT B

RESOLUTION NUMBER Z-11-002

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

WHEREAS, an application was filed by the property owner, Athyrio Development Associates, LLC, to amend the northerly 35.2± acres Residential Planned Development (RPD) portion of the Diplomat Property Residential Planned Development/Commercial Planned Development (RPD/CPD); and,

WHEREAS, a public hearing was advertised and held on January 6, 2011, with the record held open until January 14, 2011, for written submissions, before the Lee County Zoning Hearing Examiner, who gave full consideration to the evidence in the record for Case DCI2010-00015; and

WHEREAS, a second public hearing was advertised and held on March 21, 2011, before the Lee County Board of Commissioners, who 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 35.2± acres RPD portion of the Diplomat Property RPD/CPD to permit a maximum of 400 assisted living facility beds, 138 standard dwelling units, a maximum of 50,000 square feet of medical office space, and to make other changes to the master concept plan (MCP) including reconfiguration of a lake, changes to the buffer to the west, and additional details including the placement commercial and residential buildings. Maximum building height requested is 50 feet. No development blasting is requested. Any development will connect to public potable water and public sanitary sewer service. 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).

03-21-11 Z

1. Development must be substantially consistent with the 1-page Master Concept Plan (MCP) entitled "DIPLOMAT PROPERTY RPD/CPD (NORTH PARCEL)," dated 09-22-10, last revised 4-22-11 and date-stamped "Received APR 27 2011 Community Development" AND the 1-page MCP entitled "Master Concept Plan, DIPLOMAT PARCEL, Lee County, Florida," dated 08-27-2007, last revised 01-23-2008 and date-stamped "Received JAN 30 2008 Permit Counter," except as modified by the conditions below.

   NOTE: The portion of the project on the north side of Diplomat Parkway includes Commercial Development Parcels 1, 2 and 3 (West 3 and East 3). It also includes a 29.75 acres that may be developed either as an RPD, or and ALF/CCF, with or without a commercial component on the westerly portion of that site identified as the 5.43 acre North CPD Parcel.

   This 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. If changes to the MCP are subsequently pursued, appropriate approvals will be necessary.

   Maximum Number of Dwelling Units (North RPD Parcel): 138 dwelling units plus a maximum of 400 beds for assisted living facilities/continuing care facilities. Dwelling units may be converted per Table "B" of the approved MCP.

   Maximum Number of Dwelling Units (South RPD parcel): 105 dwelling units. An additional 21 units may be constructed if they are marketed at a price point that is affordable to moderate income households at the time of building permit application. Further, the additional 21 units may only be sold to buyers who qualify as a moderate income household at time of purchase. Moderate income household means 120 percent of the yearly median income based on yearly income levels developed for the SHIP Program by the Housing Section of the Lee County Division of Planning.

   Eight (8.0) dwelling units per acre maximum, for the 13.19 acres of RPD (South of Diplomat Parkway). An additional 1.6 units per acre may be constructed subject to the affordability requirements above.

   Maximum Commercial Floor Area (North CPD Parcel): 50,000 square feet of medical office. Medical office may be converted per Table "B" of the approved MCP.

Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. A maximum of 100,000 s/f of which may be retail.

Retail development is limited to Parcel 4 (which meets Commercial Site Location standards). Retail development is not permitted on Commercial Parcels 1, 2 or 3 (which do not meet Site Location standards).

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

a. **SCHEDULE OF USES**

RPD- South of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Clubs, Private - as shown on the approved MCP.
Community Garden
Dwelling Units, single-family, duplex, two-family attached, multiple-family and townhomes - 105 (up to 126 pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help.
Home Care Facility.
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - Parcels 1, 2, 3 & 4 - North and South of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs.
Automatic Teller Machine
Auto Parts Store - No installation service.
Auto Repair and Service, Group I only
Bait and Tackle Shop
Banks and Financial Establishments, Groups I and II
Boat Part Stores
Building Material Sales (indoor only, no outdoor display)
Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Clothing Stores, General
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Consumption on Premises - Indoors. In conjunction with Group III restaurants only. Outdoor Consumption on Premises will require special exception approval (public hearing)
Contractors and Builders, Groups I and II (but not Group III)
Cultural Facilities
Day Care, Adult, Child
Department Store
Drive-through facility for any permitted use. No fast food drive-through.
Drugstore, Pharmacy (limited to 1 on Parcel 3 or 4)
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Flea Market, Indoor Only
Food and Beverage Services, Limited
Food Stores, Groups I and II
Funeral Home or Mortuary, with or without cremation

Gasoline Dispensing System, Special
Hardware Store
Health Care Facility, Groups I, II and III (but not Group IV).
Hobby, Toy and Game Store
Hotel/Motel - Limited to 120 rooms maximum.
Household and Office Furnishings - (indoor only, no outdoor display)
Insurance Companies
Lawn and Garden Supply Stores - (indoor only, no outdoor display)
Library
Medical Office
Nonstore Retailer
Paint, Glass and Wallpaper - (indoor only, no outdoor display)
Parking Lot, Accessory, Commercial, Garage, Public Parking, Temporary
Personal Services, Groups I, II, III and IV. Excluding Laundromats, Laundry Agents, Massage Establishments, Massage Parlors, Steam or Turkish Baths, Dating Services, Escort Services, Palm Readers, Fortune Tellers, Card Readers, Tattoo Parlors.
Pet Services, Pet Shops - Indoor only, no outdoor display. No outdoor runs.
Place of Worship
Plant Nursery
Post Office
Printing and Publishing
Processing and Warehousing
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only (and excluding tools and equipment primarily for home use). Indoor only. No outdoor display.
Repair Shop, Groups I, II and III
Research and Development Laboratories, Groups I, II, III and IV
Restaurants, Groups I, II, III and IV
Restaurant, Fast Food, No stand-alone or drive-through - within a multiple-occupancy building only.
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Specialty Retail, Groups I, II, III and IV
Storage, Indoor Only
Studios
Supermarkets

Temporary Uses
Used Merchandise, Groups I and II, Indoor only. No outdoor display.
Variety Store

RPD - North of Diplomat Parkway

Accessory Uses and Structures
Administrative Office
Assisted Living Facilities - (pursuant to Condition 1)
Clubs, Private - as shown on the approved MCP (Recreation Areas)
Community Garden
Continuing Care Facilities
Dwelling Units, single-family, duplex, two-family attached, multifamily, townhomes - (pursuant to Condition 1)
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Home Occupation, No outside help
Home Care Facility
Model Home, Model Display Center, Model Unit - ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Parking Lot, Accessory.
Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only. ALSO SEE MODEL HOME/REAL ESTATE SALES CONDITIONS.
Recreational Facilities - Private, On-site only. LIMITED TO THOSE SHOWN ON THE APPROVED MCP.
Religious Facilities
Residential Accessory Uses
Signs, in compliance with LDC Chapter 30
Temporary Uses, Temporary Real Estate Sales Office

CPD - 5.43-Acre Parcel north of Diplomat Parkway

Administrative Office
Animals: Clinic, Kennel, Control Center (including Humane Society) - indoors, no outdoor runs
Automatic Teller Machine
Banks and Financial Establishments, Groups I and II

Business Services, Groups I and II (no impound yards or armored car services)
Cleaning and Maintenance Services
Communication facilities, wireless (in accordance with LDC Chapter 34, Division 11) A wireless communication facility may be administratively approved, provided it is co-located on a building and the height of the tower does not exceed 50 feet from existing grade.
Community Garden (**Note:** *This use may not be utilized until such time as the LDC is amended to permit this use in a CPD.*)
Cultural Facilities
Entrance Gate and Gatehouse
Emergency Operations Center
EMS, Fire or Sheriff's Station
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention - not to include the removal of excavated material from the site. No blasting.
Fences and Walls.
Health Care Facility, Groups I, II and III (no Group IV)
Insurance Companies
Medical Office
Parking Lot, Accessory
Personal Services, Groups I and II
Pharmacy - accessory to medical office use only
Real Estate Sales Office
Religious Facilities
Research and Development Laboratories, Groups I, II, III and IV
Schools, Commercial and Non-Commercial
Signs in Accordance with LDC Chapter 30
Social Services Group I only
Temporary Uses

b. **SITE DEVELOPMENT REGULATIONS**

RPD - South of Diplomat Parkway

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet/ 3 stories
Maximum Lot Coverage: 45 percent

DUPLEX, TWO-FAMILY ATTACHED, TOWNHOUSE:

Minimum Lot Areas and Dimensions

Lot Size:	7,500 square feet
Lot Width:	75 feet (37.5 per unit)
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet (zero feet for common wall unit)
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.
Maximum Building Height: 3 5 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.
Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet.

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent.

RECREATIONAL AREA/FACILITIES:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 50 feet
Lot Depth: 120 feet

Minimum Setbacks - Also see Deviation 5

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

CPD - PARCELS 1, 2, 3 & 4:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	10 feet
Rear	20 feet
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, but buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

Maximum Building Height: 50 feet/ 3 stories
35 feet/2 stories - adjacent to west boundary

Maximum Lot Coverage: 60 percent

RPD - NORTH OF DIPLOMAT PARKWAY:

ASSISTED LIVING:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)/20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing and enhanced buffer

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 45 feet
Maximum Lot Coverage: 45 percent

SINGLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size:	7,200 square feet
Lot Width:	60 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)/20 feet (private)
Side	5 feet
Rear	30 feet on all lots containing enhanced buffer 20 feet on all other lots
Water body	25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks:	25 feet 30 feet on all lots containing an enhanced buffer
Minimum Building Separation:	10 feet
Maximum Building Height:	35 feet
Maximum Lot Coverage:	45 percent

DUPLEX:

Minimum Lot Areas and Dimensions

Lot Size:	7,000 square feet
Lot Width:	70 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public) 20 feet (private)
Side	5 feet

Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet.

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

TOWNHOME:

Minimum Lot Areas and Dimensions

Lot Size: 1,600 square feet
Lot Width: 16 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
0 feet (for a common wall)
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 20 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 55 percent

MULTIPLE-FAMILY:

Minimum Lot Areas and Dimensions

Lot Size: 10,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street 25 feet (public)
20 feet (private)
Side 10 feet
Rear 30 feet on all lots containing enhanced buffer
20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height, but not less than 15 feet

Maximum Building Height: 50 feet
Maximum Lot Coverage: 45 percent

RECREATION AREA/CLUBHOUSE:

Minimum Lot Areas and Dimensions

Lot Size: 9,000 square feet
Lot Width: 100 feet
Lot Depth: 100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet

Water body 25 feet

All Accessory Uses: Per the LDC.

Setbacks from Preserves (All structures): 25 feet, per the LDC.

Minimum Perimeter Setbacks: 25 feet
30 feet on all lots containing an enhanced buffer

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet
Maximum Lot Coverage: 45 percent

CPD - 5.43-acre North CPD Parcel:

Minimum Lot Areas and Dimensions

Lot Size:	10,000 square feet
Lot Width:	100 feet
Lot Depth:	100 feet

Minimum Setbacks

Street	25 feet (public)
	20 feet (private)
Side	10 feet
Rear	20 feet
	20 feet on all other lots

Water body 25 feet

All Accessory Uses: Per the LDC

Setbacks from Preserves (All structures): 25 feet, per the LDC

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: ½ building height not less than 15 feet

Building Height: 35 feet
Maximum Lot Coverage: 60 percent

3. **CONCURRENCY**

Approval of this rezoning does not constitute a finding that the proposed project meets the concurrency requirements set forth in LDC Chapter 2 and the Lee Plan. The developer is required to demonstrate compliance with all concurrency requirements prior to issuance of a local development order.

4. **MODEL HOME AND REAL ESTATE SALES**

Model units and homes (and real estate sales) are permitted in compliance with the following conditions:

a. Each model must be a unique example. Multiple examples of the same unit are not permitted.

b. All model sites must be designated on the development order plans.

c. Prior to model home construction, the lots upon which model homes will be constructed must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the local development order application. The model homes must comply with the setbacks set forth in the property development regulations for this project.

d. Dry models are prohibited.

e. The number of model homes or model units will be limited to no more than 10 within the development at one time.

f. Any model homes or units must be developed within the areas identified as "models" on the approved MCP.

g. Real estate sales within the RPD are limited to the sale of lots or units within the development only. Real Estate sales are a permitted use within the CPD.

h. Real estate sales within the RPD are limited to within model homes or clubhouse only.

i. Hours of operation for both models and real estate sales (within the RPD) are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.

j. Model homes and real estate sales within the RPD will be valid for a period of up to five years from the date of issuance of a certificate of occupancy of a model home per LDC §34-1954(d)(1).

5. **NO AGRICULTURAL USES APPROVED**

No agricultural uses are permitted on site.

6. **BLASTING**

No development blasting is permitted as part of this project unless approved at a subsequent public hearing as an amendment to the planned development.

7. **NATIVE VEGETATION REQUIRED IN THE ENTIRE RPD AND CPD**

All required buffers must utilize 100 percent all native vegetation.

8. **ADDITIONAL BUILDING SEPARATION REQUIRED**

Buildings exceeding 35 feet in height must maintain additional building separation as regulated by LDC §34-2174(a).

9. **TRAFFIC**

Approval of this zoning request does not address mitigation of the project's vehicular or pedestrian traffic impacts. Additional conditions consistent with the LDC may be required to obtain a local development order.

10. **LEE PLAN**

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 Allocation Table, Map 16 and Table 1(b), be reviewed for, and found consistent with, the retail commercial standards for site area, including range of gross floor area, location, tenant mix and general function, as well as all other Lee Plan provisions.

22. **OPEN SPACE (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

Prior to local development order approval, the development order plans must delineate a minimum of 1.63 acres of open space for the CPD and 11.9 acres of open space for the RPD.

23. **BUFFERS (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, the development plans must demonstrate the preservation of native vegetation within the flood way. This vegetation may be utilized to meet the required type "F" buffer plantings. Upon removal of exotics from this area if it is found that the existing vegetation does not satisfy the buffer planting requirements, additional plants must be provided. These plants must be designed to mimic the natural area through the use of similar species and random planting throughout the area.

b. An enhanced type "F" buffer must be provided as shown on the MCP. This buffer must be 30 feet in width and include 10 native canopy trees per 100 linear feet, and a double hedge row planted at 48" in height at time of planting.

24. **NATIVE PLANTINGS REQUIRED (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

All required buffer plantings, general trees, and internal canopy trees must be 100 percent native species.

SECTION C. DEVIATIONS:

(Deviations 1 through 7 were previously approved and remain applicable to the RPD/CPD and are recited below. Deviation 8 is new.)

1. **Intersection Separation** - Deviation 1 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-285(a) requirement to provide a minimum access connection separation of 660 feet on an arterial road to permit an access separation of 364 feet between the project's proposed main access and the proposed exit-only access for the residential portion of the southern parcel. This deviation is APPROVED.

2. **One dead-end street permitted** - Deviation 2 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-296(k)(1) requirement that dead-end streets be closed at one end by a circular turn-around, to allow one dead-end street as shown on the approved MCP on the southern RPD. This deviation is APPROVED.

3. **Calculation for Open Space** - Deviation 3 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)(a) requirement that large developments with indigenous vegetation communities to provide 50 percent of their open space percentage requirements through on-site preservation of existing native vegetative communities, to permit 0.45 acres of right of way to be vacated, enhanced and preserved to count toward the preservation requirement. This deviation is APPROVED, SUBJECT TO the following condition:

   Prior to local development order approval for Commercial Parcel 4, the existing roadway easement depicted within the indigenous preserve must be vacated.

   This deviation applies to the southern RPD and CPD.

4. **Installation of storm water management system** - Deviation 4 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-415(b)(1)a. requirement that large developments with existing indigenous native vegetation communities provide 50 percent of their open space requirement through on-site preservation of indigenous native vegetation, to allow portions of the preservation area to be disturbed and restored in order to install a storm water management system. This deviation is APPROVED, SUBJECT TO the following conditions:

   a. Prior to local development order, the development order plans must delineate the general location of the surface water management outfall through the indigenous preserve to the canal. The outfall must be designed as an open system that can be planted with native vegetation.

   b. Prior to issuance of a Vegetation Removal Permit, the location of the surface water management outfall through the indigenous preserve must be field staked to avoid impacting any large native trees or gopher tortoise burrows for the Division of Environmental Sciences Staff review and approval.

   This deviation applies to the southern RPD and CPD.

regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or operator of the gate.

6b. Deviation 6b (previously contained in Resolution Z-06-004) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the south of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions.

a) Access to the residential component south of Diplomat Parkway must be generally consistent with the approved MCP; and

b) Any emergency access gate must comply with all applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. Additionally, if an emergency necessitates the breaking of an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner or the operator of the gate; and

c) Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles.

7. **Curbside garbage collection for townhouse units** - Deviation 7 (previously contained in ADD2007-000169) seeks relief from the LDC §10-261 requirement that all new multiple-family residential developments to provide sufficient space for the placement of garbage containers or receptacles, to allow for curbside garbage pick up at the proposed townhouse units that are planned within the project. This deviation is APPROVED.

8. **Certain internal buffers not required** - Deviation 8 seeks relief from the LDC §10-416(d)(3) requirement that a Type C/F buffer between the proposed RPD/CPD uses internal to the development, to allow no buffer between the RPD/CPD uses where the commercial uses are separated from the residential uses within the project by a private road. This deviation is APPROVED.

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

SECTION E. FINDINGS AND CONCLUSIONS:

1. The applicant has proven entitlement to the rezoning by demonstrating compliance with the Lee Plan, the LDC, and any other applicable code or regulation.

2. The rezoning, as approved:

   a. meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;

   b. is consistent with the densities, intensities and general uses set forth in the Lee Plan;

   c. is compatible with existing or planned uses in the surrounding area;

   d. will not place an undue burden upon existing transportation or planned infrastructure facilities and will be served by streets with the capacity to carry traffic generated by the development; and

   e. will not adversely affect environmentally critical areas or natural resources.

3. The rezoning satisfies the following criteria:

   a. the proposed use or mix of uses is appropriate at the subject location;

   b. the recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest; and

5. **Separation from residential uses** - Deviation 5 (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §34-2474(b)(6) requirement that recreation halls and ancillary facilities and private clubs be located at least 40 feet from any residential dwelling unit, to allow a 20-foot minimum separation for any recreation building from a residential dwelling unit. This deviation is APPROVED, SUBJECT TO the following condition:

> Development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP.

This deviation applies to the recreation area shown on the RPD to the north.

6a. **Single ingress into the development** - Deviation 6a (previously contained in Resolution Z-06-004 and ADD2007-00169) seeks relief from the LDC §10-291(3) requirement (when practical) that residential developments of more than five acres in size provide two or more means of ingress into the development, to allow the residential portion to the north of Diplomat Parkway to be constructed with a single ingress/egress connection onto Diplomat Parkway. This deviation is APPROVED, SUBJECT TO the following conditions:

a. Access to the residential component north of Diplomat Parkway must be generally consistent with the approved MCP; and

b. The approved MCP and local development order must depict a minimum 70-foot-wide divided entrance on the north side of Diplomat Parkway that includes a median with two lanes on both sides of the median for ingress and egress; and

c. Prior to issuance of a development order, the developer must provide written documentation from the North Fort Myers Fire District indicating that these access points are acceptable and provide adequate access for emergency vehicles. The development order must also include the plans for the secondary/emergency access required in the following paragraph.

d. Prior to build-out of the north residential development, Applicant must install a secondary/emergency access from the residential tract to commercial Parcel 3, as shown on the MCP. Any emergency access gate must comply with all applicable

c. the recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

4. Urban services, as defined in the Lee Plan, are, or will be, available and adequate to serve the proposed land use.

5. The approved deviations, as conditioned, enhance achievement of the planned development objectives, and preserve and promote the general intent of LDC Chapter 34, to protect the public health, safety and welfare.

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

John E. Manning	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammara Hall	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED this 21st day of March, 2011.

ATTEST:
CHARLIE GREEN, CLERK

BY: Marcia Wilson
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Frank Mann, Chair

SEAL

Approved as to form by:

_____
John J. Fredyma
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
MW
2011 MAY -9 PM 2:00

19. **PRIOR ZONING**

The terms and conditions of the original Zoning Resolution No. Z-06-004 and Administrative Amendment ADD2007-00169 are superceded by this zoning action and are rendered null and void by this approval. The terms and conditions herein apply to the entire planned development previously covered by Zoning Resolution No. Z-06-004.

20. **INDIGENOUS PRESERVATION/HERITAGE TREES (NORTH CPD PARCEL AND NORTH RPD PARCEL)**

a. Prior to local development order approval, a tree survey must be submitted depicting the location, diameter at breast height, and species of all heritage trees within the development area.

b. Prior to local development order approval, landscape plans must depict heritage trees, located within the development footprint, that are determined to be of good health as per a certified arborist. Those trees must be incorporated into the internal open space (i.e., perimeter planting, enlarged landscape areas, etc), or must be replaced with a 20-foot like species to a suitable open space area where final site design constraints (i.e., fill requirements, entrance roads, etc) do not allow preservation.

21. **PROTECTED SPECIES**

a. Prior to development order approval, the Applicant must first seek approval for on-site preservation of the gopher tortoises through avoidance or relocation before pursuing off-site relocation options. All communication with FWC verifying on-site avoidance or relocation attempts were made must be provided to DES Staff.

b. A copy of the appropriate gopher tortoise relocation permit issued by the FWC must be submitted to the DES Staff prior to excavation and moving of any gopher tortoises. The Applicant must first seek approval for an on-site relocation before pursuing off-site relocation options. Any gopher tortoises and commensal species found during burrow excavation must be moved to preserves containing suitable gopher tortoise habitat as approved by the FWC and DES Staff.

ADD2020-00034 Lee County ePlan

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

Applicant's Legal Checked
by 11/08/06 csf

EXHIBIT "A"
(Page 2 of 6)

b. The landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve abuts this roadway and a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted on the roadside of the fence; and

c. The landscape plans must delineate a double staggered native hedge (minimum three-gallon container size; 24-inch height at planting; maintained at a minimum 36-inch height) planted along the interface of the indigenous preserve with the residential tract.

d. Prior to issuance of a Vegetation Removal Permit, all invasive exotic vegetation and manmade debris must be hand removed from the indigenous preserve.

16. **COMMERCIAL PARCELS NORTH OF DIPLOMAT PARKWAY**

Commercial buildings located within Parcels 1, 2 and the westernmost 2.3 acres of Parcel 3 are limited to a maximum of 10,000 square feet per building, and must not exceed two stories/35 feet in height. The building locations must alternate (be staggered) between the front and rear of the commercial parcels to provide a more campus-like setting. A parking plan must be devised to keep the amount of parking spaces along Diplomat Parkway to an absolute minimum. These parking areas and commercial buildings must be buffered, from Diplomat Parkway, by, at a minimum, a two-foot high berm with 10 trees and a staggered 36-inch high hedge per 100 linear feet. Applicant is strongly encouraged to utilize the commercial site locational criteria established for the Estero community.

The commercial buildings on Commercial Parcels 1, 2, and 3 must be of the same or similar architectural design and coloring as the residential buildings, to identify them as a unified project. All project identification signs (commercial and residential) must also be of the same or similar architectural design and coloring.

18. **SOLID WASTE/RECYCLING**

Prior to local development order approval for vertical development, the Developer must provide facilities in compliance with LDC §10-261 and Lee County Solid Waste Ordinance #08-10 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 (Also see Deviation 7).

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856827.93	686334.48
NE#2	856389.35	686689.18
NE#3	856228.53	688316.53
NE#4	856231.52	687802.01
NE#5	856231.43	687562.01
NE#6	856230.91	687178.84
NE#7	856329.16	686812.19
NE#8	856578.55	686354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'51"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	28.70'	24.04'	S 48°26'24" W
C4	80.00'	89°28'24"	124.87'	112.55'	N 43°20'34" W
C5	2050.00'	03°32'51"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'51" W	8.70'
L4	S 03°25'50" W	53.49'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.88'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.49'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	125.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

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LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

PROPOSED NORTH RPD ZONING PARCEL
35.18± AC.

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.

NE#8
252.48' N 89°51'48" E
N 36°00'00" W 244.12'
250.00' S 00°08'12" E
253.42' S 89°51'48" W L17

NE#2 CPD ZONING PARCEL ADDITIONAL NORTH
P.O.C.
POINT "B"
N 00°08'12" W 250.00'

N 89°51'48" E 1145.24'

PROPOSED NORTH CPD ZONING PARCEL
8.78± AC.
S 89°51'48" W 1484.79'
NORTHERLY RIGHT-OF-WAY

P.O.B.
NORTH CPD ZONING PARCEL
NE#1
S 89°54'50" E 500.85'

U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
S 03°25'50" W 2338.37'(D) 2337.35'(M)
WESTERLY RIGHT-OF-WAY LINE

POINT "A"
P.O.C.
SOUTH CPD ZONING PARCEL

P.O.B.
ADDITIONAL SOUTH CPD ZONING PARCEL
NE#7
SOUTHERLY RIGHT-OF-WAY

P.O.B.
(O.R. 2833, PG. 4156)
ADDITIONAL SOUTH CPD ZONING PARCEL
NE#6
S 89°51'48" W 383.07'

DIPLOMAT PARKWAY (100' WIDE)
N 89°51'48" E 575.20'

NE#5

POINT "C"
P.O.C.
ADDITIONAL SOUTH CPD ZONNING PARCEL
NE#4

PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.

N 00°08'12" W 274.66'

S 03°25'50" W 429.00'

P.O.B.
SOUTH CPD ZONING PARCEL
NE#3

N 86°33'36" W 487.82'
(O.R. 2833, PG. 4156)

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.

PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC

N.E. CORNER —
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83, AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
- PREPARED NOVEMBER 2, 2006.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
8018 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690

SHEET 3 OF 3

S:\Jobs\20oct20\28\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bleiszchmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

11. **INTERSECTION IMPROVEMENTS**

The developer must contribute its proportionate share of the costs of intersection improvements at the time a traffic control device is warranted at the intersection of US 41 and Diplomat Road.

12. **WIRELESS COMMUNICATION FACILITIES**

a. Freestanding wireless communication facilities (towers, including stealth type) are not permitted. Approval of freestanding wireless communication facilities will require an amendment to the planned development (public hearing).

b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC §34-1441, *et. seq.* (Commercial parcels only).

13. **ACCESSORY USES**

Accessory uses must be located on the same tract, parcel or outparcel where a principal use is located. Accessory uses must be incidental and subordinate to the principal use of the tract, parcel or outparcel.

14. **OPEN SPACE**

Prior to local development order approval, the landscape plans must demonstrate that each commercial parcel is providing a minimum of 30 percent open space, and a minimum of 40 percent common open space is provided within the residential tract.

15. **ENVIRONMENTAL**

Prior to local development order approval, if the Florida Fish and Wildlife Conservation Commission (FWC) allows the relocation of tortoises within on-site indigenous preserves:

a. The developer must submit a detailed indigenous preservation management plan for the Lee County Division of Environmental Sciences (DES) Staff review and approval that includes methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat; and

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BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

N

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	36.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 78°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D) 94.23'(M)	S 03°47'10" W(D) S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856562.08'	687836.83'
NE#2	857282.30'	686349.89'
NE#3	855837.18'	687675.48'
NE#4	855643.31'	686731.56'

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S 89°54'50" E 1231.65'

N 02°51'52" W 346.19'

NE#2 N 85°23'00" E 333.22'

S 03°25'50" W 1073.15'
N 03°25'50" E

S 03°25'50" W 2330.37'(D) 2327.15'(M)

WESTERLY RIGHT-OF-WAY LINE

U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)

N 00°25'15" W 705.76'

S 00°25'15" E 705.76'

N 00°25'15" W 56.02.00' N

PROPOSED NORTH RPD ZONING PARCEL

35.18± AC

(O.R. 1972, PG. 335)

PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL

1.48± AC.

POINT OF BEGINNING NORTH RPD PARCEL NE#1

S 89°51'48" W 257.48'

S 89°51'48" W 1145.24'

53.49'

N 89°54'50" W 500.85'

N 00°08'12" W 250.00'

S 00°08'12" E 250.00'

PROPOSED NORTH CPD ZONING PARCEL

8.78± AC

L9

NORTHERLY RIGHT-OF-WAY

(O.R. 2833, PG. 4156)

PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL

1.22± AC.

DIPLOMAT PARKWAY

100'

SOUTHERLY RIGHT-OF-WAY

N 89°51'48" E 765.84'

S 03°25'50" W 728.55'

L7

L6

L8

C2

L4

L2

L3

L1

PROPOSED SOUTH CPD ZONING PARCEL

6.00± AC.

(O.R. 2833, PG. 4156)

N 86°34'10" W 616.50'

PROPOSED SOUTH RPD ZONING PARCEL

12.47± AC.

N 28°12'39" W 666.19'

50' DRAINAGE EASEMENT O.R. 237, PG. 564 & 565)

POINT OF BEGINNING SOUTH RPD PARCEL NE#3

N.E. CORNER (O.R. 2113, PG. 1590) & MERCHANTS CROSSING (P.B. 52, PG. 37-47)

N 86°34'10" W 742.11'

NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.

2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.

3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:

O.R.	INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG.	INDICATES PAGE NUMBER
C1	INDICATES CURVE 1 OF THE CURVE TABLE
L1	INDICATES LINE 1 OF THE LINE TABLE
NE#1	INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B.	INDICATES PLAT BOOK
D.B.	INDICATES DEED BOOK
(D)	INDICATES DEED
(M)	INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.

PREPARED NOVEMBER 2, 2006.

SKETCH

PREPARED BY:

Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2510 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-8081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Biehschmidt

EXHIBIT "A"
(Page 6 of 6)

Zoning Map

DCI2010-00015

Mapped:4/29/11

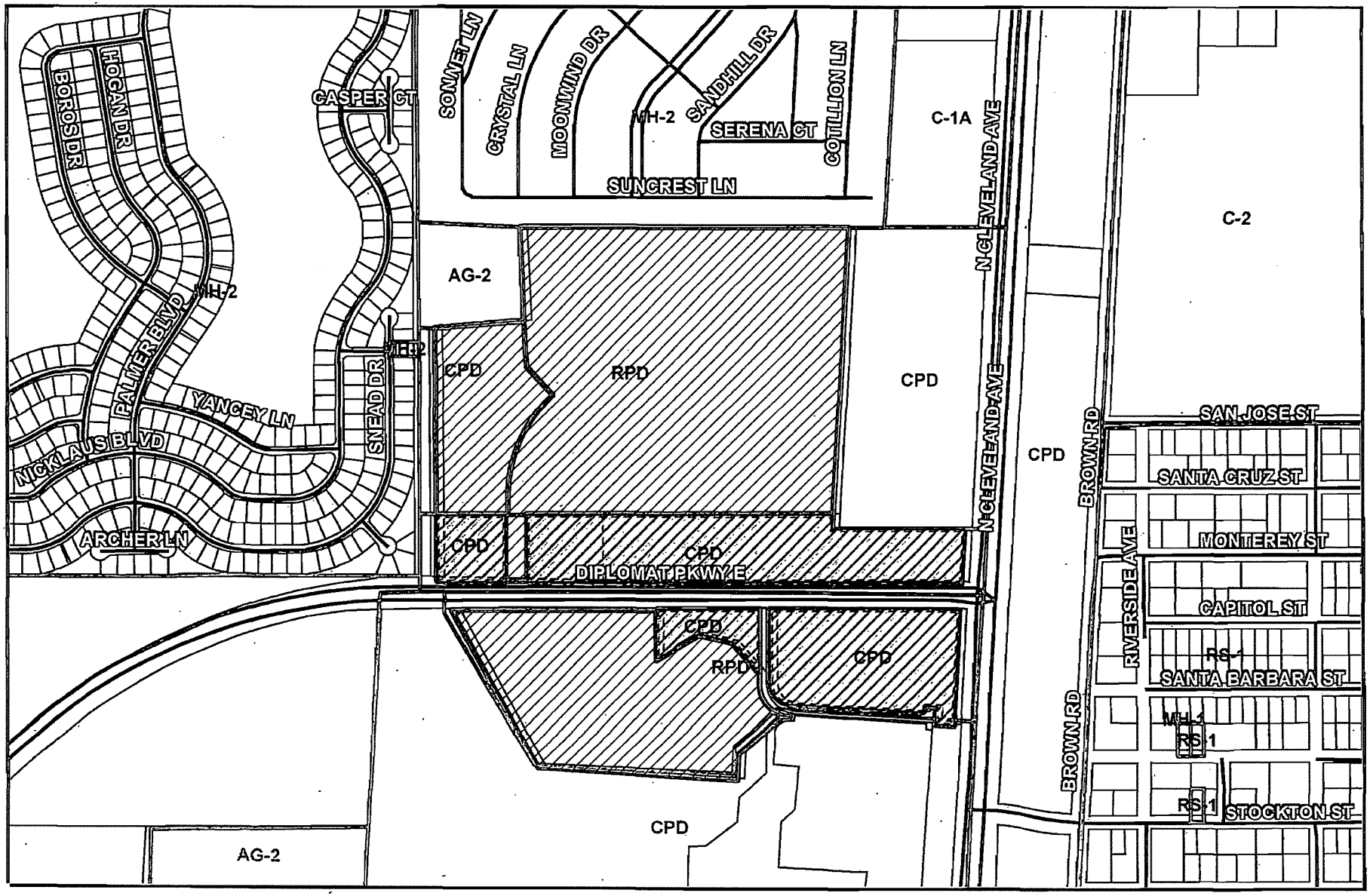


EXHIBIT "B"

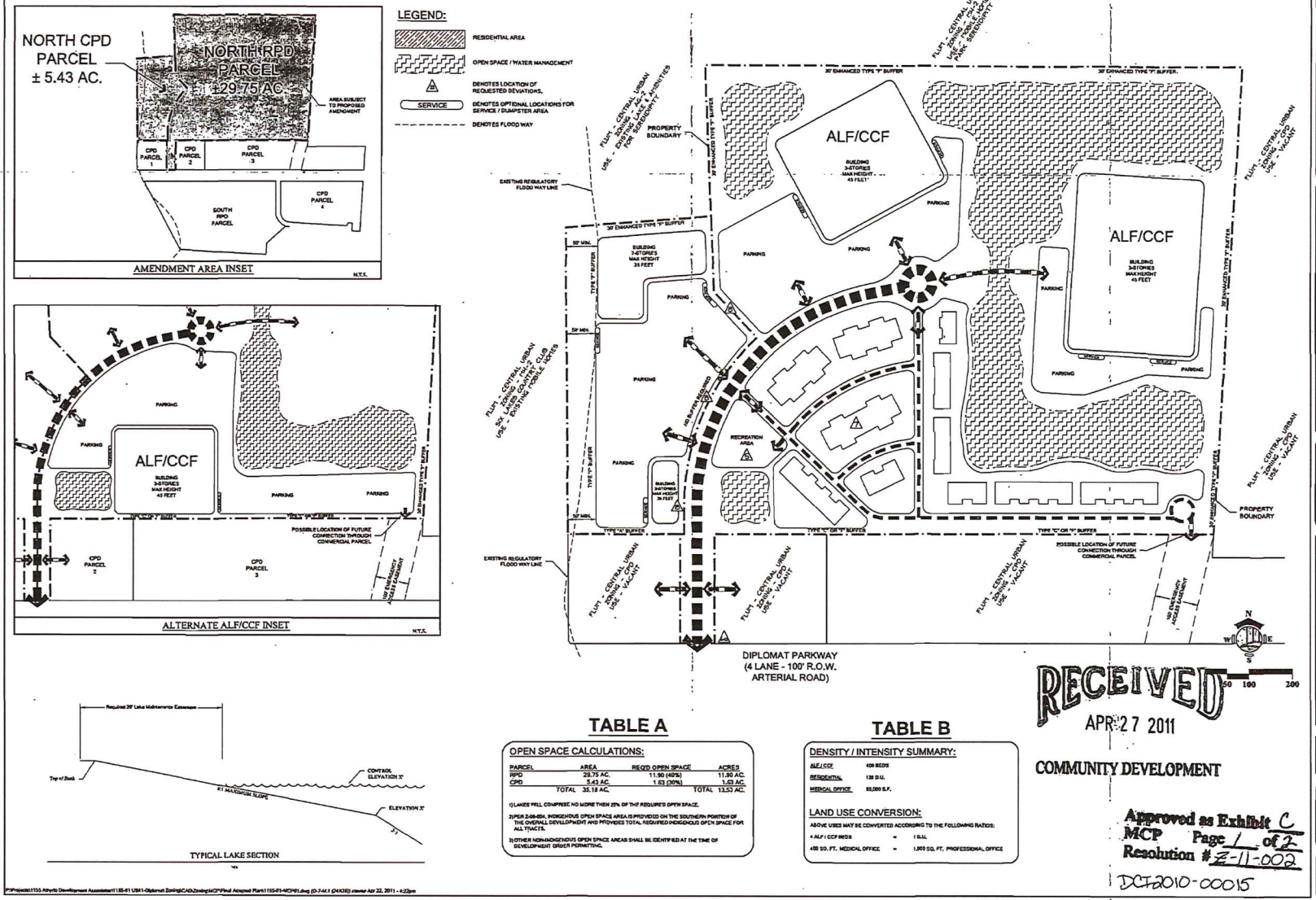


TABLE A

OPEN SPACE CALCULATIONS:

PARCEL	AREA	REQ'D OPEN SPACE	ACRES
RPD	29.75 AC.	11.90 (40%)	11.90 AC.
CPD	5.43 AC.	1.63 (30%)	1.63 AC.
	TOTAL 35.18 AC.		TOTAL 13.53 AC.

1) LAKES WILL COMPRISE NO MORE THEN 25% OF THE REQUIRED OPEN SPACE.

2) PER 2-06-04, INDIGENOUS OPEN SPACE AREA IS PROVIDED ON THE SOUTHERN PORTION OF THE OVERALL DEVELOPMENT AND PROVIDES TOTAL REQUIRED INDIGENOUS OPEN SPACE FOR ALL TRACTS.

3) OTHER NON-INDIGENOUS OPEN SPACE AREAS SHALL BE IDENTIFIED AT THE TIME OF DEVELOPMENT ORDER PERMITTING.

TABLE B

DENSITY / INTENSITY SUMMARY:

ALF / CCF	400 BEDS
RESIDENTIAL	138 D.U.
MEDICAL OFFICE	60,000 S.F.

LAND USE CONVERSION:

ABOVE USES MAY BE CONVERTED ACCORDING TO THE FOLLOWING RATIOS:

4 ALF / CCF BEDS	=	1 D.U.
400 SQ. FT. MEDICAL OFFICE	=	1,000 SQ. FT. PROFESSIONAL OFFICE

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Approved as Exhibit C
MCP Page 1 of 2
Resolution # Z-11-002
DCI2010-00015

ensite

Athyrio Development Associates, LLC
P.O. Box 1662
Fort Myers, Fl 33902

DIPLOMAT PROPERTY RPD / CPD
(NORTH PARCEL)
Project Line 3

REVISIONS

NO.	DESCRIPTION	DATE
R1	Revised per lee county sufficiency comments dated 06-06-10	8-23-10
R2	Revised per lee county sufficiency comments dated 10-14-10	10-22-10
R3	Revised per lee county comments	12-13-10
R4	Revised per HEX conditions and conditions	1-7-11
R5	Final Adopted Plan	4-22-11
R6		

DATE: 09-22-10
PROJECT NO. 1155-01
FILE NO. 1155-01-MCP01.dwg
SCALE: AS SHOWN

MASTER CONCEPT PLAN
D-7-M.1

1 of 1

EXHIBIT "C"
(Page 1 of 2)

ADD2020-00034 Lee County ePlan

EXHIBIT "C"
(Page 2 of 2)

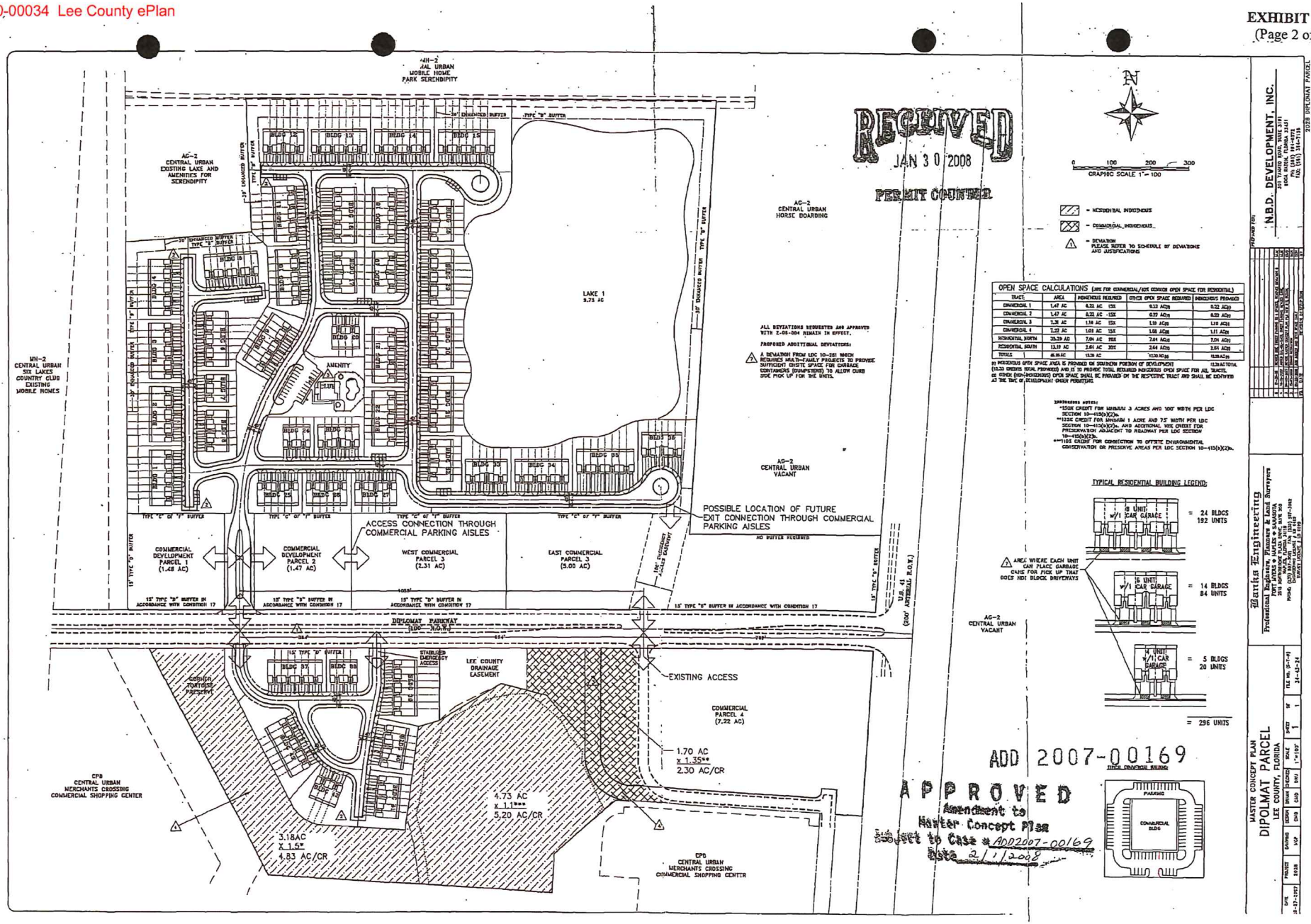


EXHIBIT C

WALDROP ENGINEERING
PLANNING | CIVIL ENGINEERING | LANDSCAPE ARCHITECTURE
BONITA SPRINGS Fort Myers Tampa Orlando Sarasota
28100 Bonita Grande Dr., Suite 305, Bonita Springs, FL 34135
p. (239) 405-7777 f. (239) 405-7899

COOPER STREET PROPERTY
Administrative Amendment to the Diplomat Property RDP/CPD

REQUEST NARRATIVE

Cooper Street Property, Inc. ("Applicant") is requesting an administrative amendment to the Diplomat Property RDP/CPD to remove the language that requires commercial retail uses to meet site location standards on parcels 3 and 4 within the CPD portion of the planned development; to allow the addition of multi-family dwelling units to the schedule of uses for the same parcels; and add a conversion table for commercial to dwelling units.

The proposed modifications will bring the CPD portion of the Diplomat Property RPD/CPD into greater compliance with the current Lee County Land Development Code, which eliminated site location standards since approval of this zoning, and with the Mixed-Use Overlay and North Fort Myers Community Plan in accordance with LDC Section 33-1354.

Through this amendment, the Applicant is seeking approval of modifications to the Planned Development most recently amended per Zoning Resolution Z-11-002, as follows:

1. Strikethrough and underline changes on page 3 (of 26):

   - Maximum Total Commercial Floor Area (CPD Parcels 1, 2, 3 and 4): 200,000 square feet of commercial uses. ~~A maximum of 100,000 s/f of which may be retail.~~
   - ~~Retail development is limited to Parcel 4 (which meets Commercial Site Location standards).~~ Retail development is not permitted on Commercial Parcels 1~~,~~ or 2~~ or 3~~ (which do not meet Site Location standards).

2.a. Add the following to the Schedule of Uses for CPD Parcels 3 & 4 (only) on page 4:

   - Dwelling Units, multi-family
   - Model Home, Model Display Center, Model Unit
   - Real Estate Sales - limited to sales of lots, homes or units within the development. Model home and club locations only.
   - Residential Accessory Uses

2.b. Add a table for conversion of commercial square footage to multi-family density for CPD Parcels 3 and 4 on pages 10 and 11:

   CPD Parcels 3 and 4 may convert unused commercial retail square footage to multi-family dwelling units in accordance with the Land Use Conversion Matrix Table below, but in no case shall the number of multi-family dwelling units exceed 8 dwelling units per acre, or 116 units.

	Multi-Family Residential LUC 220 (0.56 Trips/d.u.)	Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1 ksf)
Multi-Family Residential LUC 220 (0.56 Trips/d.u.)	Same	147 s.f./1 d.u.
Commercial Retail (Shopping Center) LUC 820 (3.81 Trips/1 ksf)	6.80 d.u./1 ksf	Same

BACKGROUND/EXISTING CONDITIONS

The Diplomat Property RPD/CPD ("Property") comprises 65+/-acres and is currently undeveloped. It is approved as a multi-tenant commercial and retail center, including commercial outparcels, and mixed product residential development including assisted living facilities. The site is located at the intersection of North Cleveland Avenue/Diplomat Parkway East arterial intersection in the North Fort Myers Planning Community.

The RPD/CPD is designated within the Central Urban future land use category. *The entire site is within the Mixed-Use Overlay and the North Fort Myers Planning Community.*

The portion of the CPD owned by the Applicant is 7.31 acres in the parcel on the northside of Diplomat Parkway known as CPD Parcel 3; and 7.22 acres in the parcel on the southside of Diplomat Parkway known as CPD Parcel 4 – a total of 14.53 acres.

REQUEST JUSTIFICATION

Master Concept Plan

The Master Concept Plan does not provide density for multi-family dwelling units for the CPD Parcels 3 and 4. The RPD portions of the Planned Development provide residential density to not exceed 8 units per acre. The applicant is proposing conversion of commercial intensity to multi-family residential density, not to exceed the base density permitted in other portions of the overall planned development, to allow for the potential of a mixed-use development. The Mixed Use Overlay provisions of the LDC allow the entire acreage of a mixed-use development to be utilized when calculating density, where the development demonstrates a bonafide mixed-use development program.

The Schedule of Uses for CPD Parcels 3 and 4, as amended, is also consistent with a mixed-use project where non-residential uses are limited to those commercial uses that are complimentary to and compatible with on-site dwellings, such as restaurants, retail and entertainment.

Mixed Use Overlay

The subject property is located within the Mixed Use Overlay as identified in Map 1 of the Lee Plan. Objective 11.2 establishes the purpose and intent of the Mixed-Use Overlay, including the availability of alternative property development regulations for development within it. *The proposed mixed-use development program is consistent with the intent for the Overlay including pedestrian connections internally and to adjacent uses; an urban form of development via redevelopment of surface parking to high density housing; integrated civic space to create a heightened sense of place; and appropriate use of available public infrastructure and services.*

North Fort Myers Community Plan

Pursuant to LDC Sec. 33-1534 regarding existing Planned Development zoning districts in the North Fort Myers Planning Community: "Existing approved master concept plans may be voluntarily brought into compliance with the North Fort Myers Plan (Lee Plan Goal 28) or any regulation contained in this article through the administrative amendment process."

The request is consistent with the stated vision for the North Fort Myers Community Plan, including the desire for mixed-use development patterns along key corridors outlined in the Lee Plan as follows:

POLICY 30.1.3: Encourage a diversity of housing types in the North Fort Myers Community Plan area by supporting mixed use projects, with residential above or adjacent to retail and service uses, within the Mixed Use Overlay

POLICY 30.1.4: Encourage development of affordable housing options on property with the following characteristics:

- Located within the Intensive Development, Central Urban, and Urban Community on the Future Land Use Map;
- Located where central water/sewer service is available; and
- Located within walking distance of mass transit, commercial and personal services, and parks and recreation facilities.

POLICY 30.2.4: The following areas are designated as Neighborhood Centers appropriate of moderate intensity, pedestrian-oriented, mixed use development:

- Littleton and North Cleveland Avenue;
- North Tamiami Trail and Del Prado Boulevard;
- North Tamiami Trail and Nalle Grade Road;
- Hancock Bridge Parkway and Orange Grove Boulevard;
- North Tamiami Trail and Pine Island/Bayshore Roads;
- Bayshore Road and Slater Road; and
- Bayshore Road and Hart Road

Development Pattern Considerations

The subject property is in the Central Urban Future Land Use as defined in Lee Plan Policy 1.2.2 which is characterized as the "urban core" of the county. Residential, commercial, public, quasi-

public, and light industrial uses are all permitted with in this Future Land Use. This amendment allows for a mix of residential and commercial uses that are consistent with the intent for this category. The proposed development is also consistent Objectives 2.1 and 2.2 relating to development location and timing where public infrastructure and services exist.

As previously stated, the subject property is in the North Fort Myers Planning Community. This community is described in the Lee Plan as an area of revitalization and is intended to promote a mix of uses. Additionally, the North Fort Myers Planning Community requires a public information meeting within the planning community for all Planned Developments (and amendments). The Applicant will conduct a public information meeting with the North Fort Myers Planning Community Panel in March of 2020. A follow-up meeting will be held prior to a finding of sufficiency on this amendment application.

Bicycle, Pedestrian & Transit Facilities

The subject property fronts Northeast Pine Island Road and North Cleveland Avenue which is designated as a future bike/pedestrian. The site has access to existing sidewalk infrastructure on N. Cleveland Avenue. The subject property is located within a ¼ mile radius of Lee Tran Route 595 and a covered bus shelter is at Merchant's Crossing abutting CPD Parcel 4.

Urban Services

The subject property is serviced by the Sheriff and EMS Station that is approximately 2.4 miles south, and fire station 2.1 miles south of the property. The proposed development will have access to the Lee County Utilities for both water and wastewater. The applicant is consistent with Lee Plan Standards 11.1 and 11.2. Other urban services are available to this proposed development including parks and schools to serve the new residential component.

CONCLUSION

In accordance with LDC §34-380, the above request does not propose an increase to height, density or intensity within the development via the Land Use Equivalency Matrix. Similarly, the amendment will not result in the substantial underutilization of public resources and infrastructure committed to the support of the development, will not reduce total open space, buffering, landscaping and preservation areas, and will not adversely impact surrounding land uses. *The amendment is consistent with the directive to administratively bring PDs in the North Fort Myers Community Plan into greater conformance with the Land Development Code, including specific regulations in Chapter 33.*

Based upon this application's compliance with all other conditions in Z-11-004, as amended, the Lee Plan, and administrative thresholds set forth in §34-380 and 33-1534, the Applicant respectfully requests staff approval of this request.

ATTACHMENT N

RESOLUTION NUMBER Z-23-003

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

WHEREAS, Kimley-Horn and Associates, Inc., filed an application on behalf of the property owner, Hallin Family, LLC, to rezone a 19.41± acre parcel from Commercial (C-1A) and Commercial Planned Development (CPD) to Residential Planned Development (RPD) in reference to MIVO North Fort Myers; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Amanda L. Rivera, was advertised and held on January 19, 2023; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case #DCI2022-00027 and recommended approval of the Request; and

WHEREAS, a second public hearing was advertised and held on April 5, 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 a 19.41± acre parcel from C-1A and CPD to RPD, to allow a maximum 285 units of which 95 are bonus density units, not to exceed 60 feet in height.

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 (MCP) and Development Intensity**

   a. MCP. Development must be consistent with the two-page MCP entitled "MIVO Diplomat Center", prepared by Kimley-Horn and Associates, Inc., dated 01/2023, except as modified by the conditions below.

   b. LDC and Lee Plan. Development must comply with the LDC and Lee Plan at the time of local development order approval, except where deviations are granted herein. Subsequent amendments to this zoning resolution and MCP may be subject to further development approvals.

c. Development Parameters. The RPD is limited to 285 dwelling units (of which 95 are bonus density units), residential accessory uses, and amenity center.

2. **Uses and Site Development**.

a. **Schedule of Uses**

Accessory uses, buildings, and structures
Dwelling unit:
    Multi-family
Entrance gates and gatehouse
Essential services
Essential service facilities:
    Group I
Excavation:
    Water retention
Recreation facilities:
    Personal
    Private on-site
Signs

b. **Site Development Regulations**

Amenity Center

Minimum Setback:

Preserve: 20 feet from wetland and 30 feet from upland preserves.
Building and accessory structures: 15 feet

Multi-family

Minimum lot size:	10,000 square feet
Minimum lot width:	100 feet
Minimum lot depth:	100 feet

Minimum Setbacks:

Street:	25 feet
Side:	15 feet
Accessory Structure:	15 feet
Rear:	15 feet
Waterbody:	25 feet
Preserve:	30 feet
Maximum building height:	60 feet
Maximum lot coverage:	45 percent

3. **Open Space**

Development order plans must include the open space table depicting 2.73 acres of indigenous preserve area, 0.99 acres of wetlands, and a total open space area of 10.83 acres.

4. **Conservation Easement Recording**

Developer must record a conservation easement for created, restored, and preserved indigenous preserve areas prior to approval of the first development order. Developer must dedicate conservation easements to an appropriate maintenance entity and provide third party enforcement rights to Lee County or an agency acceptable to the County.

5. **Wetland Impacts**

Developer must adjust project density if necessary to conform to the formal jurisdictional wetland determination or the South Florida Water Management District Environmental Resource Permit.

6. **Turnaround**

Developer must submit an autoturn analysis during development order review demonstrating sufficient area to allow a three-point turning movement on the ingress side of the proposed entry gate for a single unit truck as specified in the ASASHTO Green Book current edition.

7. **Turnaround Signage and Striping**

Development order plans must include signage and pavement striping that reserves the area required to execute a three-point turning movement on the ingress side of the entrance gate.

8. **State and Federal Permits**

a. Generally. 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.

b. State Wetland Permits. Developer may not commence construction on development impacting wetlands until issuance of required state permits. Development activity must comply with state wetland permits and applicable local development permits.

If the state does not approve wetland impacts or if state wetland permits are not consistent with proposed wetland impacts reflected in County development permits, then developer must amend County development permit approvals to be consistent with state wetland permits and applicable Lee Plan and LDC regulations regarding development within wetlands.

SECTION C. DEVIATIONS:

1. Deviation (1) is WITHDRAWN.

2. Entrance Gates and Gatehouses. Deviation (2) to seeks relief from the LDC §34-1748(5) which requires a paved turn-around with a turning radius sufficient to accommodate a U-turn for a single unit truck (SU) vehicle as specified in the AASHTO Green Book current edition, to be provided on the ingress side of the gate or gatehouse, to allow a three-point turning movement for a SU vehicle as specified in the AASHTO Green Book, current edition. This deviation is APPROVED, SUBJECT TO Conditions 6 and 7.

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

SECTION E. FINDINGS AND CONCLUSIONS:

Based upon its review, the Board of County Commissioners adopts the recommendation of the Hearing Examiner, including the following findings and conclusions:

1. The requested rezoning to RPD complies with the Lee Plan. Lee Plan Goals 2, 4, 5, 11, 30, 77, 135; Objectives 2.1, 2.2, 4.1, 5.1, 11.2, 30.2, 30.3, 77.1, 77.3, 126.2; Policies 1.1.3, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.7, 11.2.2, 11.2.6, 30.2.3, 30.2.7, 30.3.1, 30.5.3, 135.1.9, 135.9.5, 135.9.6; Lee Plan Maps 1-A, 1-B, 1-C, 2-A.

2. As conditioned, the RPD:

   a. Meets the LDC and other County regulations or qualifies for deviations. LDC §§ 33-1531 *et. seq.*, 34-145(d), 34-341, 34-378, 34-411, 34-413, 34-491, 34-612(2), 34-932.

   b. Is compatible with existing and planned uses. Lee Plan Objectives 2.1, 2.2, Policies 5.1.5, 135.9.5, 135.9.6; LDC § 34-411.

   c. Provides access sufficient to support the proposed development intensity. Expected impacts to transportation facilities will be addressed by the conditions of approval and County regulations. Lee Plan Policies 39.1.1, 39.2.1; LDC §§ 2-261 *et seq.*, 10-287, 34-411(d).

   d. Will not adversely affect environmentally critical/sensitive areas and natural resources. Lee Plan Goal 77; Objectives 77.1, 77.3, 126.2; Policies 61.3.1, 61.3.6, 61.3.11, 126.2.1, Standard 4.1.4; and LDC § 34-411(h).

   e. Will be served by urban services adequate to serve the proposed land use. Lee Plan Glossary, Lee Plan Goals 2, 4, Objectives 2.1, 2.2, 4.1, and Standards 4.1.1 and 4.1.2; LDC § 34-411(d).

3. The proposed mix of uses is appropriate at the proposed location. Lee Plan Goals 2, 5; Policies 1.1.3, 2.1.1, 2.2.2, 5.1.2, 5.1.3, 5.1.5, 135.1.9.

4. The recommended conditions and applicable regulations provide sufficient safeguards to protect the public interest. Lee Plan Policies: 5.1.5, 5.1.6, 126.2.1 and 135.9.6; LDC § 34-411.

5. The recommended conditions are reasonably related to the impacts expected from the proposed development. Lee Plan Policies 5.1.5, 135.9.6; LDC § 34-932.

6. The requested deviation, as conditioned:

   a. Enhances the objectives of the planned development.

   b. Preserves and promotes protection of public health, safety, and welfare.

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 Sandelli. 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 5th day of April 2023.

ATTEST:
KEVIN KARNES, CLERK

BY: _____
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: _____
Brian Hamman, Chair

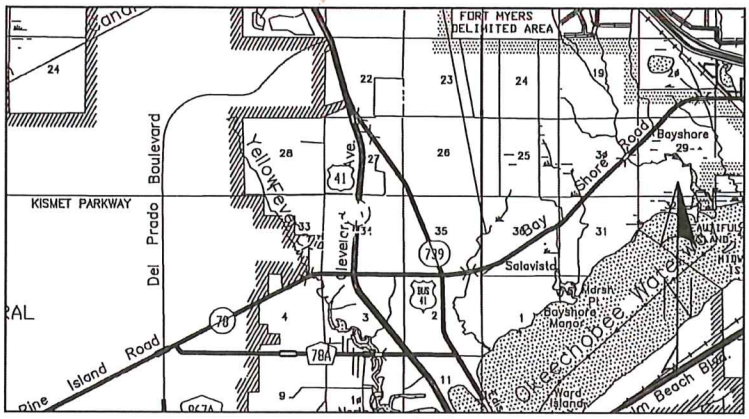
BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY FLORIDA

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

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

SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



VICINITY MAP
(NOT TO SCALE)

DESCRIPTION:

The North one-half (N1/2) of a parcel of land lying in the Northwest Quarter of Section 34, Township 43 South, Range 24 East, Lee County, Florida, more particularly described as follows:

Commencing at a found concrete monument marking the intersection of the westerly right-of-way of U.S. 41 (State Road No. 45)(Tamiani Trail)(200 feet wide) and the Southerly right-of-way of Littleton Road (50 feet wide) thence 94.14 feet along said westerly right-of-way along the arc of a curve concave to the Southeast having a radius of 5829.58 feet and subtended by a chord having a length of 94.14 feet and bearing of South 03°47'10" West to a found Florida State Road Department Right-of-Way concrete monument and a point of tangency; thence South 03°25'50" West along said Westerly right-of-way for 505.63 feet to a set iron pin with cap stamped LB-734 and the Point of Beginning; thence continue South 03°25'50" West along said Westerly right-of-way for 1832.74 feet to a set iron pin; thence North 89°54'50" West for 500.85 feet to a set iron pin; thence North 03°25'50" East for 1126.64 feet to a set iron pin on the Southerly line of Serendipity South Mobile Home Park; thence South 89°54'50" East along said Southerly line for 100.53 feet to the Southeast corner of said Serendipity South Mobile Home Park referenced by a found concrete monument lying 0.18 feet North and 0.65 feet East of said described corner; thence North 03°25'50" East along the Easterly line of said Serendipity South Mobile Home Park for 706.10 feet to a set iron pin; thence South 89°54'50" East for 400.33 feet to the Point of Beginning.

Subject to a 20 foot drainage easement described as follows: Beginning at the hereinabove mentioned Southeast corner of Serendipity South Mobile Home Park; thence North 89°54'50" West along said Southerly line of Serendipity Mobile Home Park for 100.53 feet; thence South 03°25'50" West for 20.00 feet; thence South 89°54'50" East for 100.53 feet; thence North 03°25'50" East for 20.00 feet to the Point of Beginning.

NOTES:
1. THE CERTIFICATE OF AUTHORIZATION NUMBER OF T2UES, INC. IS LB-8336.
2. BEARINGS SHOWN ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41, BEING S 03°25'50" W.
3. LEGAL DESCRIPTION AND SKETCH OR THE COPIES THEREOF ARE NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
4. ADDITIONS AND DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SIGNING PARTY OR PARTIES IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SIGNING PARTY OR PARTIES.
5. NOT VALID WITHOUT ALL SHEETS.

SCOTT R. URQUHART
PROFESSIONAL SURVEYOR AND MAPPER
FLORIDA CERTIFICATE NO. 6524
(FOR THE FIRM - LB 8336)
SIGNED THIS ___ DAY OF _____, 2022

Digitally signed by Scott R. Urquhart, P.S.M.
Date: 2022.04.19 10:35:51 -04'00'

REVIEWED
DCI2022-00027
Hunter Searson, GIS Planner
Lee County Government
7/22/2022

SEE SHEET 2 OF 2 FOR SKETCH

COUNTY:	LEE
PROJECT NO.:	210906
DRAWING NO.:	210906 SKD
REVISION:	
DWG DATE:	4-18-2022
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
REV. DATE:	
FOR:	KIMLEY HORN

SKETCH & DESCRIPTION
OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

J:\FTM02DATA\2021\210906 - QUADRANT - DIPLOMAT SURVEY\DRAWING\210906 SKD.DWG 4/19/2022 9:58 AM

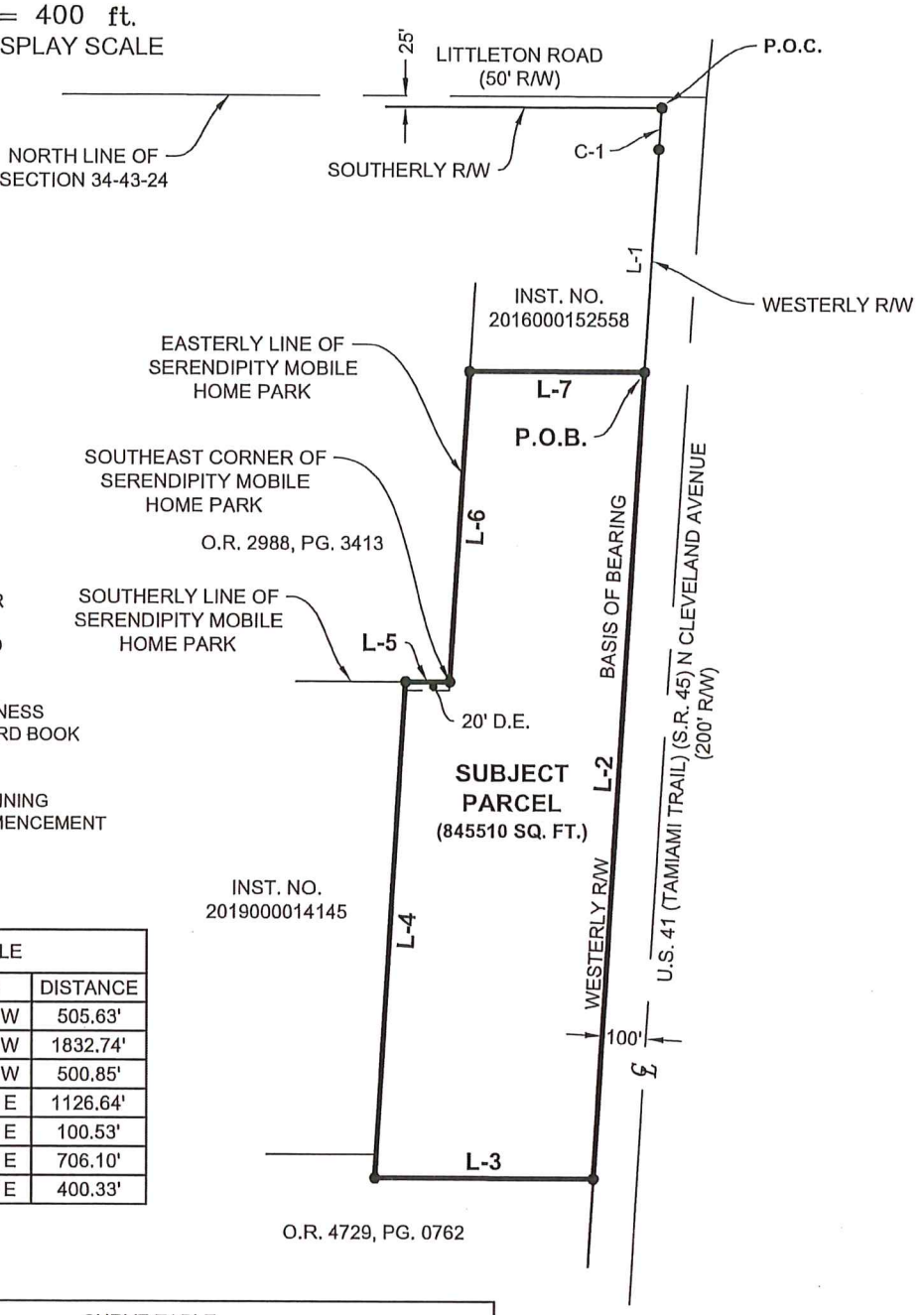
Exhibit "A"

SKETCH & DESCRIPTION

OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

400 0 200 400

1 inch = 400 ft.
INTENDED DISPLAY SCALE



ABBREVIATIONS

C-X = CURVE NUMBER
FT. = FOOT
INC. = INCORPORATED
INST. = INSTRUMENT
L-X = LINE NUMBER
LB = LICENSED BUSINESS
O.R. = OFFICIAL RECORD BOOK
NO. = NUMBER
PG. = PAGE
P.O.B. = POINT OF BEGINNING
P.O.C. = POINT OF COMMENCEMENT
REV. = REVISION
R/W = RIGHT-OF-WAY

LINE TABLE		
LINE	BEARING	DISTANCE
L-1	S 03°25'50" W	505.63'
L-2	S 03°25'50" W	1832.74'
L-3	N 89°54'50" W	500.85'
L-4	N 03°25'50" E	1126.64'
L-5	S 89°54'50" E	100.53'
L-6	N 03°25'50" E	706.10'
L-7	S 89°54'50" E	400.33'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BRG.	CHORD DIST.
C-1	94.14'	5829.58'	00°55'31"	S 03°47'10" W	94.14'

SEE SHEET 1 OF 2 FOR DESCRIPTION

FOR: KIMLEY HORN

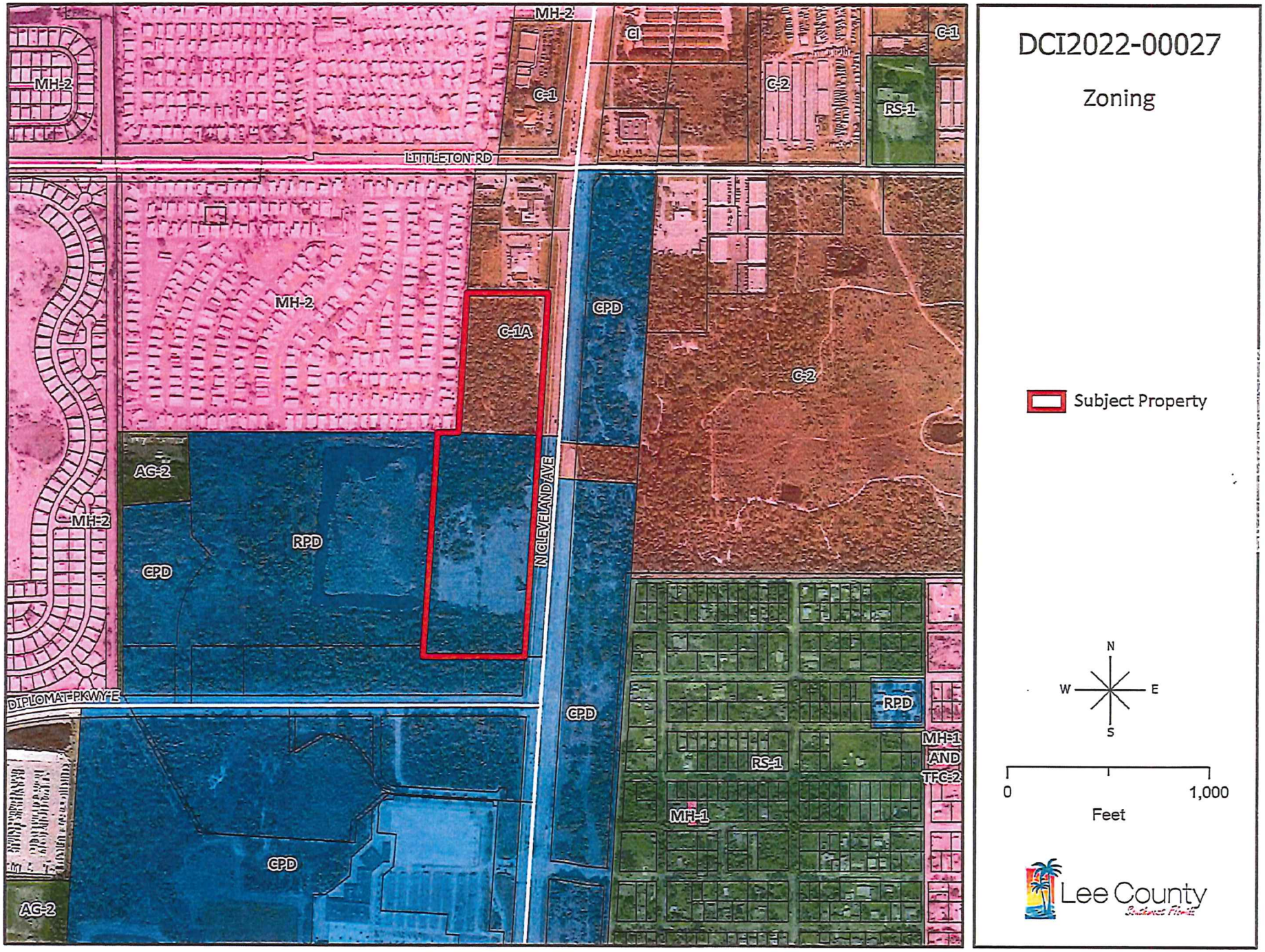
COUNTY:	LEE
PROJECT NO.:	210906
DRAWING NO.:	210906 SKD
REVISION:	
DWG DATE:	4-18-2022
DRAWN BY:	R.J.O.
CHECKED BY:	S.U.
REV. DATE:	

SKETCH & DESCRIPTION
OF A PARCEL
LYING WITHIN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST

T2 utility engineers
5670 Zip Drive
Fort Myers, FL 33905
Tel: 239.277.0722
Fax: 239.277.7179

J:\FTM02DATA\2021\210906 - QUADRANT - DIPLOMAT SURVEY\DRAWING\210906 SKD.DWG 4/19/2022 9:58 AM

Exhibit "B"



DCI2022-00027

Zoning

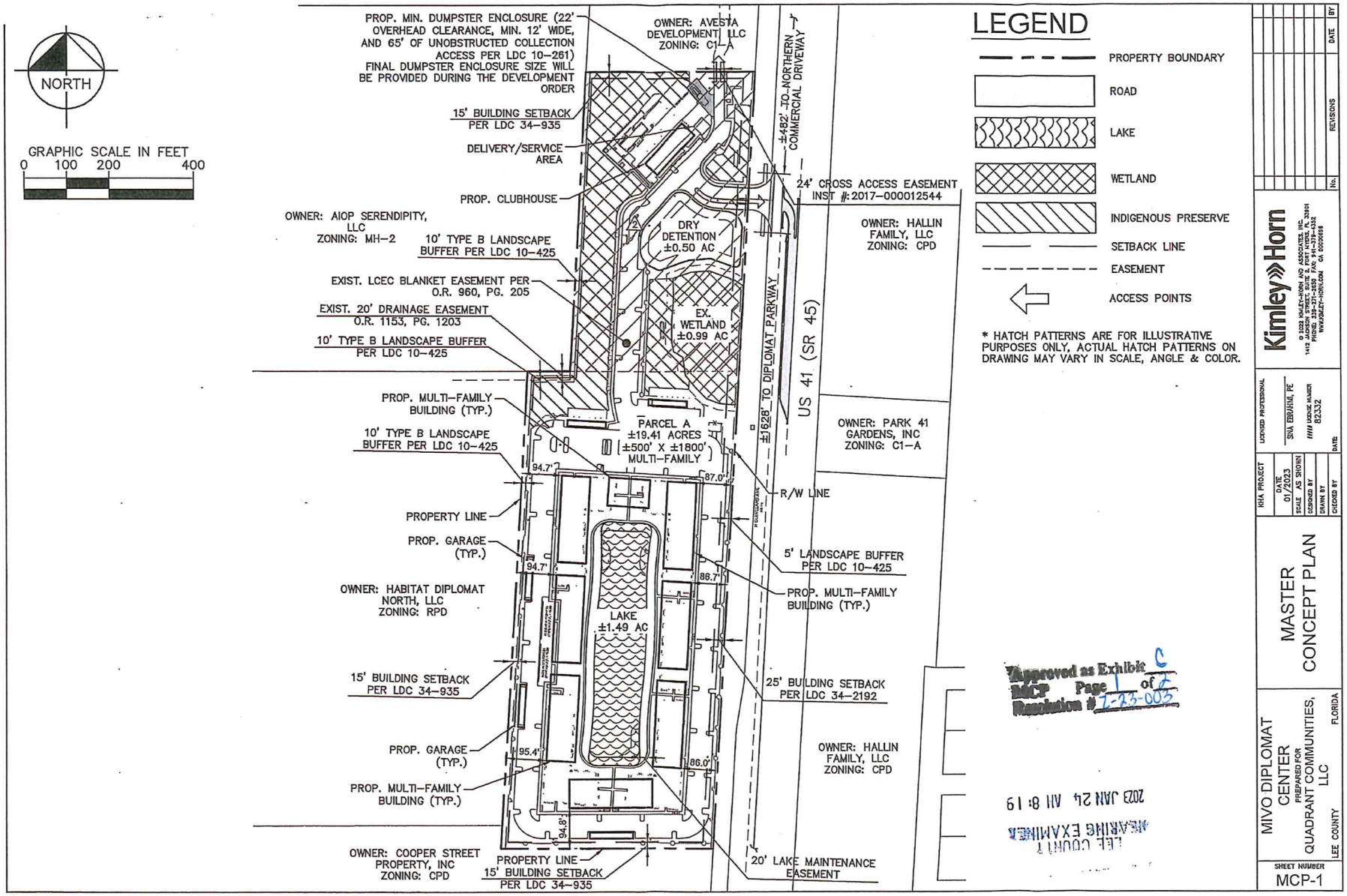
Subject Property

N
W
E
S

0 1,000

Feet

Lee County


NORTH
GRAPHIC SCALE IN FEET
0 100 200 400
PROP. MIN. DUMPSTER ENCLOSURE (22' OVERHEAD CLEARANCE, MIN. 12' WIDE, AND 65' OF UNOBSTRUCTED COLLECTION ACCESS PER LDC 10-261) FINAL DUMPSTER ENCLOSURE SIZE WILL BE PROVIDED DURING THE DEVELOPMENT ORDER
OWNER: AVESTA DEVELOPMENT, LLC ZONING: C1-A
15' BUILDING SETBACK PER LDC 34-935
DELIVERY/SERVICE AREA
PROP. CLUBHOUSE
OWNER: AIOP SERENDIPITY, LLC ZONING: MH-2
10' TYPE B LANDSCAPE BUFFER PER LDC 10-425
EXIST. LCEC BLANKET EASEMENT PER O.R. 960, PG. 205
EXIST. 20' DRAINAGE EASEMENT O.R. 1153, PG. 1203
10' TYPE B LANDSCAPE BUFFER PER LDC 10-425
PROP. MULTI-FAMILY BUILDING (TYP.)
10' TYPE B LANDSCAPE BUFFER PER LDC 10-425
PROPERTY LINE
PROP. GARAGE (TYP.)
OWNER: HABITAT DIPLOMAT NORTH, LLC ZONING: RPD
15' BUILDING SETBACK PER LDC 34-935
PROP. GARAGE (TYP.)
PROP. MULTI-FAMILY BUILDING (TYP.)
OWNER: COOPER STREET PROPERTY, INC ZONING: CPD
PROPERTY LINE
15' BUILDING SETBACK PER LDC 34-935
DRY DETENTION ±0.50 AC
EX. WETLAND ±0.99 AC
LAKE ±1.49 AC
PARCEL A ±19.41 ACRES (±500' X ±1800') MULTI-FAMILY
94.7'
87.0'
94.7'
86.7'
95.4'
86.0'
94.8'
±482' TO NORTHERN COMMERCIAL DRIVEWAY
±1628' TO DIPLOMAT PARKWAY
US 41 (SR 45)
24' CROSS ACCESS EASEMENT INST #:2017-000012544
OWNER: HALLIN FAMILY, LLC ZONING: CPD
OWNER: PARK 41 GARDENS, INC ZONING: C1-A
R/W LINE
5' LANDSCAPE BUFFER PER LDC 10-425
PROP. MULTI-FAMILY BUILDING (TYP.)
25' BUILDING SETBACK PER LDC 34-2192
OWNER: HALLIN FAMILY, LLC ZONING: CPD
20' LAKE MAINTENANCE EASEMENT
LEGEND
PROPERTY BOUNDARY
ROAD
LAKE
WETLAND
INDIGENOUS PRESERVE
SETBACK LINE
EASEMENT
ACCESS POINTS
* HATCH PATTERNS ARE FOR ILLUSTRATIVE PURPOSES ONLY, ACTUAL HATCH PATTERNS ON DRAWING MAY VARY IN SCALE, ANGLE & COLOR.
Approved as Exhibit C
BCP Page 1 of 2
Resolution # Z-23-003
2023 JAN 24 AM 8:19
LEE COUNTY
HEARING EXAMINER
Kimley»Horn
MIVO DIPLOMAT CENTER
PREPARED FOR QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA
MASTER CONCEPT PLAN
SHEET NUMBER MCP-1

1. SETBACKS, LOT COVERAGES, AND BUILDING HEIGHTS PER RESIDENTIAL PLANNED DEVELOPMENT AND MIXED-USE OVERLAY REGULATION TABLES

TYPICAL LOT INFORMATION

NTS

OPEN SPACE TABLE			
	AREA (AC.)	OPEN SPACE REQUIRED (AC)	OPEN SPACE PROVIDED (AC.)
PARCEL A***	-	-	5.12
DRY DETENTION	-	-	0.50
LAKE	-	-	1.49
WETLAND	-	-	0.99
INDIGENOUS VEGETATION**	-	1.94**	2.73
TOTAL PROPERTY	19.41	3.88*	10.83

*OPEN SPACE MEETS 20% REQUIREMENT PER LCD CH 10 IS FOR RESIDENTIAL USE. OPEN SPACE PROVIDED INCLUDES LANDSCAPE & A PORTION OF THE LAKE ALLOWED PER LDC 10-415

**INDIGENOUS VEGETATION PRESERVATION MEETS THE 50% OF THE TOTAL OPEN SPACE REQUIREMENT PER LDC 10-415

***PARCEL A INCLUDES ALL OTHER OPEN SPACE

Approved as Exhibit C
DCP Page 2 of 2
Resolution # Z-23-002

No.	REVISIONS	DATE	BY

Kimley»Horn
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
1412 JACKSON STREET, SUITE 220, FORT MYERS, FL 33901
PHONE: 239-277-2553 FAX: 941-379-4332
WWW.KIMLEY-HORN.COM CA 00000696

LICENSED PROFESSIONAL
SIVA EBRAHIMI, PE
LICENSE NUMBER
82332
DATE

KHA PROJECT
DATE 01/2023
SCALE AS SHOWN
DESIGNED BY
DRAWN BY
CHECKED BY

MASTER CONCEPT PLAN DETAILS

MIVO DIPLOMAT CENTER
PREPARED FOR
QUADRANT COMMUNITIES, LLC
LEE COUNTY FLORIDA

SHEET NUMBER
MCP-2

ATTACHMENT O

FGUA Operations Office

FGUA
c/o Accenture
9400 Southpark Center Loop, Suite 400
Orlando, FL 32819
(877) 552-3482 Toll Free
(407) 629-6900 Tel

January 25, 2024

Samuel W. Marshall
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966
smarshall@bankseng.com

RE: Wastewater and Reclaim Water Availability – LOA ID#: 24-029 NFMD

Parcel ID No.: 34-43-24-00-00001.3030

Diplomat Pkwy E., North Fort Myers FL 33903

Diplomat North

Dear Mr. Marshall:

The FGUA has received your Application for Service Availability, and upon review, it has been determined that wastewater disposal service is generally available to the address provided. The attached site map indicates the approximate size and location of the existing mains in the area. Please be advised that main extensions, connection to the reclaimed water system, and other system enhancements funded by the project sponsor may be required.

The application indicated that the proposed project consists of 360 multi-family residential units with an estimated wastewater disposal demand of 90,000 GPD. Currently, FGUA facilities are able to accommodate this demand. During the design process, if existing conditions warrant, a hydraulic analysis may need to be performed by the project engineer to evaluate the impacts the proposed project may have on the existing wastewater system.

This letter should not be construed as a commitment to serve, but only as a statement of the availability of service and is effective for twelve (12) months from the date of issue. The FGUA commitment to serve will be made once a Utility Infrastructure Conveyance and Service Agreement (CSA) is fully executed. To move this project forward, contact Development Services via email at devservices@fgua.com to receive a plan submittal package and schedule the pre-application meeting if required.

FGUA Board of Directors

PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County /JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County

Sincerely,

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Douglas W. Black Digitally signed by Douglas W Black
Date: 2024.02.27 10:41:32 -05'00'

Douglas W. Black, PSM, PLS
Property & Development Manager

CC: Mike Currier, South Region Area Manager

Encl.

1. Pre-Development Meeting Information
2. Utility Locates
3. Fee Statement/Receipt

FGUA Board of Directors
PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County /JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County

FLORIDA GOVERNMENTAL UTILITY AUTHORITY

Development Services Division

Pre-Application Meeting Information

Purpose:

The pre-application meeting is designed to be an informative discussion, specifically geared toward assisting the applicant (owner/developer/engineer) understand the FGUA's policies and development process. The pre-application meeting may be required prior to the formal submission and review of any utility construction plans by the Development Division.

It is our goal to assist you through the FGUA development process as smoothly as possible, and for your development to be a success. This pre-application meeting, if required, will provide you with the details you need to make this a successful and stress-free process.

What to Expect:

If the meeting is required, you will be provided with a variety of both general and specific information regarding the FGUA's development process. This will include, but not be limited to staff contact information, plan review guidelines, current fees, conveyance, and closeout procedures.

Who Should Attend:

It is encouraged that a representative from the property owner, developer, and engineer, at a minimum, attend this meeting. Representatives of the FGUA's Development Division, including the Development Technician, Development Coordinator, Real Property Coordinator and utility system Area Manager will also be in attendance as required.

In an effort to accommodate the potential long-distance commute between the FGUA's Operations Office in Longwood, Florida and the FGUA system areas, these meetings will take place via Microsoft Teams.

Meeting Requests:

Please e-mail Development Services to request a meeting at devservices@fgua.com.

Please have your FGUA Letter of Availability (LOA) Number (included on the first page of your previously issued Letter of Availability) ready when you email to schedule this meeting.

You will also be required to provide a preliminary site utility plan for staff review before the meeting is scheduled.

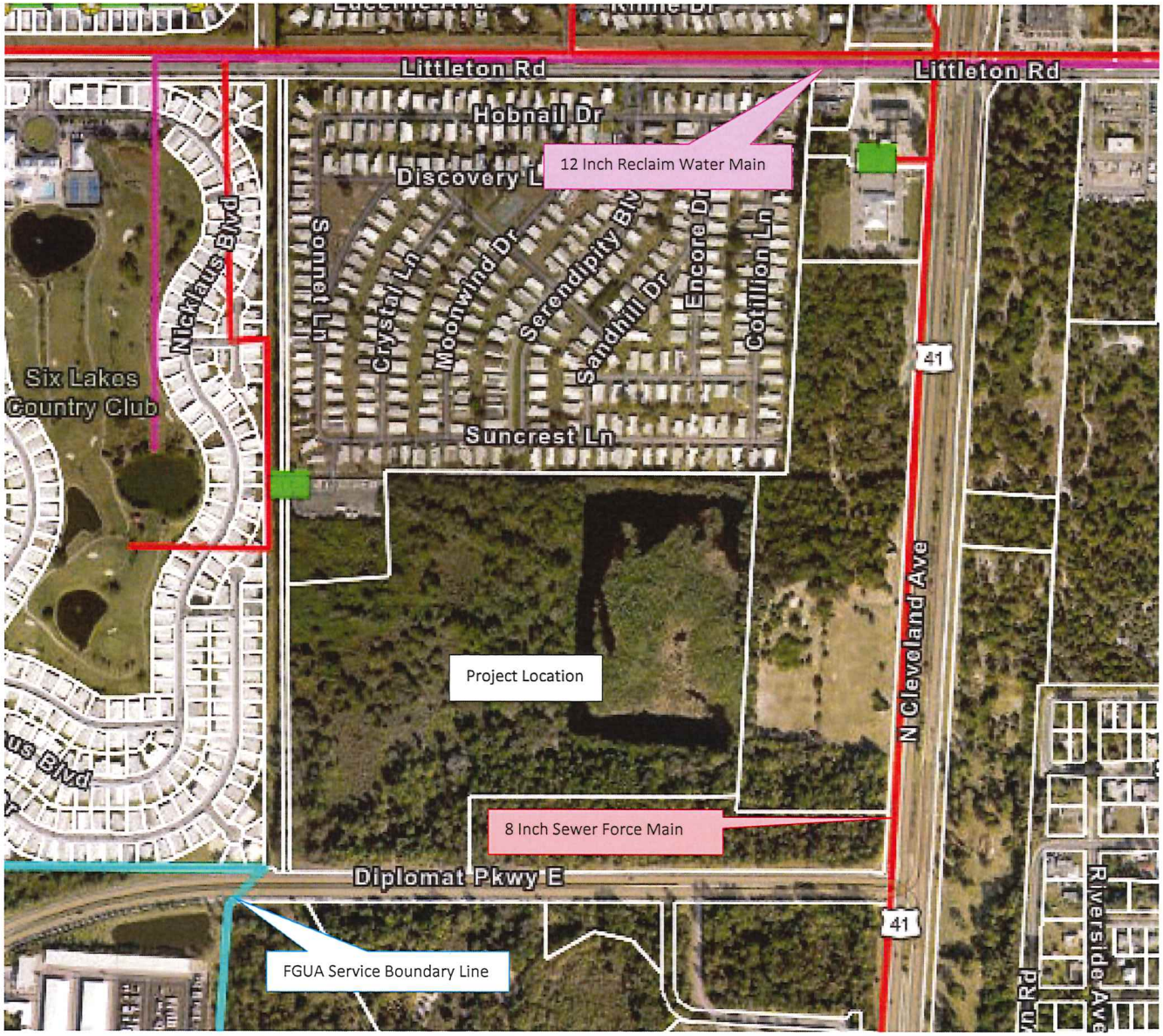
FGUA Board of Directors
PAM KEYES, P.E., Vice Chair, Lee County / KEN CHEEK, P.E., Citrus County / SHANE PARKER, P.E., Vice Chair, Hendry County / TAMARA RICHARDSON, P.E., Chair, Polk County / DAVID ALLEN, P.E., Pasco County /JODY KIRKMAN, P.E., Marion County/ HEIDI PETITO, Flagler County

1/25/2024

Project Name: Diplomat North

STRAP/PID #: 34-43-24-00-00001.3030

Property Address: Diplomat Pkwy E., North Fort Myers FL 33903



ALL UTILITY LOCATIONS SHOWN HERE ARE APPROXIMATE. THE DEVELOPER IS SOLELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS VIA POTHOLING OR OTHER ACCEPTABLE MEANS.

LOA ID: 24-029 NFMD

FGUA Fee Statement
Letter of Availability and/or Locate Request

Property Address or PID: 34-43-24-00-00001.3030

System: North Fort Myers

Development/Project Name: Diplomat North

Date: January 25, 2024

County: Lee

LOA ID: 24-029 NFMD

All fee amounts are based on the rates in effect as of the date of this statement and are subject to change.

Fees based on:

0	Letter of Utility Location Availability and Locate Map	$	100.00
1	Utility Availability Map (Map Only)	$	75.00
2	Letter of Utility Location Availability (Letter Only)	$	25.00

FGUA	G/L Code	Fees	Total fees	Amount Paid	Balance Due
LOA Request	**202098**	$ 100.00	$ 100.00	$ 100.00	$ -

Fees Due: $ -

	Payment History	Date	Check Date	Check #	Payer Name	Amount
0	Letter and Locate Map	**1/25/2024**	**1/23/2024**	**36202**	**Banks Engineering**	**$ 100.00**
1	Map Only					
2	Letter Only					

Lee County
Southwest Florida

BOARD OF COUNTY COMMISSIONERS

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District One

Cecil L Pendergrass
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Brian Hamman
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County Manager

Richard Wm Wesch
County Attorney

Donna Marie Collins
County Chief Hearing Examiner

April 1, 2022 Via E-Mail

Jennifer Sheppard
Banks Engineering
10511 Six Mile Cypress Parkway
Fort Myers, FL 33966

RE: **Potable Water Availability**
Diplomat North, Diplomat Parkway E. North Fort Myers, FL
STRAP # 34-43-24-00-00001.3030

Dear Ms. Sheppard:

The subject property is located within Lee County Utilities Future Service Area as depicted on Maps 6 of the Lee County Comprehensive Land Use Plan. Potable water lines are in operation adjacent to the property mentioned above. However, in order to provide service to the subject parcels, developer funded system enhancements such as line extensions may be required.

Your firm has indicated that this project will consist of 360 multi-family residential units with an estimated flow demand of approximately 90,000 gallons per day. Lee County Utilities presently has sufficient capacity to provide potable water service as estimated above.

Availability of potable water service is contingent upon final acceptance of the infrastructure to be constructed by the developer. Upon completion and final acceptance of this project, potable water service will be provided through our North Lee County Water Treatment Plant.

Prior to beginning design work on this project, please meet with LCU Staff to determine the best point of connection and discuss requirements for construction.

This letter should not be construed as a commitment to serve, but only as to the availability of service. Lee County Utilities will commit to serve only upon receipt of all appropriate connection fees, a signed request for service and/or an executed service agreement, and the approval of all State and local regulatory agencies.

Further, this letter of availability of potable water service is to be utilized for Financing only. Individual letters of availability will be required for the purpose of obtaining building permits.

Sincerely,

LEE COUNTY UTILITIES

Mary McCormic

Mary McCormic
Technician Senior
239-533-8532
UTILITIES ENGINEERING

ATTACHMENT P

Lee County Community Development

REQUEST FOR SUBMITTAL REQUIREMENT WAIVER FOR UNINCORPORATED AREAS ONLY

Upon written request, the Director may modify the submittal requirements for Public Hearings, Development Orders, Limited Review Development Orders and other Administrative Action Applications where it can be clearly demonstrated that the submission will have no bearing on the review and processing of the application. The request and the Director's written response must accompany the application submitted and will become a part of the permanent file.

APPLICATION FOR WAIVER OF REQUIRED SUBMITTAL ITEMS
(indicate the appropriate application type)

- ☐ Public Hearing - General Requirements **(34-202)**
- ☐ Public Hearing - Mining Excavation Planned Development **(12-110)**
- ☒ Public Hearing - Additional Requirements for:
  - ☐ Development of Regional Impact **(34-202(b)(1))**
  - ☐ Planned Developments **(34-202(b)(2))**
  - ☒ Planned Development Amendment **(34-202(b)(2))**
  - ☐ Rezonings other than Planned Developments **(34-202(b)(3))**
  - ☐ Special Exceptions **(34-202(b)(5))**
  - ☐ Variances **(34-202(b)(6))**
  - ☐ Limited Amendment to Existing Mine Zoning Approval **[12-121(j)]**
  - ☐ Private Recreational Facilities Planned Development **(34-941(g))**
- ☐ Development Order - Submittal Requirements **(10-152)**
  - ☐ Application Form and Contents **(10-153)**
  - ☐ Additional Required Submittals **(10-154)**
- ☐ Limited Review Development Order – Submittal Requirements **(10-152)**
  - ☐ Required Submittals **(10-175)**
- ☐ Administrative Action Application Requirements **[34-203]**

State the Type of Administrative Application: _____

PLEASE PRINT OR TYPE:

STRAP Number: 35.18± ac portion of 34-43-24-00-00001.3030
Name of Project: Diplomat House a/k/a Diplomat North RPD

Name of Agent: Stacy Ellis Hewitt, AICP, Banks Engineering
Street Address: 10511 Six Mile Cypress Pkwy
City, State, Zip: Fort Myers, FL 33966
Phone Number: 239-770-2527/239-939-5490 Email Address: SHewitt@BanksEng.com

Name of Applicant*: Diplomat Fort Myers, LLC
Street Address: 7200 Corporate Center Drive, Suite 316
City, State, Zip: Miami, FL 33126
Phone Number: c/o 239-770-2527/239-939-5490 Email Address: c/o SHewitt@BanksEng.com

***If applicant is not the owner, a letter of authorization from the owner must be submitted.**

LEE COUNTY COMMUNITY DEVELOPMENT
P.O. BOX 398 (1500 MONROE STREET), FORT MYERS, FLORIDA 33902
PHONE (239) 533-8585

A. SPECIFIC SECTION(S) AND REQUIREMENT(S) FOR WHICH A WAIVER IS SOUGHT:

	Section Number	Requirement
#1	34-202(a)(6)/34-373(a)(4)a	Boundary Survey
#2	34-202(a)(7)/	Title Certification
#3	34-373(a)(4)b.iv.	Topography
#4	34-373(a)(4)b.v.	Existing and Historic Flow-Ways Map
#5	34-373(b)(1)	Surface Water Management Plan
#6	34-373(a)(4)d	Historic/Archaeological
#7		
#8		
#9		

B. SCOPE OF PROJECT AND REASON(s) FOR REQUEST:

Please provide an explanation of the scope of the project and the reason(s) why you think the request for submittal waiver(s) should be approved. Use additional sheets if necessary and attach to this application form. (Please print or type)

We are preparing an application for a minor public hearing amendment to the North RPD portion (35.18± ac) of the Diplomat North RPD/CPD from the Z-11-002/ADD2019-00085 approval to replace 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 SF of commercial with a maximum height of 50 feet; to allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay. The subject property has extensive information on file with prior zoning cases as well as existing active South Florida Water Management District and Development Order permits (DOS2007-00255). The DO is valid through February 28, 2030. The legal description and sketch for the North RPD attached to the existing zoning resolution remains the same and a copy will be submitted with the application. The applicant proposes to submit a boundary survey and opinion of title (dated 10/5/2022) that covers the subject 35.18 ac and also includes the 1.53 ac-25' strip adjacent to the west that is not included in the subject application (STRAP No. 34-43-24-00-00001.306A). This parcel was previously included in the prior applications REZ2022-00021, VAR2022-00021 & ADD2022-00143 that will be withdrawn upon submittal. Please see attached email correspondence with staff requesting to submit these title and survey documents to avoid unnecessary survey and title costs. The applicant will address the comments provided in the attached email prior to the application being found sufficient. There have been no changes in ownership or encumbrances since the 10/5/2022 title. Since the applicant already has SFWMD and DO approvals with only minor amendments proposed to increase dwelling units and height, the topography, existing and historic flow-ways map and surface water management plan are not necessary given the extent of information that exists in existing county records. The site is not located within an archaeological sensitivity area. Given the existing approvals and extent of information available in existing county records, the applicant respectfully requests that the waiver be approved. Submittal of any of these documents would have no bearing on the review and processing of the application.

Under penalties of perjury, I declare that I have read the foregoing application and that the facts stated in it are true.

Signature of Applicant — Date: **12/7/23**

FOR STAFF USE ONLY

DIRECTOR'S DECISION:

- ☐ **Request Denied**
- ☒ **Request Approved #1 - #6**
- ☐ **Request Approved Per Attached Comments**

Electronically signed on 1/18/2024 by
Anthony R. Rodriguez, AICP, CPM, Zoning Manager
Lee County Department of Community Development

Director Signature — Date

From:	Rodriguez, Anthony
To:	Stacy Hewitt
Subject:	RE: Diplomat North RPD/CPD Amendment (ADD2019-00085, ADD2022-00143, REZ2022-00021, DOS2022-00156)
Date:	Monday, December 4, 2023 7:56:34 AM
Attachments:	image003.png image004.png image005.png image006.png image007.png image008.png image009.png image010.png

Hi, Stacy:

I didn't forget about our discussion! I had Rick Burris review the legal/survey/title opinion per our discussion. His comments are as follows:

1. The legal description works as it describes the entire project both north and south of Diplomat Parkway.
2. The boundary survey is only the RPD portion north of Diplomat and it does not correct the issues of the last sufficiency letter regarding in incorrect mapping of a drainage easement. It does not have state plane coordinates and the point of commencement they describe in the narrative portion of the description is the section corner and the point of beginning is 25 feet east of that on the east boundary of the drainage easement which is physically more than 25 feet from the verified section corner. They appear to have made all the other changes required.
3. The title Opinion appears to be good for the north of Diplomat property.

Hope this helps,

Anthony

Lee County
Southwest Florida

Anthony R. Rodriguez, AICP, CPM | Zoning Manager
Department of Community Development
1500 Monroe Street, Fort Myers, FL 33901
office: (239) 533-8786
email: arodriguez4@leegov.com
web: www.leegov.com

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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.

From: Stacy Hewitt <SHewitt@BanksEng.com>
Sent: Monday, November 6, 2023 3:58 PM
To: Rodriguez, Anthony <ARodriguez4@leegov.com>
Subject: Diplomat North RPD/CPD Amendment (ADD2019-00085, ADD2022-00143, REZ2022-00021, DOS2022-00156)

Caution: This email originated from an external source. Be cautious of attachments and links, and do not provide login information. Report suspicious activity to the Service Desk: servicedesk@leegov.com or 533-HELP.

Thanks so much for all of your time today!

Per our discussion, I am trying to reduce the amount of survey costs for Habitat if possible. I was contemplating submitting a waiver request to allow submitting the following attached documents, given the existing approved DO on the property and the work done for the applications last year.

- Existing 35.18 acre North RPD Legal & Sketch attached to existing zoning resolution.
- Title updated October 2022
- Boundary Survey (includes the 35.18 ac + the 1.53 ac-25' strip to west) – **this would be updated to reflect October 2022 title & state plane coordinates**

Please do not hesitate to contact me via cell or email if you have any questions or need anything.
Thanks again and please take care,
Stacy

Professional Engineers, Planners & Land Surveyors

SERVING SOUTHWEST FLORIDA FOR OVER 30 YEARS

www.banksengfla.com

Stacy Ellis Hewitt, AICP
Director of Planning

Cell: 239-770-2527
Email: shewitt@bankseng.com
Office : 239-939-5490

10511 Six Mile Cypress Parkway
Fort Myers, Florida 33966

GEN2023-00477 Lee County ePlan

DCI 2010-00015

Banks Engineering

Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive - Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

RECEIVED
APR 27 2011
COMMUNITY DEVELOPMENT

DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(CPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH CPD ZONNING PARCEL
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE); THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO **POINT "A"** AND TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE); THENCE N.86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID CURVE AND ALONG SAID NORTHERLY RIGHT-OF-WAY LINE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1484.79 FEET TO **POINT "B"**; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE N.89°51'48"E. FOR 1145.24 FEET; THENCE S.03°25'50"W. FOR 53.49 FEET; THENCE S.89°54'50"E. FOR 500.85 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 8.78 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL NORTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "B" ; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 80.00 FEET TO **THE POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 253.42 FEET; THENCE N.28°32'51"W. FOR 6.70 FEET; THENCE N.00°20'36"W. FOR 244.12 FEET; THENCE N.89°51'48"E. FOR 257.48 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 1.48 ACRES, MORE OR LESS.

TOGETHER WITH: SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "A"; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) FOR 100.00 FEET TO THE **POINT OF BEGINNING**;

Fort Myers Office	Sarasota Office	Port Charlotte Office
10511 Six Mile Cypress Pkwy, Suite #101	1144 Tallevast Road Suite #115	12653 SW CR 769 Suite B
Fort Myers, Florida 33966	Sarasota, Florida 34243	Lake Suzy, Florida 34269
(239) 939-5490	(941) 360-1618	(941) 625-1165
Fax (239) 939-2523	Fax (941) 360-6918	Fax (941) 625-1149

DCI 2010-00015

THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 429.00 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 72.00 FEET TO THE SOUTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.03°25'50"E. ALONG THE EASTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 65.00 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 39.68 FEET; THENCE S.03°26'24"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 8.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 17.00 FEET; THENCE SOUTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'01" FOR 26.70 FEET; THENCE N.86°33'36"W. ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 487.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 80.00 FEET; THENCE NORTHWESTERLY ALONG SAID PARCEL AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 120.67 FEET; THENCE N.00°08'12"W. ALONG THE EASTERLY LINE OF SAID PARCEL FOR 274.66 FEET TO **POINT "C"** AND TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY FOR 575.20 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT HAVING A RADIUS OF 2050.00 FEET; THENCE EASTERLY ALONG SAID RIGHT-OF-WAY AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 126.93 FEET; THENCE S.86°35'21"E. ALONG SAID RIGHT-OF-WAY FOR 12.49 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 6.00 ACRES, MORE OR LESS.

TOGETHER WITH: ADDITIONAL SOUTH CPD ZONNING PARCEL
COMMENCING AT SAID POINT "C"; THENCE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) FOR 40.00 FEET TO THE **POINT OF BEGINNING**; THENCE CONTINUE S.89°51'48"W. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 383.07 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.00°08'12"W. ALONG THE WESTERLY LINE FOR 236.02 FEET TO THE **POINT OF BEGINNING**.

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PARCEL CONTAINS 1.22 ACRES.

NET AREA AS DESCRIBED CONTAINS 17.48 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4000

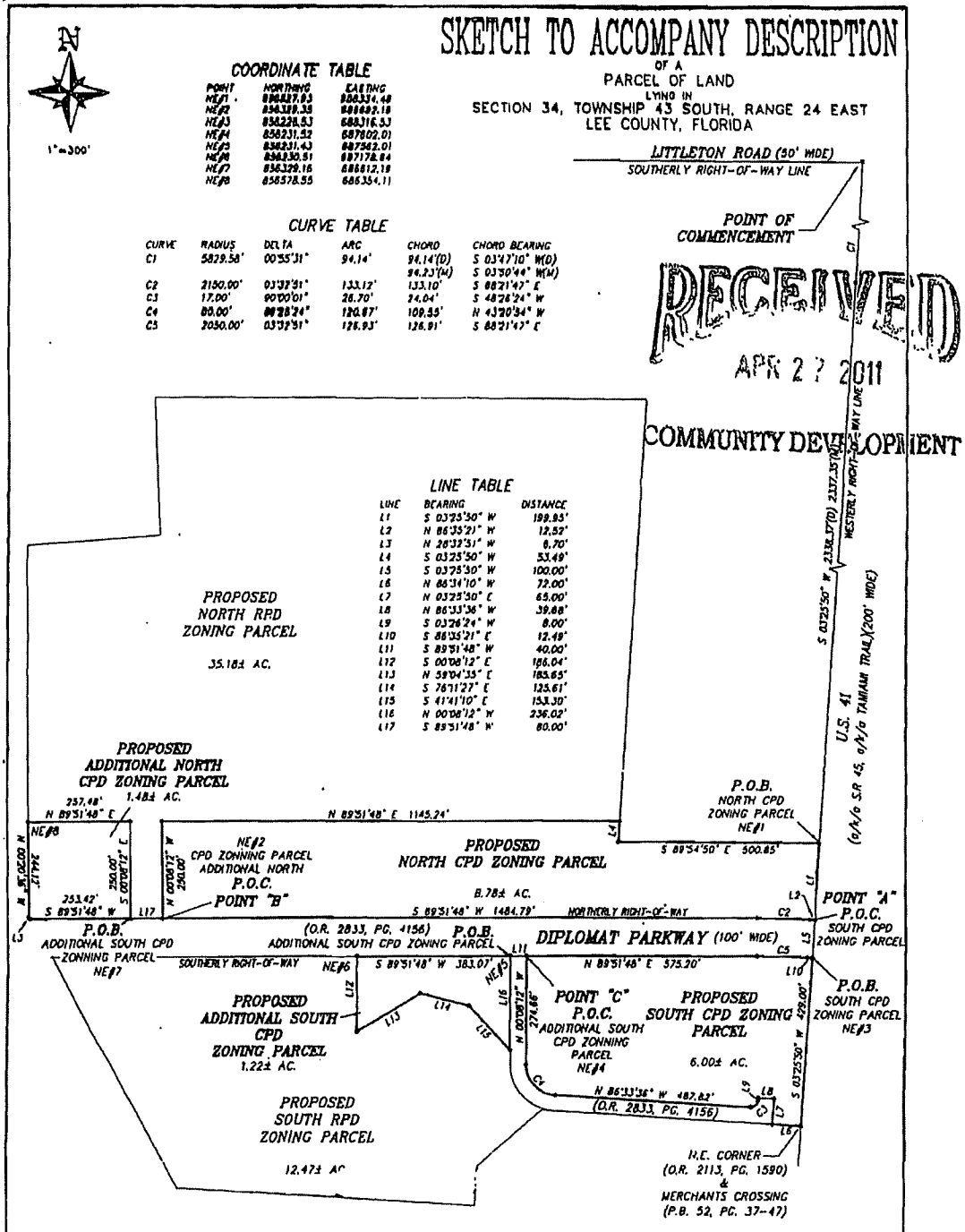
Applicant's Legal Checked
by 11/08/06 CSI

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA



COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856327.83	686334.48
NE#2	854328.38	686682.18
NE#3	854228.83	688316.53
NE#4	856231.52	687802.01
NE#5	854231.43	687542.01
NE#6	854230.81	687178.84
NE#7	856329.16	686812.18
NE#8	856578.55	686334.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	2150.00'	03°32'31"	133.12'	133.10'	S 88°21'47" E
C3	17.00'	90°00'01"	26.70'	24.04'	S 48°26'24" W
C4	80.00'	89°28'24"	124.87'	109.35'	N 43°20'34" W
C5	2050.00'	03°32'31"	126.93'	126.91'	S 88°21'47" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	199.95'
L2	N 86°35'21" W	12.52'
L3	N 28°32'31" W	8.70'
L4	S 03°25'50" W	53.48'
L5	S 03°25'50" W	100.00'
L6	N 86°34'10" W	72.00'
L7	N 03°25'50" E	65.00'
L8	N 86°33'36" W	39.88'
L9	S 03°26'24" W	8.00'
L10	S 86°35'21" E	12.48'
L11	S 89°51'48" W	40.00'
L12	S 00°08'12" E	186.04'
L13	N 59°04'35" E	185.65'
L14	S 76°11'27" E	135.61'
L15	S 41°41'10" E	153.30'
L16	N 00°08'12" W	236.02'
L17	S 89°51'48" W	80.00'

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APR 27 2011
COMMUNITY DEVELOPMENT

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
P.O.C. INDICATES POINT OF COMMENCEMENT
P.O.B. INDICATES POINT OF BEGINNING
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
P.B. INDICATES PLAT BOOK
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE

THIS IS NOT A SURVEY

SKETCH

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

—THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER.
—PREPARED NOVEMBER 2, 2006.

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
2918 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-3061
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8090

SHEET 3 OF 3

S:\Jobs\06oct2028\SURVEY\Descriptions\Zoning\2028_ZONING_CPD_REV_SK.dwg, 11/2/2006 4:24:53 PM, David Bleischmidt

EXHIBIT "A"
(Page 3 of 6)

DCI 2010-00015

Banks Engineering
Professional Engineers, Planners & Land Surveyors
2515 Northbrooke Plaza Drive-Suite 200
Naples, Florida 34119
(239) 597-2061
Fax (239) 597-3082

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APR 27 2011
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DESCRIPTION
OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA
(RPD ZONING DESCRIPTION)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

NORTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY LINE OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY LINE OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET; THENCE N.89°54'50"W. FOR 500.85 FEET; THENCE N.03°25'50"E. FOR 53.49 FEET TO THE **POINT OF BEGINNING**; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE S.89°51'48"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET; THENCE N.00°20'36"W. FOR 703.76 FEET; THENCE N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET; THENCE S.03°25'50"W. FOR 1073.15 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 35.18 ACRES, MORE OR LESS.

AND;
SOUTH RPD PARCEL:
COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 728.95 FEET TO THE NORTHEAST CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2113 AT PAGE 1590 OF SAID PUBLIC RECORDS, ALSO BEING THE NORTHEAST CORNER OF MERCHANTS CROSSING, A SUBDIVISION RECORDED IN PLAT BOOK 52 AT PAGES 37 THROUGH 47 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE NORTH LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 616.50 FEET TO THE **POINT OF**

Fort Myers Office
10511 Six Mile Cypress Pkwy, Suite #101
Fort Myers, Florida 33966
(239) 939-5490
Fax (239) 939-2523

Sarasota Office
1144 Tallevast Road Suite #115
Sarasota, Florida 34243
(941) 360-1618
Fax (941) 360-6918

Port Charlotte Office
12653 SW CR 769 Suite B
Lake Suzy, Florida 34269
(941) 625-1165
Fax (941) 625-1149

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COMMUNITY DEVELOPMENT

BEGINNING; THENCE CONTINUE N.86°34'10"W. ALONG SAID NORTHERLY LINE FOR 33.50 FEET TO THE NORTHWEST CORNER OF SAID PARCEL; THENCE S.48°25'48"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 212.13 FEET; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL AND SAID SUBDIVISION FOR 100.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL AND TO THE SOUTH LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 OF SAID PUBLIC RECORDS; THENCE N.86°34'10"W. ALONG THE SOUTH LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2389 AT PAGE 1936 AND THE NORTHERLY LINE OF SAID SUBDIVISION FOR 747.11 FEET TO AN INTERSECTION WITH THE NORTHEASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF SAID PUBLIC RECORDS; THENCE N.28°32'51"W. ALONG THE NORTHEASTERLY LINE OF SAID DRAINAGE EASEMENT FOR 666.39 FEET TO AN INTERSECTION WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N.89°51'48"E. ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE FOR 765.84 FEET; THENCE S.00°08'12"E. FOR 186.04 FEET; THENCE N.59°04'35"E. FOR 185.65 FEET; THENCE S.76°11'27"E. FOR 125.61 FEET; THENCE S.41°41'10"E. FOR 153.30 FEET TO AN INTERSECTION WITH THE WESTERLY LINE OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE S.00°08'12"E. ALONG THE WESTERLY LINE OF SAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 FOR 38.64 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 120.00 FEET; THENCE SOUTHEASTERLY ALONG SAID WESTERLY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 86°25'24" FOR 181.00 FEET TO THE **POINT OF BEGINNING.**

PARCEL CONTAINS 12.47 ACRES, MORE OR LESS.

DCI 2010-00015

NET ACREAGE IS 47.65 ACRES, MORE OR LESS.

BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) AS BEARING S.03°25'50"W.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

DESCRIPTION PREPARED NOVEMBER 2, 2006.

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

Applicant's Legal Checked
by CSJ 11/6/06

DCI 2010-00015

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

1"=300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00'
L2	N 86°34'10" W	33.50'
L3	S 48°25'48" W	212.13'
L4	S 00°08'12" E	38.64'
L5	S 00°08'12" E	186.04'
L6	N 59°04'35" E	185.65'
L7	S 76°11'27" E	125.61'
L8	S 41°41'10" E	153.30'
L9	S 89°51'48" W	80.00'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°35'31"	94.14'	94.14'(D)	S 03°47'10" W(D)
				94.23'(M)	S 03°50'44" W(M)
C2	120.00'	86°25'24"	181.00'	164.33'	N 43°20'54" W

LITTLETON ROAD (50' WIDE)
SOUTHERLY RIGHT-OF-WAY LINE

POINT OF COMMENCEMENT

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	858582.08	687836.83
NE#2	857287.30	686349.89
NE#3	855837.18	687675.48
NE#4	855643.31	687731.56

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S 89°54'50" E 1231.65'
N 00°25'50" E 1445.18'
NE#2 N 89°33'00" E 335.22'
S 00°25'50" W 1072.00'
PROPOSED NORTH RPD ZONING PARCEL
35.18± AC
S 03°25'50" W 1027.15'
N 03°25'50" E
S 03°25'50" W 2138.37'(D) 2137.35'(M)
WESTERLY RIGHT-OF-WAY LINE
U.S. 41
(a/k/a S.R. 45, a/k/a TAMIAMI TRAIL)(200' WIDE)
(O.R. 1972, PG. 335)
PROPOSED ADDITIONAL NORTH CPD ZONING PARCEL
1.48± AC.
POINT OF BEGINNING
NORTH RPD PARCEL
NE#1
S 89°51'48" W 257.48'
S 89°51'48" W 1145.24'
53.49'
N 89°54'50" W 500.85'
PROPOSED NORTH CPD ZONING PARCEL
8.78± AC
N 00°08'12" W 250.00'
S 00°08'12" E 250.00'
L9
NORTHERLY RIGHT-OF-WAY
(O.R. 2833, PG. 4156)
PROPOSED ADDITIONAL SOUTH CPD ZONING PARCEL
1.22± AC.
DIPLOMAT PARKWAY
100'
SOUTHERLY RIGHT-OF-WAY
N 89°51'48" E 765.84'
L7
L6
L5
L4
L2
C2
L3
L1
PROPOSED SOUTH CPD ZONING PARCEL
6.00± AC.
S 03°25'50" W 728.95'
N 26°33'51" W 656.39'
50' DRAINAGE EASEMENT
O.R. 237, PG. 564 & 565)
PROPOSED SOUTH RPD ZONING PARCEL
12.47± AC.
(O.R. 2833, PG. 4156)
N 86°34'10" W 616.50'
POINT OF BEGINNING
SOUTH RPD PARCEL
NE#3
N.E. CORNER
(O.R. 2113, PG. 1590)
&
MERCHANTS CROSSING
(P.B. 52, PG. 37-47)
N 86°34'10" W 747.11'
NE#4

NOTES:
1. SEE ACCOMPANYING SHEETS FOR COMPLETE NOTES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR GIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°25'50"W.

LEGEND:
O.R. INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY
PG. INDICATES PAGE NUMBER
C1 INDICATES CURVE 1 OF THE CURVE TABLE
L1 INDICATES LINE 1 OF THE LINE TABLE
NE#1 INDICATES COORDINATE #1 OF THE COORDINATE TABLE
P.B. INDICATES PLAT BOOK
D.B. INDICATES DEED BOOK
(D) INDICATES DEED
(M) INDICATES MEASURED

THIS IS NOT A SURVEY

Richard M. Ritz

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4809

THIS SKETCH IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND ORIGINAL RAISED SEAL OF A FLORIDA PROFESSIONAL SURVEYOR AND MAPPER

PREPARED NOVEMBER 2, 2009

PREPARED BY:
Banks Engineering
ENGINEERING, SURVEYING & LAND PLANNING
3415 NORTHBROOKE PLAZA DRIVE - SUITE 200
NAPLES, FLORIDA 34119
(239) 597-2081
FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6880

SHEET 3 OF 3

S:\Jobs\2nd\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Blehschmidt

EXHIBIT "A"
(Page 6 of 6)

OPINION OF TITLE

This opinion is provided to:

To: LEE COUNTY BOARD OF COUNTY COMMISSIONERS

With the understanding that this opinion of title is furnished to and relied upon by the Lee County Board of County Commissioners ("County"), Florida, in connection with the site plan application for the real property hereinafter described, it is hereby certified that I have examined the ALTA Commitment for Title Insurance issued by First American Title Insurance Company, File No. NCS-1115774-PHX1, Revision No.: 02 , having a Commitment Date of July 5, 2022 at 7:30 AM and last updated and revised on July 12, 2022 ("Title Evidence"), which covers all public records on file in Lee County, Florida through July 5, 2022 at 7:30 a.m., of the following described real property ("Property"):

See Exhibit "A" attached hereto and made a part hereof.

This Opinion of Title is provided to satisfy the requirements of Florida Statutes, Section 177.041, and Lee County Land Administrative Code AC-13-19.

Based solely on the foregoing Title Evidence and assuming the accuracy of the information contained therein, I am of the opinion that on the last mentioned date, the fee simple title to the Property was vested in:

Habitat Diplomat North, LLC, a Florida limited liability company, by virtue of Special Warranty Deed, recorded as Instrument No. 2019000014145 of the Public Records of Lee County, Florida.

Subject to the following liens, encumbrances, and other exceptions:

EXCEPTIONS AS TO PROPERTY

1. All taxes for the year in which this opinion is rendered, unless noted below that such taxes have been paid.

2. Rights of tenants and persons other than the above owners who are in possession.

3. Facts that would be disclosed upon accurate survey.

4. Any unrecorded labor, mechanics' or materialmens' liens.

5. Zoning and other restrictions imposed by governmental authority.

6. Easements or claims of easements not shown on the Public Records.

7. Any and all rights of the United States of America over artificially filled lands in what were formerly navigable waters, arising by reason of the United States of America's control over navigable waters in the interest of navigation and commerce, and any conditions contained in any permit authorizing the filling in of such areas.

8. Riparian rights together with title to any submerged land included within the Property.

9. Drainage Easement, granted from T. Lawrence Williams and Maude C. Williams his wife to State of Florida, recorded in Deed Book 237, Page 564; as affected by Public Purpose Quitclaim Deed recorded in Official Records Book 2084, Page 2319, all of the Public Records of Lee County, Florida.

10. Right-of-Way Easement, granted from Edward B. Rood, Trustee to Lee County Electric Co-Operative, Inc., its successors and assignees, recorded in Official Records Book 960, Page 205, of the Public Records of Lee County, Florida.

11. Easement for Drainage created by Warranty Deed recorded in Official Records Book 1135, Page 183; as affected by Corrective Deed recorded in Official Records Book 1153, Page 1203, all of the Public Records of Lee County, Florida.

12. The terms, provisions, and conditions contained in that certain Lee County Ordinance No. 86-14, By the Board of County Commissioners of Lee County, Florida, recorded in Official Records Book 2189, Page 3281, as affected by Lee County Ordinance No. 86-38, recorded in Official Records Book 2189, Page 3334, all of the Public Records of Lee County, Florida.

13. Terms and conditions of the Agreement between Serendipity Properties, Inc., a Florida corporation and Edward B. Rood, an individual recorded in Official Records Book 2316, Page 645, of the Public Records of Lee County, Florida.

14. Relocatable Access Easement, granted from Cooper Street Property, Inc., a Florida corporation to Athyrio Development Associates, LLC, a Florida limited liability company, recorded in Instrument No. 2006000428972, of the Public Records of Lee County, Florida.

15. The terms, provisions, and conditions contained in that certain South Florida Water Management District Environmental Resource Permit Notice, recorded in Instrument No. 2007000204604; as affected by South Florida Water Management District Environmental Resource Permit Notice recorded in Instrument No. 2008000082634; as affected by South Florida Water Management District Notice of Environmental Resource or Surface Water Management Permit recorded in Instrument No. 2011000200040, all of the Public Records of Lee County, Florida..

16. The terms, provisions, and conditions contained in that certain Notice of Development Order Approval, recorded in Instrument No. 2009000124737, of the Public Records of Lee County, Florida.

SPECIAL EXCEPTIONS

1. RECORDED MORTGAGES:

(a) Mortgage executed by Habitat Diplomat North, LLC, in favor of Florida Community Loan Fund, Inc., recorded January 18, 2019 in Instrument No. 2019000014146 of the Public Records of Lee County, Florida.

(b) Assignment of Rents and Leases from Habitat Diplomat North, LLC, to Florida Community Loan Fund, Inc. recorded January 18, 2019, in Instrument No. 2019000014147 of the Public Records of Lee County, Florida.

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(c) UCC-1 Financing Statement naming Florida Community Loan Fund, Inc., as secured party and Habitat Diplomat North, LLC as debtor, recorded January 18, 2019, Instrument No. 2019000014148 of the Public Records of Lee County, Florida.

2. RECORDED CONSTRUCTION LIENS, CONTRACT LIENS AND JUDGMENTS

NONE

3. NOTICES OF COMMENCEMENT

NONE

I, the undersigned, further clarify that I am an attorney-at-law duly admitted to practice in the State of Florida, and am a member in good standing of the Florida Bar.

Respectfully submitted this 5th day of October, 2022.

By: Sandra E. Krumbein Sadov, Esq.

Sandra E. Krumbein Sadov, Esq.
Florida Bar No. 578894
200 E. Broward Blvd., Suite 2100
Fort Lauderdale, Florida 33301
(954) 847-3855

EXHIBIT "A"
LEGAL DESCRIPTION

The Land referred to herein below is situated in the County of Lee, State of Florida, and is described as follows:

(NORTH RESIDENTIAL)

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FEET WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (50 FEET WIDE) THENCE 94.14 FEET ALONG THE WESTERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S.03°47'10"W. TO A POINT OF TANGENCY; THENCE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 2338.37 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S.03°25'50"W. ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 199.95 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FEET WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2833 AT PAGE 4156 OF SAID PUBLIC RECORDS; THENCE N86°35'21"W. ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 12.52 FEET TO THE BEGINNING OF A CURVE TO THE LEFT HAVING A RADIUS OF 2150.00 FEET; THENCE WESTERLY ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 3°32'51" FOR 133.12 FEET; THENCE S89°51'48"W. ALONG SAID RIGHT-OFWAY LINE FOR 1484.79 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S.89°51'48"W. ALONG SAID RIGHT-OF- WAY LINE FOR 80.00 FEET; THENCE N.00°08'12"W. FOR 250.00 FEET; THENCE S.89°51'48"W. FOR 257.48 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF A DRAINAGE EASEMENT (50 FEET WIDE) DESCRIBED IN DEED BOOK 237 AT PAGES 564 AND 565 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE N.00°20'36"W. ALONG SAID EASTERLY LINE FOR 703.76 FEET TO THE SOUTHERLY LINE OF SERENDIPITY SOUTH MOBILE HOME PARK (UNRECORDED); THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID PARK FOR THE FOLLOWING THREE (3) DESCRIBED COURSES: N.85°23'00"E. FOR 335.22 FEET; THENCE N.02°25'15"W. FOR 346.19 FEET; THENCE S.89°54'50"E. FOR 1231.65 FEET TO THE WESTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1972 AT PAGE 335; THENCE S.03°25'50"W. ALONG THE WESTERLY LINE OF SAID PARCEL FOR 1073.15 FEET; THENCE S.89°51'48"W. FOR 1145.24 FEET; THENCE S.00°08'12"E. FOR 250.00 FEET TO THE POINT OF BEGINNING.

AND

(RELOCATABLE ACCESS EASEMENT)

TOGETHER WITH THE RELOCATABLE ACCESS EASEMENT RECORDED IN INSTRUMENT NUMBER 2006000428972, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 27, 28, 33 AND 34; THENCE S.89°54'30"E. ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 34 FOR 25.00 FEET TO AN INTERSECTION WITH A LINE 25.00 FEET EAST OF AND PARALLEL WITH (AS

MEASURED ON A PERPENDICULAR) THE CENTERLINE OF A DRAINAGE EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 945, PAGE 359 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S.00°20'12"E. ALONG SAID PARALLEL LINE FOR 2,657.29 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID FRACTION, SAID POINT ALSO BEING AN INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2422, PAGE 2521 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N.89°56'22"W. ALONG SAID SOUTH AND NORTH LINE FOR 25.00 FEET TO AN INTERSECTION WITH SAID CENTERLINE; THENCE N.00°20'12'W. ALONG SAID CENTERLINE FOR 2,657.31 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

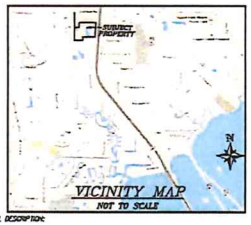
BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE WEST LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS N.03°26'32"E. THE SCALE FACTOR IS 0.999942288.

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SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA



LEGAL DESCRIPTION:

(REFERENCED BY EXHIBIT A, SCHEDULE A OF THAT CERTAIN COMMITMENT FOR TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NUMBER NCS-1112774-FMPL, COMMITMENT DATED: FEBRUARY 22, 2022 AT 11:30 AM.)

(PARCEL DESCRIPTION)

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST AND BEING FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF U.S. 41 (STATE ROAD 45) (200 FOOT WIDE) AND THE SOUTHERLY RIGHT-OF-WAY OF LITTLETON ROAD (80 FOOT WIDE); THENCE S89°41'55"E, ALONG THE NORTHERLY RIGHT-OF-WAY AND ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHWEST HAVING A RADIUS OF 5829.58 FEET AND SUBTENDED BY A CHORD HAVING A LENGTH OF 94.14 FEET AND BEARING S89°17'10"E, 94.14 FEET TO THE POINT OF TANGENCY; THENCE S88°52'10"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 2330.29 FEET TO THE SOUTHEASTERLY CORNER OF A PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1612 AT PAGE 1251 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA; THENCE CONTINUE S88°52'10"E, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 1916.29 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WESTERLY RIGHT-OF-WAY LINE OF DIPLOMAT PARKWAY (100 FOOT WIDE) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2553 AT PAGE 4106 OF SAID PUBLIC RECORDS; THENCE S00°53'25"E, ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 1414.74 FEET TO THE POINT OF CURVATURE OF A TANGENTIAL CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1050.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00" AND SUB-TENDED BY A CHORD BEARING AND DISTANCE OF S44°53'25"W, 1484.97 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE FOR 1649.78 FEET TO THE POINT OF TANGENCY; THENCE CONTINUE S89°53'25"W, ALONG SAID RIGHT-OF-WAY LINE FOR 1444.74 FEET TO AN INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY LINE OF SAN CARLOS BOULEVARD (S.R. 867) AS DESCRIBED IN OFFICIAL RECORDS BOOK 2553 AT PAGE 4106 AND BOOK 2554 AT PAGE 1; THENCE N00°06'35"W, ALONG SAID EASTERLY RIGHT-OF-WAY LINE FOR 1331.74 FEET TO THE SOUTHERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1612 AT PAGE 1251; THENCE N89°53'25"E, ALONG SAID SOUTHERLY LINE FOR 1313.15 FEET TO THE SOUTHEASTERLY CORNER OF SAID PARCEL; THENCE N00°06'35"W, ALONG THE EASTERLY LINE OF SAID PARCEL FOR 1313.15 FEET; THENCE S89°53'25"W, ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 1313.15 FEET; THENCE N00°06'35"W, ALONG THE EASTERLY LINE OF THE AFORESAID PARCEL DESCRIBED IN OFFICIAL RECORDS BOOK 1612 AT PAGE 1251, FOR 1313.15 FEET; THENCE S89°53'25"W, ALONG THE NORTHERLY LINE OF SAID PARCEL FOR 1313.15 FEET; THENCE N00°06'35"W, FOR 1313.24 FEET; THENCE S89°53'25"E, FOR 2330.29 FEET TO THE POINT OF BEGINNING.

AND

(REASONABLE ACCESS EASEMENT)

TOGETHER WITH THE REASONABLE ACCESS EASEMENT RECORDED IN INSTRUMENT NUMBER 2006000064870, PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

AND

A PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SECTION CORNER COMMON TO SECTIONS 27, 28, 33 AND 34; THENCE S89°53'25"E, ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER OF SECTION 34 FOR 2330.29 FEET TO AN INTERSECTION WITH A LINE 2330 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE CENTERLINE OF A DRAINAGE EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 940, PAGE 264 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S00°06'35"E, ALONG SAID PARALLEL LINE FOR 1313.24 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID FRACTION, SAID POINT ALSO BEING AN INTERSECTION WITH THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2422, PAGE 2221 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE N89°53'25"W, ALONG SAID SOUTH LINE AND NORTH LINE FOR 2330.29 FEET TO AN INTERSECTION WITH SAID CENTERLINE; THENCE N00°07'01"W, ALONG SAID CENTERLINE FOR 1313.24 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST AND ARE GRID, MEANING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS N89°53'25"E. THE SCALE FACTOR IS 0.9999962356.

TITLE NOTES:

THE FOLLOWING ITEMS ARE REFERENCED IN SCHEDULE B-II OF THE TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1112774-FMPL, COMMITMENT DATED: FEBRUARY 22, 2022 ("TITLE COMMITMENT").

10. DRAINAGE EASEMENT, GRANTED FROM S. LAWRENCE WILLIAMS AND MARIE G. WILLIAMS, HIS WIFE, TO STATE OF FLORIDA, RECORDED IN DEED BOOK 320, PAGE 364, AS AFFECTED BY PUBLIC PURPOSE QUIT CLAIM DEED RECORDED IN BOOK 2884, PAGE 2298 OF OFFICIAL RECORDS. (SHOWN HEREON)

11. RIGHT-OF-WAY EASEMENT, GRANTED FROM EDWARD G. ROSEN, TRUSTEE, TO LEE COUNTY ELECTRIC CO-OPERATIVE, INC., ITS SUCCESSORS AND ASSIGNEES, RECORDED IN DEED BOOK 960, PAGE 288, OF OFFICIAL RECORDS. (SHOWN HEREON)

12. EASEMENT FOR DRAINAGE CREATED BY WARRANTY DEED RECORDED IN BOOK 1130, PAGE 1855 OF OFFICIAL RECORDS, AS AFFECTED BY CORRECTIVE DEED RECORDED IN BOOK 1153, PAGE 1283 OF OFFICIAL RECORDS. (SHOWN HEREON)

13. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THAT CERTAIN LEE COUNTY ORDINANCE NO. 86-14, BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RECORDED IN BOOK 2185, PAGE 2255 OF OFFICIAL RECORDS, AS AFFECTED BY LEE COUNTY ORDINANCE NO. 89-36, RECORDED IN BOOK 2548, PAGE 3334 OF OFFICIAL RECORDS. (PARCEL LIES WITHIN THE SPECIAL DISTRICT TO PROVIDE GARBAGE AND WASTE COLLECTION)

14. TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN SEDGEFORTY PROPERTIES, INC., A FLORIDA CORPORATION AND EDWARD G. ROSEN, AN INDIVIDUAL, RECORDED IN BOOK 2396, PAGE 643 OF OFFICIAL RECORDS. (PARCEL LIES E. SHOWN HEREON)

15. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THAT CERTAIN RESOLUTION NO. 89-03-45, BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, RECORDED IN BOOK 2552, PAGE 1263 OF OFFICIAL RECORDS, AS AFFECTED BY RE-DESIGNATED IN BOOK 2556, PAGE 4777 OF OFFICIAL RECORDS. (THE PARCEL DESCRIBED AS "NORTH RESIDENTIAL" LIES WITHIN LANDS DESCRIBED IN RESOLUTION)

16. RESIDENTIAL ACCESS EASEMENT, GRANTED FROM SEDGEFORTY PROPERTIES, INC., A FLORIDA CORPORATION TO ATHENS DEVELOPMENT ASSOCIATES, LLC, A FLORIDA LIMITED LIABILITY COMPANY, RECORDED IN INSTRUMENT NUMBER 2006000064870. (SHOWN HEREON)

17. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THAT CERTAIN SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT NOTICE, RECORDED IN INSTRUMENT NO. 2007000094041, AS AFFECTED BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT ENVIRONMENTAL RESOURCE PERMIT NOTICE RECORDED IN INSTRUMENT NO. 2008000055224, AS AFFECTED BY SOUTH FLORIDA WATER MANAGEMENT DISTRICT NOTICE OF ENVIRONMENTAL RESOURCE OR SURFACE WATER MANAGEMENT PERMIT RECORDED IN INSTRUMENT NO. 2015000080960. (SUBJECT PARCEL LIES WITHIN LANDS DESCRIBED IN NOTICE)

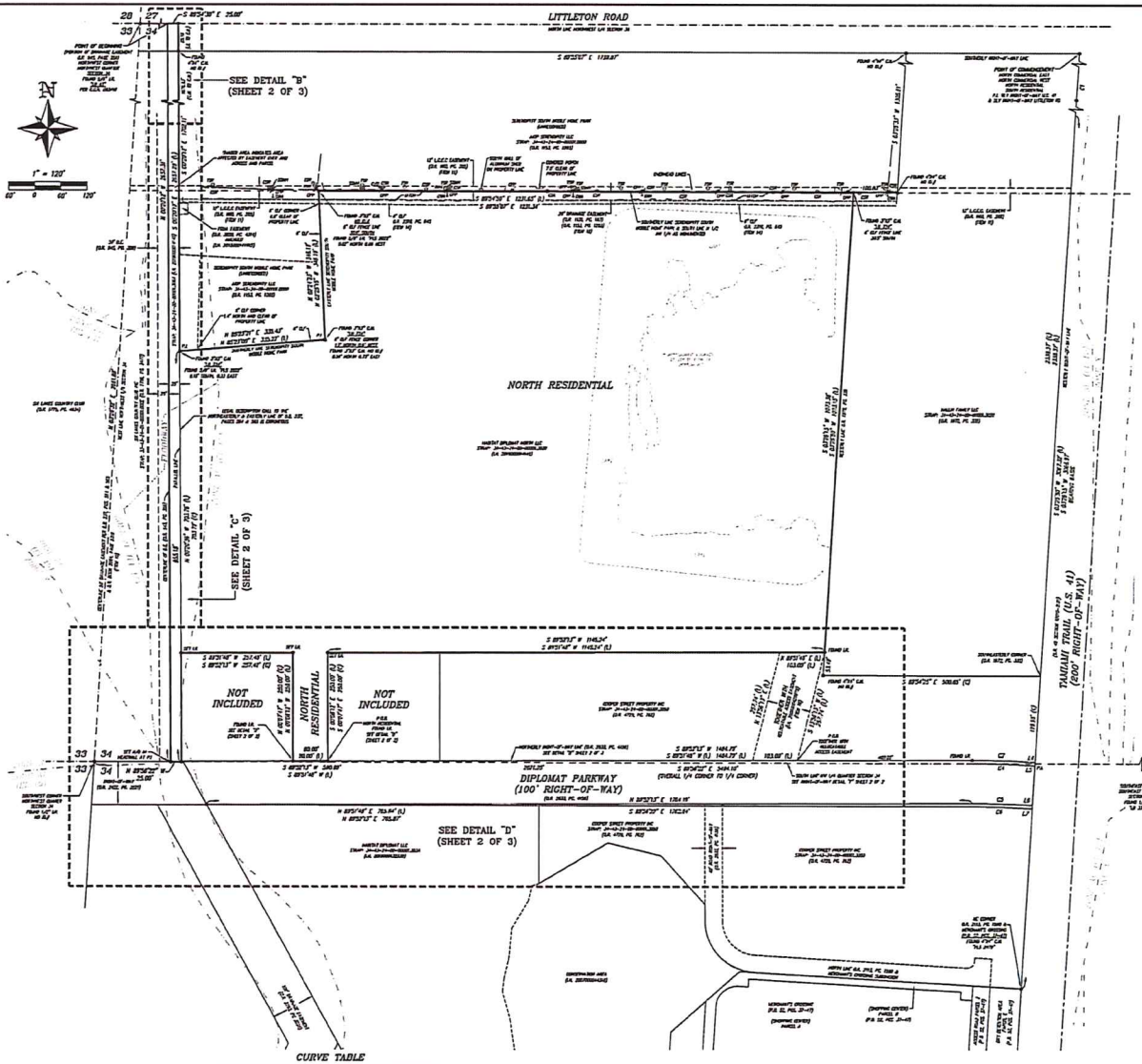
18. THE TERMS, PROVISIONS, AND CONDITIONS CONTAINED IN THAT NOTICE OF DEVELOPMENT ORDER APPROVAL, RECORDED IN INSTRUMENT NO. 2020000049181. (THE PARCEL DESCRIBED AS "NORTH RESIDENTIAL" LIES WITHIN LANDS DESCRIBED IN NOTICE)

TO: ALLIANCE REALTY PARTNERS, LLC, A DELAWARE LIMITED LIABILITY COMPANY; AND FIRST AMERICAN TITLE INSURANCE COMPANY, AND ITS AGENTS & ASSIGNS OF:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B)(1), 8, 9, 10, 11(B), 13(B), 14(B), 16(B), 17, 18, 19, 20, AND 21 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON APRIL 7, 2022.

DATE OF PLAT OR MAP: JULY 25, 2022.

RICHARD W. RITZ, PLS
FLORIDA CERTIFICATION NO. 5309



NOTE: SEE SHEET 2 OF 3 FOR DETAILS & LEGEND
NOTE: SEE SHEET 3 OF 3 FOR OVERALL BOUNDARY DETAIL

SURVEYOR'S NOTES:

THIS PLAT PREPARED AS A BOUNDARY SURVEY AND IS NOT INTENDED TO DELINEATE THE JURISDICTION OR JURISDICTIONAL AREAS OF ANY FEDERAL, STATE, REGIONAL OR LOCAL AGENCY, BOARD, COMMISSION OR OTHER ENTITY.

BOUNDARY SURVEY BASED ON THE FOLLOWING:

(1) LEGAL DESCRIPTION REFERENCED IN EXHIBIT A OF SCHEDULE A, OF THAT CERTAIN COMMITMENT FOR TITLE INSURANCE PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1112774-FMPL, COMMITMENT DATE: FEBRUARY 22, 2022 AT 11:30 AM.

(2) LEGAL DESCRIPTION IN INSTRUMENT NUMBER 2020000049181 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

(3) THE SUBDIVISION PLAT OF NEWCHURCH CROSSING, AS RECORDED IN PLAT BOOK 52, PAGES 37 THROUGH 47 OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

(4) A BOUNDARY SURVEY PREPARED BY THIS FIRM, JOB NUMBER 2020, DATED 9-24-2020.

(5) A RIGHT-OF-WAY CONTROL SURVEY PREPARED BY AMSON ENGINEERING, SECTION 12060-1519 & 12630.2422 6.08.

(6) FLORIDA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR STATE ROAD NO. 45 (U.S. 41) SECTION 12090-2101.

(7) CERTIFIED CORNER RECORDS (CCRs) FOR SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, OF LEE COUNTY, FLORIDA.

(8) EXISTING MONUMENTATION.

BEARINGS AND DISTANCES UNLESS OTHERWISE SHOWN ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST AND ARE GRID, MEANING THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEARS N89°53'25"E. THE SCALE FACTOR IS 0.9999962356. THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD 83 (2011) EPOCH 2010.00. THE VERTICAL DATUM FOR THIS SURVEY IS NAVD 88 (GEOID 12B). ALL ELEVATIONS SHOWN ARE IN FEET AND DECIMALS THEREOF. THE BENCHMARK USED FOR THIS SURVEY IS A CONCRETE MONUMENT WITH A BRASS DISK STAMPED "LCDOT BM 2020" LOCATED APPROXIMATELY 0.25 MILES NORTHEAST OF THE INTERSECTION OF SAN CARLOS BOULEVARD AND DIPLOMAT PARKWAY. THE ELEVATION OF THIS BENCHMARK IS 13.25 FEET (NAVD 88). THE VERTICAL CONTROL FOR THIS SURVEY WAS ESTABLISHED BY GPS OBSERVATIONS. THE SURVEY FACTOR IS 0.9999962356.

ALL DECIMALS SHOWN ARE IN FEET AND DECIMALS THEREOF.

THE SUBJECT PARCEL AS SHOWN HEREON IS LOCATED IN A SPECIAL FLOOD HAZARD AREA OR THE 500-YEAR FLOOD HAZARD FREQUENCY FLOOD HAZARD ZONE SHOWN.

PER FLOOD INSURANCE RATE MAP NUMBER 12071C0479F AND CERTIFICATE OF FLOOD INSURANCE, EFFECTIVE DATE AUGUST 28, 2008, AND AS AMENDED BY LETTER OF MAP REVISION DETERMINATION DOCUMENT 15-04-4844P, EFFECTIVE DATE JANUARY 5, 2016, THE SUBJECT PARCEL LIES IN FLOODWAY AND FLOOD ZONE AE (EL 11) HAVING A BASE FLOOD ELEVATION OF 13 FEET (NAVD 88).

ABOVE AND BELOW GROUND IMPROVEMENTS WERE NOT LOCATED UNLESS SHOWN. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED EVIDENCE OF ABOVE GROUND APPURTENANCES ONLY.

THE PROPERTY SHOWN HEREON IS SUBJECT TO AGREEMENTS, EASEMENTS, ENCROACHMENTS OR OTHER MATTERS DISCLOSED BY THE TITLE COMMITMENT ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-1112774-FMPL.

THE LEGAL DESCRIPTION CLOSES WITHOUT GAPS, GORES OR OVERLAPS.

NO OFFSITE, APPARENT EASEMENTS WERE DISCLOSED IN THE TITLE COMMITMENT, EXCEPT REASONABLE ACCESS EASEMENT RECORDED AS INSTRUMENT NO. 2006000064870 WHICH IS SHOWN HEREON.

NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, OR BURIAL GROUNDS AT TIME OF SURVEY.

THERE IS NO KNOWN CHANGES IN STREET RIGHTS-OF-WAY LINES AFFECTING THE PROPERTY.

THE SUBJECT PROPERTY HAS DIRECT VEHICULAR AND PEDESTRIAN ACCESS TO DIPLOMAT PARKWAY, PUBLICLY DEDICATED AND MAINTAINED RIGHTS-OF-WAY.

THE RIGHT-OF-WAY FOR DIPLOMAT PARKWAY ABUTS THE SOUTHERLY BOUNDARY OF THE PROPERTY WITHOUT GAPS OR GAUGE.

THERE ARE NO CONFLICTING OR OVERLAPS AMONG THE VARIOUS PARCELS COMPRISING THE PROPERTY.

THERE WAS NO OBSERVATION OF ANY WETLANDS ON THE SUBJECT PROPERTY.

NO OBSERVED EVIDENCE OF SITE USE AS SOLID WASTE DUMP, SUMP, OR LANDFILL (SUBJECT PROPERTY IS CURRENTLY WOODED WITH NATIVE GROUND COVER/VEGETATION).

NO OBSERVED EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS.

NO OBSERVED EVIDENCE OF CHANGES IN STREET RIGHT-OF-WAYS, STREET AND SIDEWALK CONSTRUCTION OR REPAIRS.

ZONING AND SETBACK INFORMATION NOT PROVIDED.

STREET ADDRESS: NO ADDRESS DETERMINED (SEE LEE COUNTY PROPERTY APPRAISER).

PARCEL IS VACANT (NO BUILDING OBSERVED AT TIME OF SURVEY).

DATE OF LAST FIELD WORK: 04-06-2022.

ENCROACHMENT NOTES:

WITHOUT EXPRESSING A LEGAL OPINION, THE FOLLOWING POTENTIAL ENCROACHMENTS ARE AS FOLLOWS:

AS SHOWN ON DETAIL 'B' AND 'C' FRAGMENTS OF UTILITIES (POLE, CONCRETE HEADWALL, SIGNS, DRAINAGE PIPE, DUTY WIRE ANCHORS, CHAIN LINK FENCE, CABLE TELEVISION RISERS (CPS).

AS SHOWN ON DETAIL 'B' CONCRETE HEADWALL.

ALONG THE SOUTH BOUNDARY LINE OF SEDGEFORTY SOUTH MOBILE HOME PARK ABUTTING THE NORTH LINE (SOLELY) OF THE SUBJECT PARCEL: DUTY WIRE ANCHORS.

ACREAGE SUMMARY:

NORTH RESIDENTIAL:	35.98 ACRES, MORE OR LESS
NORTH RESIDENTIAL EXTENSION:	1.10 ACRES, MORE OR LESS
TOTAL ACREAGE:	37.71 ACRES, MORE OR LESS

SURVEYOR'S CERTIFICATION:

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THIS PLAT OF THE HEREON DESCRIBED PROPERTY IS A TRUE REPRESENTATION OF A FIELD SURVEY MADE UNDER MY DIRECTION AND MEETS THE STANDARDS OF PRACTICE SET FORTH IN CHAPTER 5J-17 FLORIDA ADMINISTRATIVE CODE, PURSUANT TO SECTION 472.027, FLORIDA STATUTES.

RICHARD W. RITZ, P.L.S.
FLORIDA CERTIFICATION NO. 5309
DATE SIGNED: 07-29-2022

- ADDITIONS OR DELETIONS TO SURVEY MAPS OR REPORTS BY OTHER THAN THE SURVEYING FIRM OF RECORD IS PROHIBITED WITHOUT WRITTEN CONSENT OF THE SURVEYING FIRM OF RECORD.
- THE CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON.
- IT IS A VIOLATION OF STATE LAW FOR ANY PERSON, UNLESS ACTING UNDER THE DIRECTION OF A FLORIDA LICENSED SURVEYOR AND MAPPER, TO ALTER ANY SURVEY MAP OR REPORT IN ANY WAY.
- THIS SURVEY MAP OR REPORT IS NOT VALID WITHOUT THE ORIGINAL SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSONS OR ENTITIES CERTIFIED TO HEREON. THE CERTIFICATION DOES NOT EXTEND TO ANY UNNAMED PERSON OR ENTITY WITHOUT EXPRESS REBUTTAL BY THE SURVEYOR.
- ALL ABSTRACTS OF TITLE SHOULD BE REFERRED TO AN ATTORNEY AT LAW.

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 88°34'56" W	13.52'
L2	N 88°34'56" W	33.56'
L3	S 89°53'25" E	13.54'
L4	N 88°34'56" W	13.52'
L5	S 89°53'25" E	33.56'
L6	N 88°34'56" W	13.52'
L7	S 89°53'25" E	33.54'

LINE TABLE

LINE	BEARING	DISTANCE
L8	N 88°34'56" W	13.52'
L9	N 89°53'25" W	33.56'
L10	S 89°53'25" E	13.54'
L11	N 88°34'56" W	13.52'
L12	S 89°53'25" E	33.54'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1 (L)	5829.58'	00°55'31"	94.14'	94.14'	S 01°47'10" W
C1	5829.58'	00°55'31"	94.14'	94.14'	N 01°47'25" E
C2 (L)	2150.00'	03°10'51"	1.33.15'	1.33.10'	N 88°28'14" E
C2	2150.00'	03°10'51"	1.33.17'	1.33.10'	S 88°21'22" E
C3	1210.00'	88°25'24"	1.81.00'	164.33'	N 43°26'54" W
C4	1210.00'	88°25'24"	1.81.00'	164.33'	N 43°31'56" E
C5	2150.00'	03°10'51"	1.33.17'	1.33.10'	S 88°28'14" E
C6	2050.00'	03°10'51"	126.93'	126.91'	S 88°28'14" E
C7	2050.00'	03°10'51"	126.93'	126.91'	S 88°28'14" E

NO.	DATE	REVISION DESCRIPTION	BY
7	09-09-22	ALTA/NSPS - LAND TITLE SURVEY	JAW
6	01-05-19	CORRECT TEXT IN NORTH COMMERCIAL WEST PARCEL DESCRIPTION	RW
5	01-05-19	REVISED CERTIFICATIONS	RW
4	11-29-18	REVISED CERTIFICATIONS	AWV
3	11-21-18	UPDATED SURVEY & REVISE BOUNDARY PER TITLE COMMITMENT	AWV
2	09-07-18	ADDED FLOOD AND FLOODWAY LINES	JAW
1	08-21-13	REVISED BOUNDARIES, ADDED SOLD WIDE PARCEL TO SOUTH PART LINE, ETC.	JAW
NO.	DATE	REVISION DESCRIPTION	BY

BANKS ENGINEERING
Professional Engineers, Planners & Land Surveyors
Serving The Gulf Coast Of Florida

10511 SW MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490
FAX: (239) 939-2523

CERTIFICATE OF AUTHORIZATION: LB 642
SURVEY LICENSE: LB 5606

WWW.BANKSENG.COM

ALTA/NSPS - LAND TITLE SURVEY
PORTION OF SEC. 34, TWP. 43S, RNG. 24E
LEE COUNTY, FLORIDA

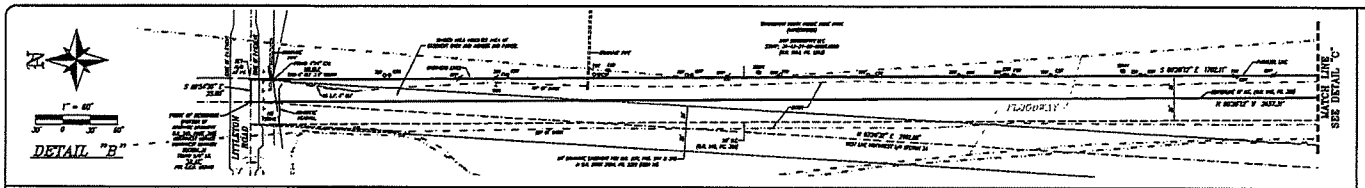
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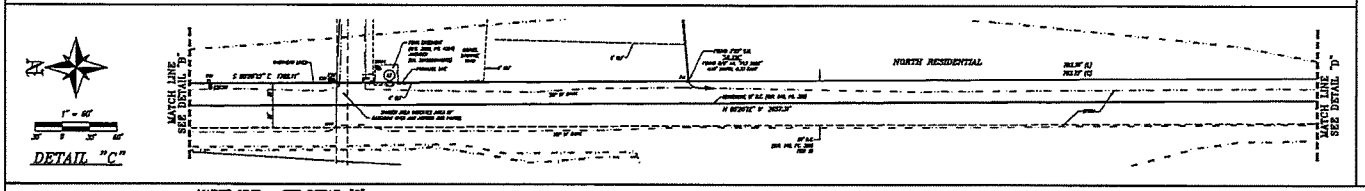
GEN2023-00477 Lee County ePlan

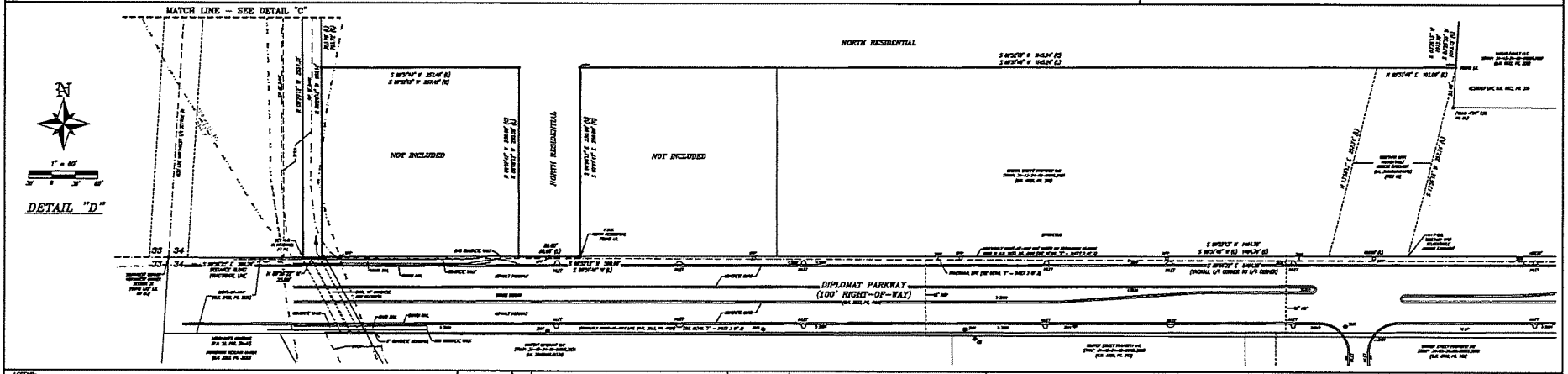
SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST,
LEE COUNTY, FLORIDA







LINE TABLE

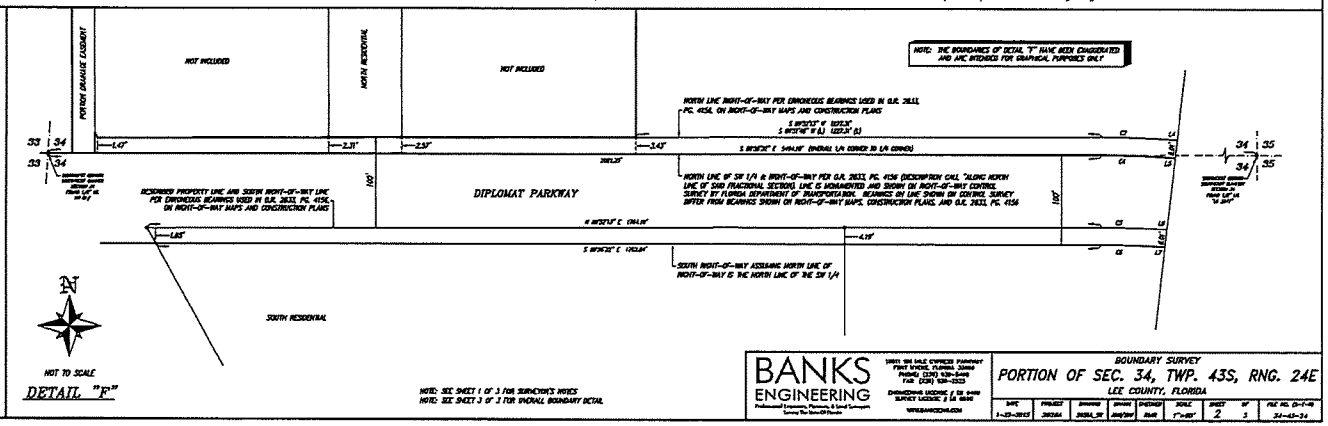
LINE	BEARING	DISTANCE
L1 (L)	N 89°26'19" W	31.00'
L2	N 89°23'43" W	33.36'
L3 (L)	S 00°08'21" W	36.84'
L4	N 89°51'39" E	13.53'
L5	S 89°23'27" E	12.54'
L6	N 89°34'58" W	12.34'
L7	S 89°23'27" E	12.27'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1 (L)	5629.58'	00°53'35"	94.31'	94.31'	S 89°47'09" W
C2	5629.58'	00°53'35"	94.31'	94.31'	N 89°47'09" E
C3 (L)	2160.00'	03°32'59"	133.69'	133.66'	N 88°36'41" E
C4	2030.00'	03°32'59"	125.67'	125.65'	S 88°36'20" W
C5 (L)	1760.00'	06°29'04"	199.38'	199.27'	N 87°09'51" E
C6	1760.00'	06°29'04"	199.38'	199.27'	N 87°09'51" E
C7	1760.00'	06°29'04"	199.38'	199.27'	N 87°09'51" E
C8	2030.00'	03°32'59"	125.67'	125.65'	S 88°36'20" W
C9	2030.00'	03°32'59"	125.67'	125.65'	S 88°36'20" W

LEGEND:

PK	INDICATES PK NAIL
PCC	INDICATES PANCE
P.B.	INDICATES PLAT BOOK
M.B.	INDICATES MISC. BOOK
LF	INDICATES LIGHT POLE
S.S.	INDICATES SANITARY SEWER MANHOLE
L.F.	INDICATES LINEAR FEET
IR	INDICATES IRON ROD
IRC	INDICATES IRON CROSS
CI	INDICATES CATCH BASIN
SH	INDICATES SHRUB
CLF	INDICATES CHAIN LINK FENCE
WM	INDICATES WATER METER MANHOLE
WF	INDICATES WOODEN FENCE
P.O.B.	INDICATES POINT OF BEGINNING
PR	INDICATES PERPENDICULAR MANNER
P.T.	INDICATES POINT OF TANGENCY
CBW	INDICATES CABLE TELEVISION BOX
C.B.	INDICATES CONCRETE MONUMENT
WPP	INDICATES WOODEN POWER POLE
M.F.	INDICATES MISCELLANEOUS FOUND
CPP	INDICATES CONCRETE POWER POLE
SMH	INDICATES STORM WATER MANHOLE
U	INDICATES LINE 1 FROM LINE TABLE
P.I.	INDICATES POINT OF INTERSECTION
O.R.	INDICATES OFFICIAL RECORDS BOOK
EBX	INDICATES ELECTRICAL SERVICE BOX
SSMH	INDICATES SANITARY SEWER MANHOLE
TBX	INDICATES TELEPHONE SERVICE BOX
C.P.	INDICATES CONCRETE POWER POLE
R.L.S.	INDICATES REGISTERED LAND SURVEYOR
CI	INDICATES CURVE 1 FROM CURVE TABLE
L.C.E.C.	INDICATES LEE COUNTY ELECTRIC COOPERATIVE
P.S.	INDICATES PROFESSIONAL LAND SURVEYOR
I.R.	INDICATES 5/8" IRON ROD, LB 6598 "BANKS ENG" UNLESS OTHERWISE NOTED
(C)	INDICATES BEARING AND/OR DISTANCE PER CALCULATION
CONC	INDICATES CONTINUOUSLY OPERATING REFERENCE STATION
POB 1)	INDICATES POINT 1 FROM POLE DESCRIPTION (SEE SURVEYOR'S NOTES)
(L)	INDICATES BEARING AND/OR DISTANCE PER LEGAL DESCRIPTION OF RECORD DOCUMENT
N/A	INDICATES PERMEET SHEET SYMBOL AND MISC. LB 6598 "BANKS ENG" UNLESS OTHERWISE NOTED



NOT TO SCALE

DETAIL "F"

NOTE: SEE SHEET 1 OF 3 FOR SURVEYOR'S NOTES
NOTE: SEE SHEET 3 OF 3 FOR VISIONAL BOUNDARY DETAIL

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Serving The State Of Florida
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FORT MYERS, FLORIDA 33966
PHONE: (239) 939-1020
FAX: (239) 939-2523
CERTIFICATE LICENSE # LB 6598
SURVEY LICENSE # LB 6598
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BOUNDARY SURVEY
PORTION OF SEC. 34, TWP. 43S, RNG. 24E
LEE COUNTY, FLORIDA

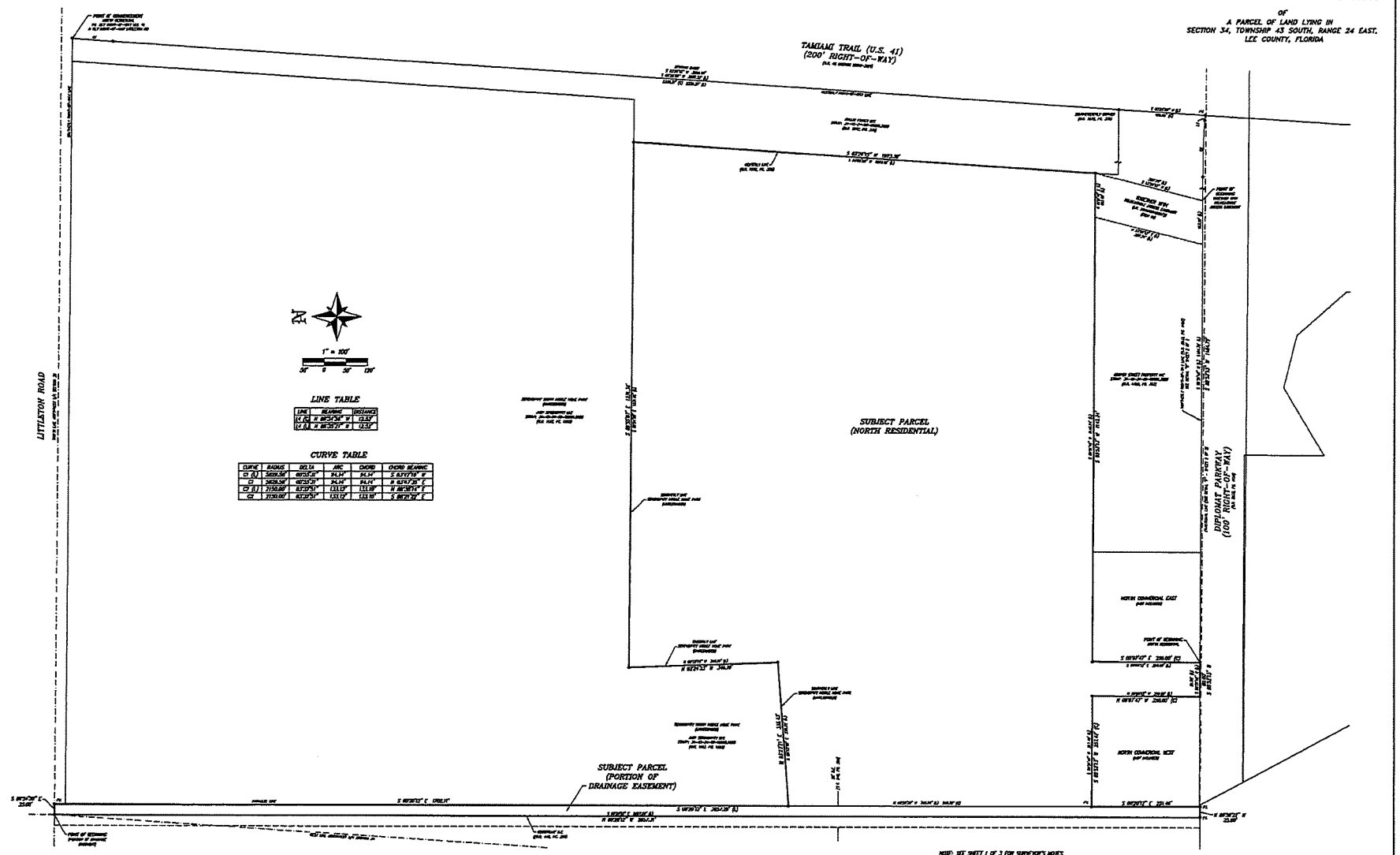
DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. D-1-19
1-23-2023	20534	20534_SP	JMA/DMF	BWB	1"=60'	2	3	21-05-34

GEN2023-00477 Lee County ePlan

SURVEY PLAT

OF

A PARCEL OF LAND LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST.
LEE COUNTY, FLORIDA



LINE TABLE

LINE	BEARING	DISTANCE
L1 (R)	N 89°37'56" W	13.33'
L4 (R)	N 89°37'11" W	13.34'

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1 (R)	5696.56'	00°53'49"	94.34'	94.34'	S 43°17'03" E
C2	5626.56'	00°53'37"	94.34'	94.34'	N 43°17'35" E
C3 (R)	7150.00'	01°07'51"	133.13'	133.13'	N 88°36'16" E
C4	7080.00'	01°07'51"	133.13'	133.13'	S 88°36'16" E

NOTE: SEE SHEET 1 OF 3 FOR SURVEYOR'S NOTES
NOTE: SEE SHEET 2 OF 3 FOR DETAILS & LEGEND

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9005 TAMIAMI TRAIL NORTH, Suite 360
NAPLES, FLORIDA 34108
PHONE: (239) 514-1488
FAX: (239) 514-3363
CERTIFICATE LICENSE # EB 0400
SURVEY LICENSE # LB 0400
WWW.BANKSENG.COM

ALTA/NSPS – LAND TITLE SURVEY
PORTION OF SEC. 34, TWP. 43S, RNG. 24E
LEE COUNTY, FLORIDA

DATE	PROJECT	DRAWING	DRAWN	CHECKED	SCALE	SHEET	OF	FILE NO. D-1-19
1-22-2019	20361	20361_SV	JMH/DMF	BWE	1"=100'	3	3	34-43-24

Comments – GEN2023-00477

Not a historically designated site and no archaeological sensitivity zone.

ATTACHMENT Q

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

Diplomat House f/k/a North Diplomat RPD
PD Amendment & Development Order
Summary of Public Information Session

A Public Information Session within the North Fort Myers Planning Community was held on March 27, 2024 at 5:30 p.m., consistent with the requirements of Lee Plan Policy 17.3.5 Land Development Code (LDC) Section 33-1532. The meeting was held at the North Fort Myers Recreation Center, Room 102A, 2000 North Recreation Park Way, North Fort Myers, FL 33903.

The applicant was prepared to present the amendment to the planned development as well as the pending development order submittal for the project, however there were no attendees. The meeting remained open for thirty (30) minutes in case any attendees were running late.

Since LDC Section 33-1532 does not specify advertising requirements, Lee Plan Policy 17.3.4 was utilized and a notice was advertised in the Fort Myers News Press a minimum of 10 days prior to the meeting describing the project and providing contact information for questions or comments. No phone calls or emails have been received.

Attached please find the following backup documentation:

- Public Notice – Tearsheet of meeting notice in The News Press
- No Sign-in sheet since no attendees

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HAVANESE PUPPIES - Home Raised, AKC, Best Health Guaranteed! Since 1996! Call 423-902-1835. Visit noahslittleark.com

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Mausoleum Side by side niches at Lee Memorial Park. $5,000 each. 239-851-4870

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GOLF CLUBS - 90 complete sets; $35 & up. 2K woods, wedges, putters, misc; $5 & up. Ladies, LH & collectible, hybrids, etc, 14.4K for all, ☎618-319-0642

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General

Shipping/Receiving/ Inventory Clerk (Cape Coral, FL)Perform checks on competing rates for freight forwarders for full container shipping from Italy, Spain, Peru, Ecuador, Brazil, and Turkey. Verify if purchase orders match proformas for overseas purchases. Ensure suppliers provide import documentation & check ISF fillings are done promptly. Compile and solicit information to ensure the C-TPAT program complies with US Customs standards. Resume to: Procerca North American Corp./PCC Tile 916 SE 15th Ave Cape Coral, FL. 33990

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PUBLISHER'S NOTICE
All real estate advertised herein is subject to the Federal Fair Housing Act, which makes it illegal to advertise any preference, limitation, or discrimination because of race, color, religion, sex, handicap, familial status, or national origin, or intention to make any such preference, limitation, or discrimination. "We will not knowingly accept any advertising for real estate which is in violation of the law. All persons are hereby informed that all dwellings advertised are available on an equal opportunity basis.

Condo/Townhome Rent

Condo for rent starting April 1 (long term rental) 2bdr 2ba, util rm, W/D. Fully furnished. large lanai, view of lake and golf course $2000/mon + sec dep $2000. Connie Hope 215-527-1217



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Bids & Proposals

INVITATION TO BID
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CGC 044507
PROJECT: Department of Military Affairs
Armory Fencing Repair Projects
A.D. Morgan Corporation, the Construction Manager, invites your company to bid the fencing repairs and upgrades at 16 Florida National Guard Armories at the following locations:
• Dade City Armory - 38017 Like Oak Avenue, Dade City, Florida 33523-P2023-032-Dade City
• Plant City Armory - 4004 Airport Road, Plant City, Florida 33563-P2023-033-Plant City
• Lakeland Armory - 4140 Drane Field Road, Lakeland, Florida 33811-P2023-034- Lakeland
• Orlando Fern Creek Armory - 3809 S. Fern Creek Avenue, Orlando, Florida 32806 -P2023-035- Orlando
• Lake Wales Armory - 435 S. Airport Road, Lake Wales, Florida 33859-P2023-036-Lakes Wales
• Bartow Armory - 649 Cessna Street, Bartow, Florida 33830-P2023-037- Bartow
• Avon Park Armory - 2300 US Hwy 27 South, Avon Park, Florida 33825-P2023-038- Avon Park
• Tampa Armory - 2316 W. Lemon Street, Tampa, Florida 33606- P2023-039- Tampa
• Palmetto Armory - 1107 14th Avenue West, Palmetto, Florida 34221-P2023-040-Palmetto
• Sarasota Armory - 2850 Ringling Blvd, Sarasota, Florida 34237-P2023-041-Sarasota
• West Palm Beach Armory - 3901 Tuxedo Avenue, West Palm Beach, Florida 33405-P2023-042- West Palm

Public Notices

PUBLIC INFORMATION MEETING
WITHIN NORTH FORT MYERS PLANNING COMMUNITY
The public is invited to attend a presentation by Banks Engineering, to be held on Wednesday, March 27, 2024, at 5:30 pm at North Fort Myers Park & Recreation Center, Room 102A, 2000 North Recreation Park Way, N. Fort Myers, FL 33903
PROJECT NAME: Diplomat House a/k/a Diplomat Property RPD/CPD
PROJECT LOCATION: North side of Diplomat Parkway E., 0.31± mile west of its intersection with N. Cleveland Ave/U.S. 41 (35.18± acres of STRAP No. 34-43-24-00-00001.3030)
ACTIONS REQUESTED: (1) Zoning amendment to 35.18± acres of the Diplomat North RPD/CPD from the Z-11-040/DOS2019-00085 approvals to replace 238 dwelling units (or 136 dwelling units and 400 assisted living facility units) & 50,000 SF of commercial with a maximum height of 50 feet; to allow 360 multi-family dwelling units with amenities with a maximum height of 60 feet within the Mixed Use Overlay. (2) Development Order for 360 multi-family dwelling units with amenities & associated infrastructure.
During the meeting, developer representative will provide a general overview of the project for any interested citizens. Should you have any questions or comments, they can be directed to: Stacy Ellis Hewitt, Banks Engineering, 10511 Six Mile Cypress Pkwy, Fort Myers, FL 33966, (239) 770-2527/(239) 939-5490, shewitt@banksenq.com.
March 17 2024
LSAP0073750

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF INTENT TO ISSUE PERMIT

The Department of Environmental Protection gives notice of its intent to issue a permit to Florida Government Utility Authority, Sam Cain, 255 Weeks Airline Rd. Lakewood, Florida 33779 to a permit to substantially modify the 3.760 mad Lehigh Acres domestic wastewater treatment facility by recommissioning the Train #1 MBR unit. This facility land applies reclaimed water to a rapid infiltration basin system; land applies reclaimed water to a slow-rate public access system; and injects treated effluent to a deep injection well. The facility is located at latitude 26o 36' 37.9083"N, longitude 81o 39' 8.1707"W on 550 Construction Ln, Lehigh Acres, Florida 33936-4848 in Lee County. The Department has assigned permit file number FLA014545-022-DWIP to the proposed project.

The intent to issue and application file are available for public inspection at https://prodenv.dep.state.fl.us/DepNexusPublic/electronic-documents/FLA014545/facility/search or during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department's South District Office, 2295 Victoria Ave, Suite 364, Ft. Myers, Florida 33901-3875, at phone number (239)344-5600.

NOTICE OF RIGHTS

The Department will issue the permit unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. Because the administrative hearing process is designed to formulate final agency action, the hearing process may result in a modification of the agency action or even denial of the application.

Petition for Administrative Hearing
A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:
(a) The name and address of each agency affected and each agency's file or identification number, if known;
(b) The name, address, any e-mail address, any facsimile number, and telephone number of the petitioner. If the petitioner is not represented by an attorney or a qualified representative; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests will be affected by the agency determination;
(c) A statement of when and how the petitioner received notice of the Department's agency decision;
(d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
(e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
(f) A statement of the specific rules or statutes the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
(g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.
The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_-Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition
Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28106.205, F.A.C.

Extension of Time
Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency_-Clerk@FloridaDEP.gov, before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.
3/17/2024

Medical Office Update
Cape Coral Surgeon, Arun Penukonda MD, will be extending his service with Millennium until October 11, 2024. We are thankful to Dr. Penukonda for his dedicated service to our patients and community.

For continuity of care, we encourage you to contact Dr. Penukonda's office (239.574.4110) or your primary care provider if you need a referral.
March 15,16,17,18 2024
LSAP0073650

Govt Public Notices

Govt Public Notices

Public Notice
" Parcel 25-43-24-02-0000.B000 is located at 7460 Morgan Jones Drive, North Fort Myers, FL 33917. This parcel is a part of recorded PLAT of Spring Woods Mobilehome Subdivision Unit 2 from Plat Book 42 Page 57 as +/-3.06 acres Tract B. OKM Properties LLC is going to develop this future tract into a 9 unit replat to complete the development of Spring Woods. This development includes extending Morgan Jones Drive, replating the property, providing associated utility connections for the new units, and enhanced landscape buffers. This development does not anticipate impacting existing wetland vegetation, drainage infrastructure, or existing access to and through the community."
March 17 2024
LSAP0074345

Notice of MOVEit Transfer Security Issue Involving Trilogy Home Healthcare
Trilogy Home Healthcare recently was informed of a data security issue involving the MOVEit Transfer solution used by one of the company's law firms, Kirkland & Ellis LLP. MOVEit Transfer is a third-party file transfer tool used by many organizations to support the transfer of data files. Between around May 27 and May 31, 2023, an unauthorized third party obtained certain files that were transferred through the MOVEit tool used by the firm. After being notified of the issue on October 26, 2023, Trilogy promptly coordinated with the firm to review the affected files to understand the nature and scope of the data impacted by the issue and notify affected individuals. The affected files contained personal information that had been obtained by the firm in connection with a legal matter, including name, contact information, date of birth, Social Security and other government-issued ID numbers, financial account information, health information and health insurance information. The types of affected personal information varied by individual. Trilogy is alerting the affected individuals about this issue so they can take steps to protect themselves. U.S. individuals are entitled under U.S. law to one free credit report annually from each of the three nationwide consumer reporting agencies. To order a free credit report, visit www.annualcreditreport.com or call toll-free at (877) 322-8228. Affected individuals are encouraged to review their account statements for suspicious activity and monitor their free credit reports. In addition, affected individuals are being offered credit monitoring and identity restoration services for 24 months at no cost to them. If you have any questions regarding this issue, please call 888-397-0098, toll-free Monday through Friday from 8 am – 10 pm Central, or Saturday and Sunday from 10 am – 7 pm Central (excluding major U.S. holidays).
March 15,16,17,18,19,20,21,22 2024
LSAR0073770

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Simone Nayem
Project Manager
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Exhibit A

ATTACHMENT R

BANKS ENGINEERING

Professional Engineers, Planners & Land Surveyors

DESCRIPTION
OF
A TRACT OR PARCEL OF LAND
LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

A TRACT OR PARCEL OF LAND SITUATED IN THE STATE OF FLORIDA, COUNTY OF LEE, LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, BEING FURTHER BOUND AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 27, 28, 33 AND 34, SAID POINT ALSO BEING THE POINT OF BEGINNING OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 945, PAGE 359 OF THE PUBLIC RECORDS OF SAID LEE COUNTY; THENCE S 89°54'30" E ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 34 FOR 25.00 FEET TO AN INTERSECTION WITH A LINE 25.00 FEET EAST OF AND PARALLEL WITH (AS MEASURED ON A PERPENDICULAR) THE CENTERLINE OF A SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 945, PAGE 359; THENCE S 00°20'12" E ALONG SAID PARALLEL LINE FOR 1,702.11 FEET, PASSING THROUGH THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORD BOOK 1153, PAGE 1203 AT 25.00 FEET, TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN INSTRUMENT NUMBER 2019000014145, SAID POINT ALSO BEING THE **POINT OF BEGINNING** OF THE PARCEL HEREIN DESCRIBED; THENCE N 85°23'21" E ALONG THE NORTHERLY LINE OF SAID LANDS FOR 335.43 FEET; THENCE N 02°24'23" W ALONG SAID NORTHERLY LINE FOR 346.19 FEET; THENCE S 89°55'07" E ALONG SAID NORTHERLY LINE FOR 1,231.34 FEET TO THE NORTHEAST CORNER OF SAID LANDS; THENCE S 03°26'15" W ALONG THE EASTERLY LINE OF SAID LANDS FOR 1,073.38 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE S 89°52'13" W ALONG THE SOUTHERLY LINE OF SAID LANDS FOR 887.76 FEET; THENCE S 00°07'47" E ALONG SAID SOUTHERLY LINE FOR 250.00 FEET TO AN INTERSECTION WITH THE NORTH LINE OF THE MAINTAINED RIGHT-OF-WAY OF DIPLOMAT PARKWAY, AS SHOWN IN THE MAINTENANCE AFFIDAVIT RECORDED IN INSTRUMENT NUMBER 2015000133169; THENCE S 89°52'13" W ALONG SAID MAINTAINED RIGHT-OF-WAY FOR 590.99 FEET TO AN INTERSECTION WITH THE EASTERLY LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 2422, PAGE 2521; THENCE N 28°32'53" W ALONG SAID EASTERLY LINE FOR 6.36 FEET TO AN INTERSECTION WITH SAID PARALLEL LINE, SAID POINT ALSO BEING THE NORTHEASTERLY CORNER OF SAID LANDS; THENCE N 00°20'12" W ALONG SAID PARALLEL LINE FOR 948.13 FEET TO THE **POINT OF BEGINNING**.

PARCEL CONTAINS 38.13 ACRES, MORE OR LESS.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

BEARINGS AND DISTANCES ARE BASED ON "THE STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS), WHEREIN THE NORTH LINE OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS N 89°54'30" E.

DESCRIPTION PREPARED: 05-29-2024.

Richard M. Ritz

Digitally signed by Richard M Ritz
Date: 2024.05.29 09:33:03 -04'00'

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009
DATE SIGNED: 05-29-2024.

REVIEWED
DCI2023-00050
Sophia Ludlam, GIS Planner
Lee County
6/11/2024

• SERVING THE STATE OF FLORIDA •

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S:\Jobs\20xx\2028TW\Surveying\Descriptions\2028TW-BNDY-LGL.doc
S:\Jobs\20xx\2028TW\Surveying\Descriptions\2028TW-BNDY-LGL.docwg

SKETCH OF DESCRIPTION

OF

A TRACT OR PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA

BANKS ENGINEERING
Professional Engineers, Planners, & Land Surveyors
Serving The State Of Florida

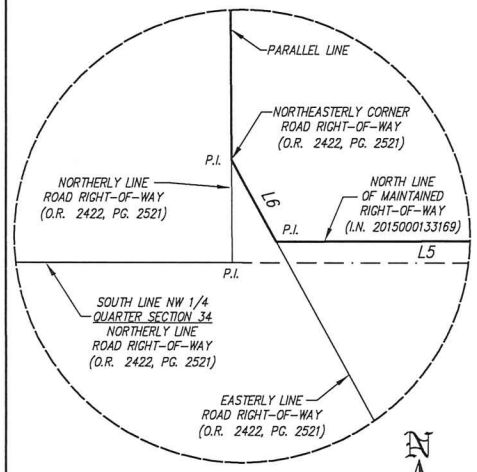
10511 SIX MILE CYPRESS PARKWAY
FT. MYERS, FLORIDA 33966
PHONE (239)939-5490

ENGINEERING LICENSE # EB 5469
SURVEY LICENSE # LB 5690

WWW.BANKSENG.COM

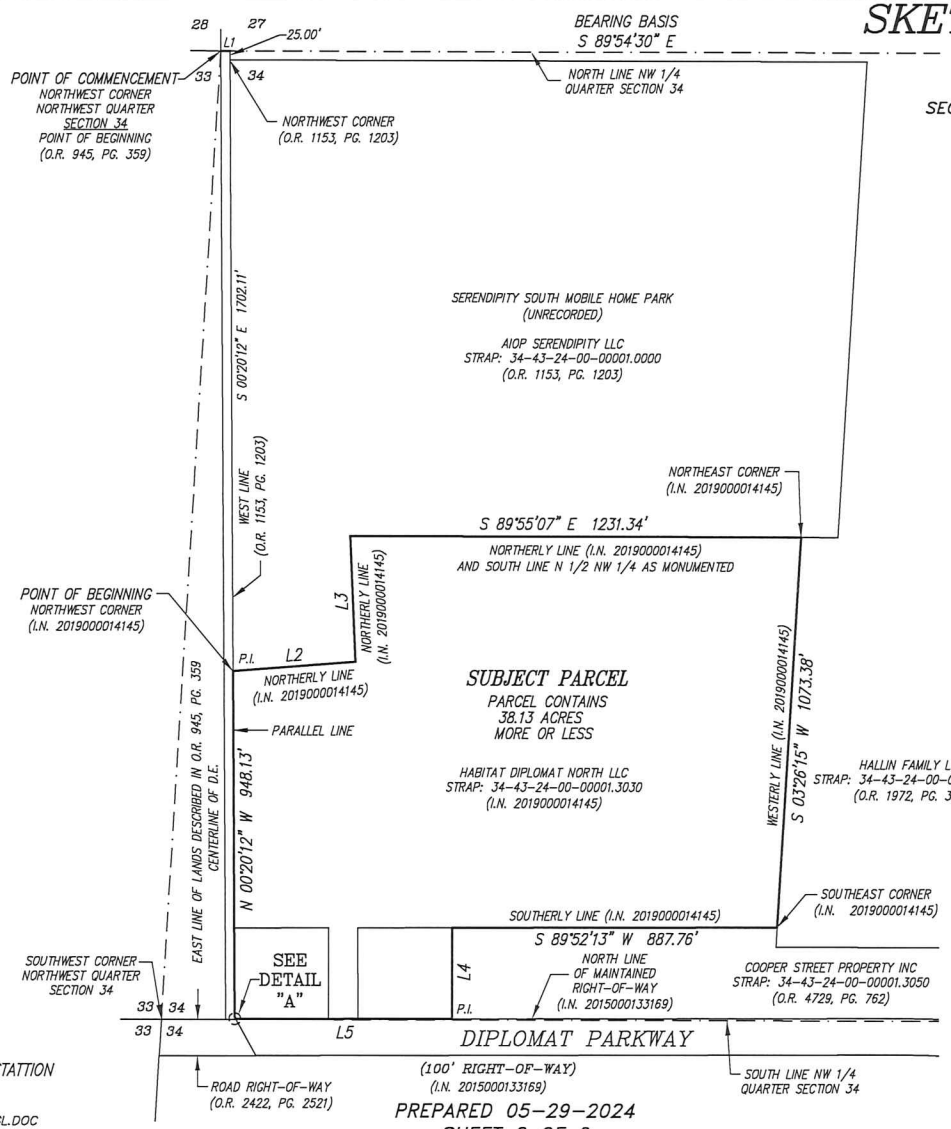


1" = 400'



DETAIL "A"
1" = 10'





PREPARED 05-29-2024
SHEET 2 OF 2

REVIEWED
DCI2023-00050
Sophia Ludlam, GIS Planner
Lee County
6/11/2024

NOTES:

1.) SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS AND RIGHTS-OF-WAY OF RECORD.

2.) BEARINGS AND DISTANCES ARE BASED ON THE "STATE PLANE COORDINATE SYSTEM" FLORIDA ZONE WEST NAD 83 (CORS). WHEREIN THE NORTH LINE OF NW 1/4 OF SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST BEARS S 89°54'30" E

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 89°54'30" E	25.00'
L2	N 85°23'21" E	335.43'
L3	N 02°24'23" W	346.19'
L4	S 00°07'47" E	250.00'
L5	S 89°52'13" W	590.99'
L6	N 28°32'53" W	6.36'

SEE SHEET 1 OF 2 FOR COMPLETE METES AND BOUNDS DESCRIPTION.

THIS SKETCH OF DESCRIPTION IS NOT A BOUNDARY SURVEY

LEGEND:

PG.	INDICATES PAGE
D.E.	INDICATES DRAINAGE EASEMENT
I.N.	INDICATES INSTRUMENT NUMBER
O.R.	INDICATES OFFICIAL RECORD BOOK
CORS	INDICATES CONTINUOUSLY OPERATING REFERENCE STATTION

Digitally signed by Richard M Ritz
Date: 2024.05.29 09:33:27 -04'00'

RICHARD M. RITZ
REGISTERED LAND SURVEYOR
FLORIDA CERTIFICATION NO. 4009

- DATE SIGNED: 05-29-2024
- THIS SKETCH OF DESCRIPTION IS NOT VALID WITHOUT THE SIGNATURE AND SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

S:\JOBS\20XX\2028TW\SURVEYING\DESCRIPTIONS\2028TW-BNDY-LGL.DOC
S:\JOBS\20XX\2028TW\SURVEYING\DESCRIPTIONS\2028TW-BNDY-LGL.DWG