

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

WHEREAS, Diplomat Fort Myers, LLC, filed an application on behalf of the property owner, Habitat Diplomat North, LLC, to rezone a 35.18± acre parcel in reference to Diplomat House a/k/a Diplomat RPD Amendment; and

WHEREAS, a public hearing before the Lee County Zoning Hearing Examiner, Donna Marie Collins, was advertised and held on June 26, 2024. At the conclusion of the hearing, the Hearing Examiner left the record open and closed the record on July 18, 2024; and

WHEREAS, the Hearing Examiner gave full consideration to the evidence in the record for Case # DCI2023-00050 and recommended APPROVAL of the request with conditions; and

WHEREAS, a second public hearing was advertised and held on August 21, 2024 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 35.18± acre parcel to revise development parameters within the project from 238 dwelling units (or 138 dwelling units and 400 assisted living facility units) and 50,000 square feet of commercial square footage with maximum heights of 50 feet, to 360 multi-family dwelling units with maximum heights of 60 feet. There are no changes proposed to the remainder of the planned development.

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). Development must be substantially consistent with the MCP (Exhibit C) as follows:

MCP Page 1 of 3 entitled "Master Concept Plan, Diplomat Parcel, Lee County, Florida," dated 08-27-2007, last revised June 25, 2024;

MCP Page 2 of 3 entitled "Alternate Diplomat North RPD Master Concept Plan, Diplomat House, Lee County, Florida" last revised June 25, 2024;

MCP Page 3 of 3 entitled "Alternate Diplomat South RPD MCP, Diplomat Parcel, Lee County, Florida" dated 10/28/2019, last revised June 25, 2024, consistent with the conditions herein.

Lee Plan and LDC. Development must comply with the Lee Plan and LDC except where deviations have been approved in this resolution. Changes to the MCP or conditions require further approvals.

Approved Development Parameters.

North RPD: The 35.18 acre North RPD is comprised of the former 29.75 acre North RPD and the former 5.43 Acre "Optional CPD" parcel north of Diplomat Parkway. This 35.18 acre parcel may develop up to 360 dwelling units utilizing density derived from the 35.18 RPD and 2.95 acres derived from CPD parcels 1 and 2. (Standard Density utilizing 35.18 acre RPD and commercial parcels 1 (1.48 Acres) and 2 (1.47 acres).)

South RPD: The 13.19 acre RPD parcel south of Diplomat Parkway may develop up to 105 dwelling units. An additional 21 units may be constructed if marketed at a price affordable to moderate income households at the time of building permit application. 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. (Approved density on the South RPD equates to eight dwelling units per acre, with a potential additional 1.6 units per acre subject to affordability requirements outlined herein.)

CPD Parcels 1 – 4: Maximum Total Commercial Floor Area: 200,000 square feet of commercial uses. North RPD utilizes acreage from CPD Parcels 1 and 2 residential density with no impact to commercial intensity due to Mixed Use Overlay. Commercial Parcels 3 and 4 may convert commercial intensity to residential density up to 116 dwelling units consistent with the conversion matrix in Condition 14 to allow up to 8 dwelling units per acre on 14.53 acres.

Codification of Prior Approvals. This resolution represents a codification of prior approvals.

2. Permitted Uses and Property Development Regulations.

a. Schedule of Uses

CPD – Parcels 1, 2, 3 & 4

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
 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 – Indoor, limited to Group III restaurants
 Outdoor Consumption on Premises requires special exception approval
 Contractors and Builders, Group I, 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, 4) See Conditions 1, 14, 15
 Entrance Gate and Gatehouse
 Emergency Operations Center
 EMS, Fire or Sheriff's Station
 Essential Services
 Essential Service Facilities, Group I
 Excavation, Water Retention - removal of excavated material from the site prohibited
 Fences and Walls
 Flea Market, Indoor Only
 Food and Beverage Services, Limited
 Food Stores, Groups I, II
 Funeral Home or Mortuary, with or without cremation
 Gasoline Dispensing System, Special
 Hardware Store
 Health Care Facility, Groups I, II, and III
 Hotel/Motel - Limited to 120 rooms
 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, 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
Real Estate Sales Office
Religious Facilities
Rental or Leasing Establishments, Group II only - excluding tools and equipment
 primarily for home use. Indoor only. No outdoor display.
Repair Shop, Groups I, II, III
Research and Development Laboratories, Groups I, II, III and IV
Residential Accessory Uses (Limited to Parcels 3 and 4)
Restaurants, Groups I, II, III, and IV
Restaurant, Fast Food, within a multi-occupancy building only. No stand-alone or
 drive-through
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

North RPD (35.18 Acres North of Diplomat Parkway)

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the approved MCP (Recreation Areas)
Community Garden
Dwelling Units, subject to Condition 1
 Multifamily
 Townhomes
Entrance Gates and Gatehouse
Essential Services
Essential Service Facilities, Group I only
Excavation, Water Retention, removal of excavated material from the site
 prohibited.
Fences and Walls
Home Occupation
Home Care Facility
Model Home, Model Display Center, Model Unit - See Condition 3
Parking Lot, Accessory
Real Estate Sales - limited to sale of lots/homes/units within the development.
 Model home and club locations only. See Condition 3
Recreational Facilities - Private, on-site. Limited to locations shown on MCP
Religious Facilities

Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

South RPD (13.19 Acres South of Diplomat Parkway)

Accessory Uses and Structures
Administrative Office
Clubs, Private - As shown on the 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 - See Condition 3
Parking Lot, Accessory
Real Estate Sales - limited to sales of lots, homes or units within the development.
 Model home and club locations only. See Condition 3
Recreational Facilities - Private, on-site. Shown on MCP
Residential Accessory Uses
Signs
Temporary Uses
Temporary Real Estate Sales Office

b. Site Development Regulations

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

Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet

Minimum Building Separation: 20 feet, buildings exceeding 35 feet in height must maintain additional building separation per LDC

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

Maximum Lot Coverage: 60 percent

NORTH RPD

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 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 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 LDC

Minimum Perimeter Setbacks: 15 feet

Minimum Building Separation: 10 feet

Maximum Building Height: 35 feet

Maximum Lot Coverage: No Maximum

SOUTH 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 on lots containing enhanced buffer
20 feet other lots
Water body: 25 feet

Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet
30 feet on lots containing 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 feet 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 lots containing enhanced buffer
20 feet other lots
Water Body: 25 feet

All Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet
30 feet on lots containing 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 lots containing enhanced buffer.
20 feet on other lots
Water Body: 25 feet

All Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet
30 feet on 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 lots containing enhanced buffer.
20 feet on other lots
Water Body: 25 feet

All Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet
30 feet on lots containing 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 (See Deviation 5)

Street: 25 feet (public)
20 feet (private)
Side: 10 feet
Rear: 20 feet
Water Body: 25 feet

Accessory Uses: Per LDC

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

Minimum Perimeter Setbacks: 25 feet
Minimum Building Separation: 10 feet
Maximum Building Height: 35 feet/ 2 stories
Maximum Lot Coverage: 45 percent

3. Model Home And Real Estate Sales

Model units/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. Model sites must be designated on the development order plans.
- c. Prior to construction, the lots hosting model homes must be shown on a preliminary plat (not the final). The preliminary plat must be filed concurrently with the development order application. The model homes must comply with the property development regulations in Condition 2.
- d. Dry models are prohibited.

- e. The number of model homes/model units will be limited to 10 within the development at one time.
- f. Real Estate sales within the RPD
 - i. are limited to the sale of lots/units within the development.
 - ii. are limited to within model homes or clubhouse.
 - iii. Hours of operation for models and real estate sales within the RPD are limited to Monday through Sunday 8:00 a.m. to 8:00 p.m.
 - iv. Model homes and real estate sales within the RPD will be valid for the duration permitted in the LDC.

4. Required Native Vegetation

Required buffers must utilize 100 percent native vegetation.

5. 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.

6. Wireless Communication Facilities

- a. Freestanding wireless communication facilities (towers, including stealth type) must be approved via amendment to this planned development.
- b. Wireless Communication Facilities (including wall-mounted and roof-mounted antennas) may be approved in accordance with LDC limited to commercial parcels.

7. Open Space

Development order landscape plans must demonstrate each parcel provides open space consistent with the MCP open space table.

8. Environmental

If the Florida Fish and Wildlife Conservation Commission (FWC) allows relocation of tortoises within on-site indigenous preserves:

- a. Development order submittals must include a detailed indigenous preservation management plan including methods of maintaining the western 3.0 acres of the preserve as gopher tortoise habitat. This plan will be subject to staff review and approval.
- b. Development order landscape plans must include a permanent gopher tortoise fence along Diplomat Parkway where the three-acre gopher tortoise preserve

abuts the road. In addition, landscape plans must depict a double staggered native hedge a minimum 3-gallon container size, 24-inch height at planting, and maintained at a minimum 36-inch height, on the roadside of the fence.

- c. Development order landscape plans must depict a double staggered native hedge minimum three-gallon container size, 24-inch height at planting, maintained at a minimum 36-inch height along the interface of the indigenous preserve with the residential tract.
- d. Developer must remove invasive exotic vegetation by hand within the indigenous preserve prior to issuance of a Vegetation Removal Permit.

9. 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 may not exceed two stories/35 feet in height. Building locations must be staggered between the front and rear of the commercial parcels to provide a campus-like setting. Development order submittals must include a parking plan devised to keep the amount of parking spaces along Diplomat Parkway to a minimum. Parking areas and commercial buildings must be buffered from Diplomat Parkway by a minimum two-foot-high berm with 10 trees and a staggered 36-inch-high hedge per 100 linear feet.

Commercial buildings on Commercial Parcels 1, 2 and 3 must be of similar architectural design and coloring as residential buildings, to identify them as a unified project. Residential and commercial project identification signs must be of similar architectural design and coloring.

10. Indigenous Preservation/Heritage Trees (North RPD Parcel)

- a. Development order submittals must include tree survey depicting location, diameter at breast height, and species of heritage trees within the development area.
- b. Development order landscape plans must depict heritage trees within the development footprint determined to be of good health 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.

11. 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. Development order submittals must include a copy of the FWC gopher tortoise relocation permit prior to excavation and moving gopher tortoises. Applicant must seek approval of an on-site relocation before pursuing off-site relocation options.

Gopher tortoises and commensal species found during burrow excavation must be moved to preserves with suitable gopher tortoise habitat as approved by the FWC and DES Staff.

12. Buffers (North RPD)

- a. Development order plans must demonstrate preservation of native vegetation within the flood way.
- b. Developer must install an LDC "Type F" buffer along the north property line west of the lake, consistent with the MCP. Specifically, the 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.

13. Native Plantings Required (North RPD)

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

14. Land Use Conversion Matrix

CPD Parcels 3 and 4 may convert unused commercial intensity to multifamily dwelling units consistent with Land Use Conversion Matrix below:

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

15. Density Report

Development order submittals for multifamily residential development on CPD Parcels 3 and 4 must include a report itemizing:

- a. 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 development order application.
- b. Cumulative total density and intensity permitted on CPD Parcels 1, 2, 3, and 4 approved by prior development order approvals.

- c. Remaining density and intensity available for future development on CPD Parcels 1, 2, 3, and 4 for each classification in Condition 15(a).

16. State and Federal Permits

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

SECTION C. DEVIATIONS

1. Intersection Separation. 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. One Dead-End Street Permitted. 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 one dead-end street shown on the South RPD MCP. This deviation is APPROVED.
3. Open Space. Deviation (3) 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 condition that 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 South RPD and CPD.
4. Installation of Storm Water Management System. 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 storm water management system. This deviation is APPROVED SUBJECT TO the following conditions:

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.

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 South RPD and CPD.

5. Separation from Residential Uses. 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 condition that development of a recreational facility and clubhouse must be generally consistent with the location shown on the approved MCP. Deviation applies to the recreation area shown on the North RPD.
- 6a. Required Street Access - Single Ingress. Deviation (6a) seeks relief from the LDC § 10-291(3) requirement that residential developments more than five acres in size provide two or more means of ingress into the development, to allow a single ingress/egress to the RPD north of Diplomat Parkway. This deviation is APPROVED SUBJECT TO the following conditions:
- a. Access to the RPD north of Diplomat Parkway must be generally consistent with the MCP; and
 - b. The MCP and local development order must depict a minimum 70-foot-wide divided entrance to the North RPD that includes a median with two lanes on each side of the median for ingress and egress; and
 - c. Development order submittals must include written documentation from the North Fort Myers Fire District confirming the access provides adequate access for emergency vehicles. Development order submittals must also include plans for the secondary/emergency access referenced below; and
 - d. Prior to build-out of the RPD north of Diplomat Parkway, developer must install a secondary/emergency access from the North RPD to commercial Parcel 3, consistent with the MCP. The emergency access gate must comply with applicable regulations including required equipment for an emergency override mechanism. If an emergency necessitates breaking an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner/operator of the gate.
- 6b. Ingress Egress. Deviation (6b) seeks relief from the LDC § 10-291(3) requirement that residential developments more than five acres in size provide two or more means of ingress into the development, to allow a single ingress/egress to the South RPD. This deviation is APPROVED SUBJECT TO the following conditions:
- a. Access to the South RPD must be generally consistent with the MCP; and
 - b. Emergency access gates must comply with applicable regulations with respect to required equipment for an emergency override mechanism at the time of installation. If an emergency necessitates breaking an entrance gate, the cost of repairing the gate and the emergency vehicle (if applicable) will be the responsibility of the owner/operator of the gate; and
 - c. Development order submittals must include written documentation from the North Fort Myers Fire District confirming the access provides 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 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 for MCP Page 2 of 3 and to allow for curbside garbage pickup at the proposed townhouse units for MCP Page 1 of 3. This deviation (an amendment to previously approved deviation) is APPROVED.
8. Certain Internal Buffers Not Required – North RPD. Deviation (8) 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 internal rights-of-way. This deviation is APPROVED.
9. Backout Parking Within Internal Right-of-Way – North RPD. Deviation (9) seeks relief from the LDC § 34-2013(a)(2), which requires parking that backs out into rights-of-way in residential developments must be limited to development amenities not for dwelling units or commercial uses, to allow back out parking spaces for dwelling units and guests limited to the location shown on Page 2 of 3 of the MCP. This deviation is APPROVED.
10. Minimum Building Separation – North RPD. Deviation (10) seeks relief from the LDC § 34-935(e)(4), which requires 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.

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 amendments to the Diplomat RPD/CPD are consistent with the Lee Plan. Lee Plan Goals 2, 4, 5, 6, 11, 30, 60, 61, 77, 95, 123, 124, 125, 126, 135, 151, 158, 159, 160; Objectives 2.1, 2.2, 4.1, 5.1, 6.1, 11.1, 11.2, 30.1, 60.4, 61.2, 77.1, 77.2, 77.3, 122.2, 123.1, 123.2, 123.3, 123.4, 123.6, 123.8, 124.1, 126.2, 135.1, 161.1, 161.3, and Policies 1.1.3, 1.6.5, 2.1.1, 2.1.2, 2.2.1, 5.1.1, 5.1.2, 5.1.3, 5.1.5, 5.1.6, 5.1.7, 11.2.2, 11.2.5, 11.2.7, 30.1.3, 135.1.9, 135.9.6, 160.1.3, Lee Plan Maps 1-A, 1-B, 1-C, Table 1(a).
2. As conditioned, the proposed amendments:
 - a. Is consistent with the LDC or qualifies for deviations. LDC Chapters 2, 10, 33, and 34.

- b. Is compatible with existing or planned uses in the surrounding area. Lee Plan Goals 2, 11, Objectives 2.1, 2.2, 11.2, 161.1, 161.3, and Policies 1.1.3, 2.1.1, 5.1.5, 6.1.4, 30.1.3, 135.9.5, 135.9.6, 160.1.3, 161.2.2, 161.3.1; LDC §§ 34-411, 34-413.
 - c. Provides sufficient road access to support proposed development intensity. Lee Plan Objective 161.4, Policies 161.1.2, 161.4.3.
 - d. Expected impacts on transportation facilities will be addressed by County regulations and conditions of approval. Lee Plan Objective 39.1, Policies 30.3.3, 38.1.1, 38.1.5, 39.1.1, 39.1.3, 39.2.1, 43.1.1; LDC §§ 2-261 *et seq.*, 34-411(d) and (e).
 - e. Will not adversely affect environmentally sensitive areas or natural resources. Lee Plan Goals 59, 60, 61, 77, 123, 125, 126, Objectives 60.4, 61.2, 77.1, 77.3, 122.2, 123.6, 124.1, 125.1, 126.2, Policies 6.1.6, 59.1.5, 60.1.2, 60.4.1, 60.4.2, 60.4.3, 61.1.6, 61.3.3, 61.3.6, 61.3.9, 61.3.11, 77.3.1, 77.3.3, 123.1.5, 123.2.3, 123.2.10, 125.1.1, 125.1.2, 125.1.3, 125.1.4, 126.1.1, 126.1.2, 126.1.4, 126.2.1, and Standard 4.1.4.
 - f. Public services and infrastructure will be available to serve the development. Goals 2, 4, 5, 56, 95, Objectives 2.1, 2.2, 4.1, 65.2, Policies 1.1.1, 1.1.3, 2.1.1, 2.2.1, 30.3.3, 54.1.10, 54.1.11, 55.1.1, 56.1.4, 57.1.5, 61.1.6, 160.1.1, 160.1.2, 160.1.3, 161.1.2, Standards 4.1.1, 4.1.2.
- 3. The proposed uses are appropriate at the location. Lee Plan Goals 2, 5, 6, 135, 158, 159; Objectives 2.1, 2.2, 11.2, 56.2, 135.1, Policies 2.1.1, 2.1.2, 5.1.3, 11.2.1, 30.1.4, 39.1.3, 39.2.1, 135.1.9, 135.9.6, 160.1.3, Lee Plan Tables 1(a).
 - 4. The County regulations and recommended conditions provide sufficient safeguards to protect the public interest and relate to impacts expected from the proposed development. Lee Plan Goals 56, 123, 124, 125, Objectives 77.3, 123.6, 126.2, Policies 5.1.5, 53.1.5, 54.1.10, 54.1.11, 56.1.4, 61.3.8, 77.3.1, 126.2.1, 135.9.5, 135.9.6, LDC §§ 34-145(d)(4)a.2.b), 34-377(a)(3), 34-936, 34-411 and 34-932(c).
 - 5. Deviations recommended for approval enhance the planned development and preserve public health, safety, and welfare. LDC §§ 34-373(a)(9), 34-377(a)(4).

SECTION F. SCRIVENER'S ERRORS

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

Commissioner Hamman 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 21st day of August 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT


BY: 
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: 
Chairman

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY




Joseph A. Adams
Assistant County Attorney
County Attorney's Office

RECEIVED
MINUTES OFFICE
2024 DEC 10 PM 1:26

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

DESCRIPTION

OF A

PARCEL OF LAND

LYING IN

SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST COMMUNITY DEVELOPMENT

LEE COUNTY, FLORIDA

(CPD ZONING DESCRIPTION)

RECEIVED
APR 27 2011

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;

SHEET 1 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028 ZONING CPD_REV_DESC.doc

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 Syzy, Florida 34269

(941) 625-1165

Fax (941) 625-1149

EXHIBIT "A"
(Page 1 of 6)

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 ZONING 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.

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. 4000

Applicant's Legal Checked
by 11/08/06 CSJ

EXHIBIT "A"
(Page 2 of 6)

DCI 2010-00015



COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	896327.83	808334.48
NE#2	896328.35	808897.19
NE#3	896228.53	808316.53
NE#4	896231.32	807602.01
NE#5	896231.43	807662.01
NE#6	896230.51	807178.84
NE#7	896329.16	808612.19
NE#8	896578.55	806354.11

CURVE TABLE

CURVE	RADIUS	DELTA	ARC	CHORD	CHORD BEARING
C1	5829.58'	00°55'31"	94.14'	94.14(0)	S 03°47'10" W(D)
				94.23(W)	S 03°50'44" W(W)
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"	120.87'	109.55'	N 43°20'34" W
C5	2050.00'	03°32'31"	126.93'	126.91'	S 88°21'47" E

SKETCH TO ACCOMPANY DESCRIPTION

OF A
PARCEL OF LAND

LYING IN
SECTION 34, TOWNSHIP 43 SOUTH, RANGE 24 EAST
LEE COUNTY, FLORIDA

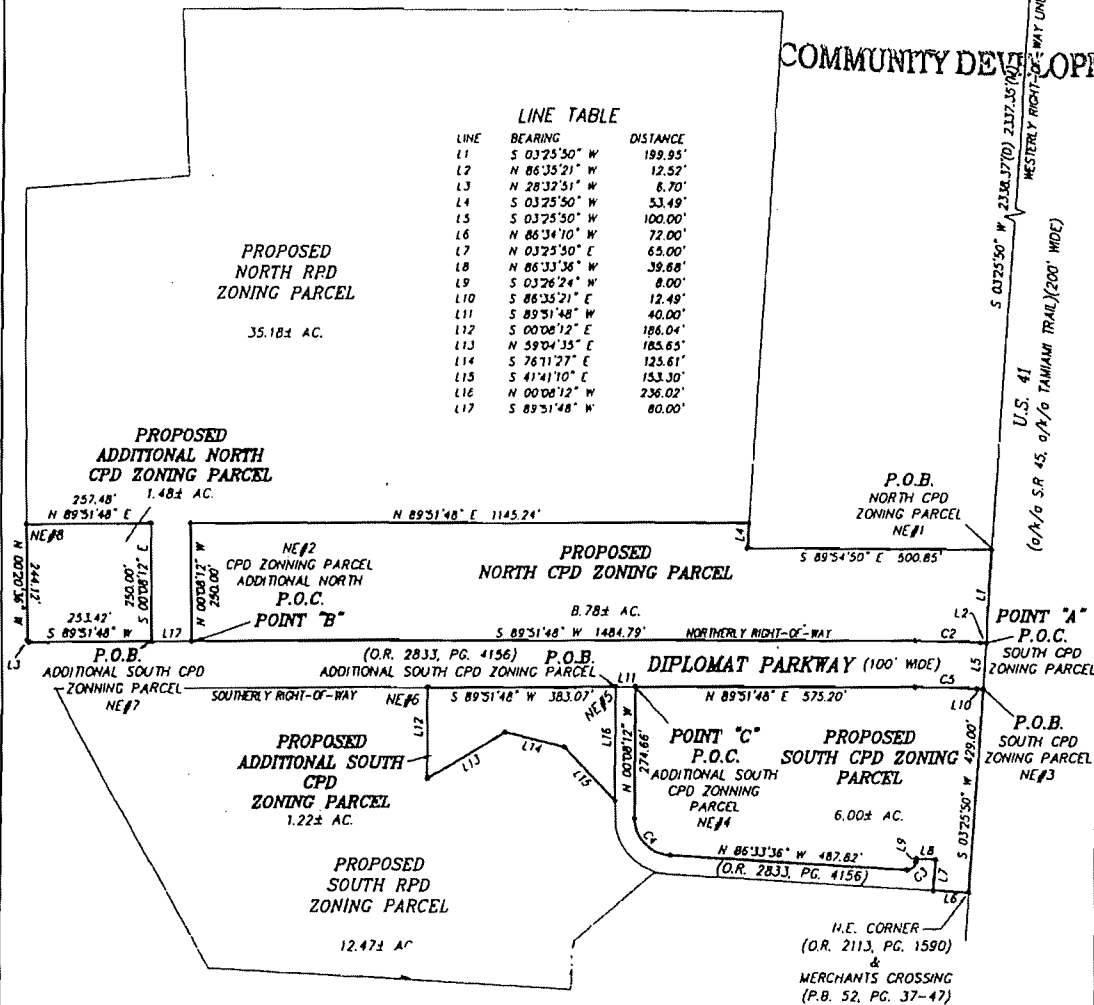
LITTLETON ROAD (50' WDE)

SOUTHERLY RIGHT-OF-WAY LINE

POINT OF
COMMENCEMENT

RECEIVED
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°25'30" 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
- P.G. INDICATES PAGE NUMBER
- P.B. INDICATES PLAT BOOK
- CI 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 BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2015 NORTHBROOK PLAZA DRIVE - SUITE 200
HAPLES, FLORIDA 34119
(850) 881-2000

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 8690

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

DESCRIPTION
 OF A
 PARCEL OF LAND
 LYING IN

COMMUNITY DEVELOPMENT

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

SHEET 1 OF 3

S:\Jobs\20xx\2028\SURVEY\Descriptions\Zoning\2028 ZONING RPD REV DESC.doc

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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 (Page 4 of 6)

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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



1" = 300'

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 03°25'50" W	100.00
L2	N 06°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 78°11'27" E	125.61
L8	S 41°11'10" 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 (0)	S 03°47'10" W (0)
				94.23 (M)	S 03°30'44" W (M)
C2	120.00'	88°25'24"	181.00'	184.33'	N 43°20'54" W

COORDINATE TABLE

POINT	NORTHING	EASTING
NE#1	856582.08	687836.8
NE#2	857282.30	686349.8
NE#3	855837.18	687675.4
NE#4	855643.31	686731.5

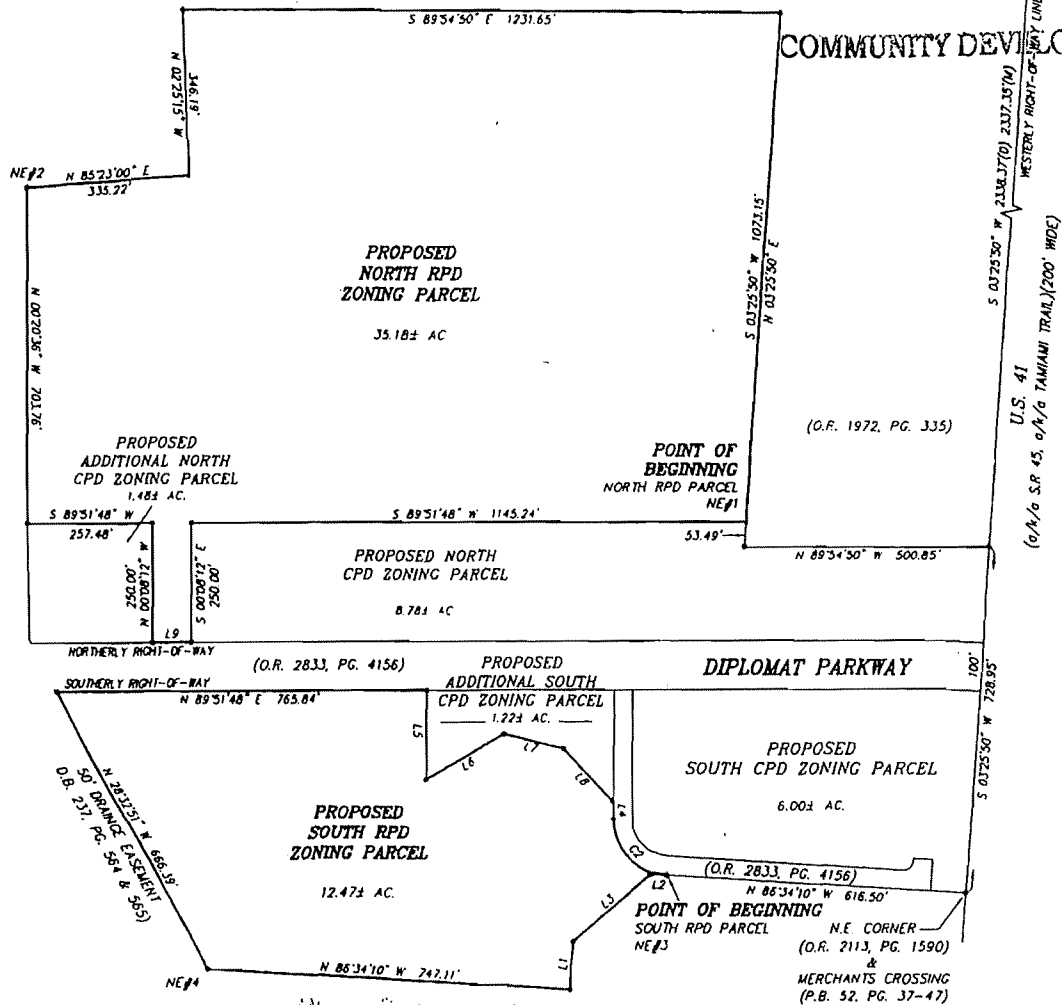
POINT OF
ENCEMENT

LITTLETON ROAD (50' WIDE)

SOUTHERLY RIGHT-OF-WAY LINE

COMMUNITY DEVELOPMENT

APR 27 2011



NOTES:

1. SET ACCOMPANYING SHEETS FOR COMPLETE METES AND BOUNDS DESCRIPTION.
2. STATE PLANE COORDINATES (FLORIDA ZONE WEST) SHOWN HEREON ARE BASED ON NAD83 AND ARE FOR DIS PURPOSES ONLY.
3. BEARINGS ARE BASED ON THE WESTERLY RIGHT-OF-WAY OF U.S. 41 AS S.03°23'50"W.

LEGEND:

- LEGEND:
- | | |
|-------|---|
| O.R. | INDICATES OFFICIAL RECORDS BOOK OF LEE COUNTY |
| P.G. | INDICATES PAGE NUMBER |
| C1 | INDICATES CURVE 1 OF THE CURVE TABLE |
| L1 | INDICATES LINE 1 OF THE LINE TABLE |
| ME #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 W. 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, 2008

PREPARED BY:

Banks Engineering

ENGINEERING, SURVEYING & LAND PLANNING

2310 NORTHBROOK PLAZA DRIVE - SUITE 200

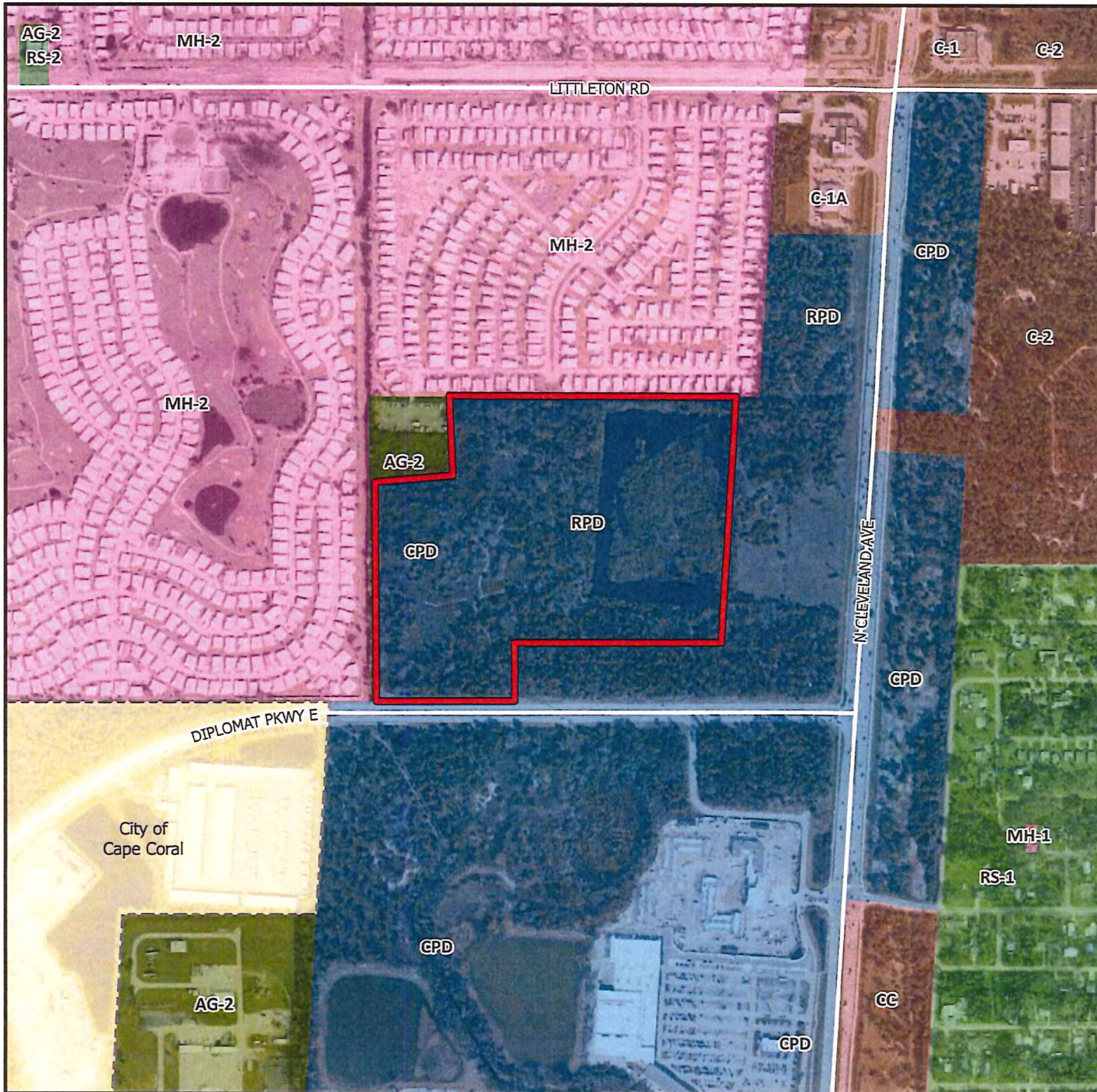
NAPLES, FLORIDA 3
(238) 597-2001

FLORIDA SURVEYING BUSINESS CERTIFICATION NO. 6690

SHEET 3 OF 3

EXHIBIT "A"
(Page 6 of 6)

S:\Jobs\2006\2028\SURVEY\Descriptions\Zoning\2028_ZONING_RPD_REV_SK.dwg, 11/2/2006 4:25:50 PM, David Bleherschmidt

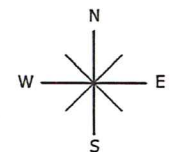


DCI2023-00050

Zoning

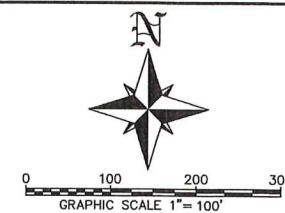
 Subject Property

 City Limits



0 250 500 750 1,000
Feet





NORTH RPD & 5.43 ACRE NORTH CPD OPEN SPACE:

OVERALL RPD/CPD OPEN SPACE CALCULATIONS:

OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)					
BOLDITALIC TYPE DEPICTS REVISIONS FROM D052007-02567 OPEN SPACE TABLE					
NORTH RPO & 5.43 ACRE NORTH RPO 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 ₀₂	0.22 AC ₀₂
COMMERCIAL 2	1.48 AC	0.22 AC	15%	0.22 AC ₀₂	0.22 AC ₀₂
COMMERCIAL 3	7.31 AC	1.10 AC	15%	1.10 AC ₀₂	1.10 AC ₀₂
COMMERCIAL 4	7.22 AC	1.08 AC	15%	1.08 AC ₀₂	1.08 AC ₀₂
RESIDENTIAL NORTH	35.18 AC	3.52 AC	10%	3.52 AC ₀₁	7.01 AC ₀₁ + 0.61 AC ₀₂
RESIDENTIAL SOUTH	12.47 AC	2.49 AC	20%	2.49 AC ₀₂	2.54 AC ₀₂
TOTALS	65.13 AC ₀₁	8.63 AC		8.63 AC ₀₂	12.1 AC ₀₁ + 0.61 AC ₀₂

INDIGENOUS NOTES:
 *150% CREDIT FOR MINIMUM 3 ACRES AND 100' WIDTH PER LDC SECTION 10-415(b)(2)c.
 **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.
 ***10% CREDIT FOR CONNECTION TO OFFSITE ENVIRONMENTAL CONSERVATION OR PRESERVE AREAS PER LDC SECTION 10-415(b)(2)b.

LEGEND:

DEVIATIONS:

5 TO AVOID MINIMUM 20' SEPARATION BETWEEN RECREATION BUILDING AND DWELLING UNIT

 Checklist *Checklist for the assessment of the impact of the proposed project on the environment.*

FOR RECYCLABLE MATERIALS DUE TO COMPACTOR

A

INDIGENOUS PRESERVATION

Approved as Exhibit C
MCP Page 2 of 3
Resolution # Z-24-018

ALTERNATE DIPLOMAT NORTH RPD MASTER CONCEPT PLAN

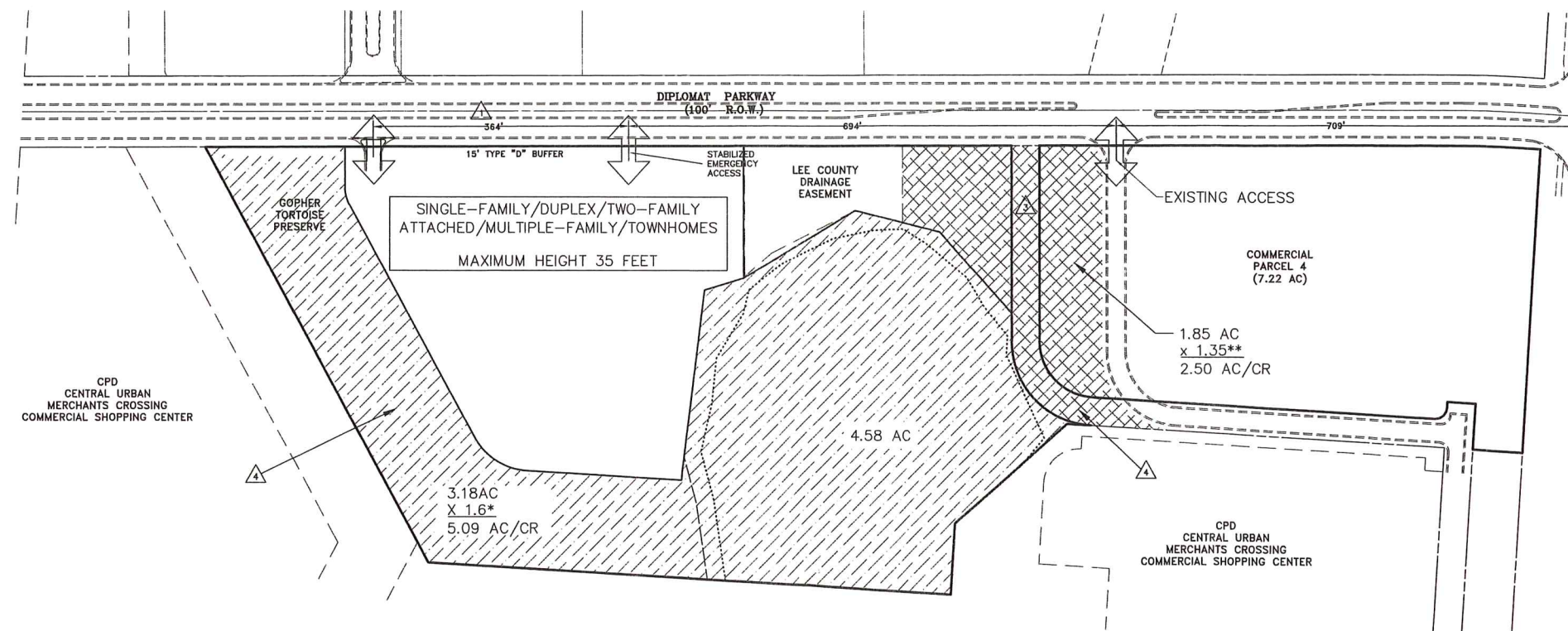
DIPLOMAT HOUSE

DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
12/7/2023	2028TW	ALT_MCP	NFK	NFK	SWM	1"=100'	2 OF 3

BANKS
ENGINEERING

10511 SIX MILE CYPRESS PARKWAY
FORT MYERS, FLORIDA 33966
PHONE: (239) 939-5490 FAX: (239) 939-2521
ENGINEERING LICENSE # EB 6469
SURVEY LICENSE # LB 6690

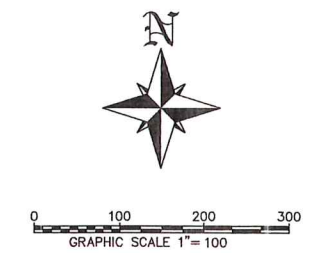
[illegible]



OPEN SPACE CALCULATIONS (30% FOR COMMERCIAL/40% COMMON OPEN SPACE FOR RESIDENTIAL)				
BOLD/ITALIC TEXT DEPICTS REVISIONS FROM DOS2007-00087 OPEN SPACE TABLE				
NORTH RPD 6.5-43 ACRES 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	1.49 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	35.18 AC	3.52 AC 10%	3.52 AC(2)	7.81 AC(2) + 0.81 AC(2)
RESIDENTIAL SOUTH	12.47 AC	2.49 AC 20%	2.49 AC(2)	2.54 AC(2)
TOTALS	65.13 AC	8.63 AC	8.63 AC(2)	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 6.5-43 ACRES NORTH CPD PROVIDING 0.55% AC INDIGENOUS WITHIN FLOODWAY ONSITE WITH 110% CREDIT FOR MINIMUM 1/2 ACRE/50' WIDTH = 0.81 ACRE CREDIT.
(4) 1.52 AC CREDIT PHASED PORTION BEFORE CERTIFICATION OF COMPLETION OF D.O. FOR NORTH RPD 6.5-43 ACRES NORTH CPD.
(5) 2.92 AC (15% CREDIT) = MINIMUM 2.16 AC *15% 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)(b).
**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).



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

Approved as Exhibit C
MCP Page 3 of 3
Revision # 2-24-018

ALTERNATE DIPLOMAT SOUTH RPD MCP
DIPLOMAT PARCEL
LEE COUNTY, FLORIDA

DATE: 10/25/2019
PROJECT: MCP
SHEET: 3 OF 3
SCALE: 1"=100'
DRAWN: SDJ
CHECKED: SEH
DESIGNED: MCP

FILE NO. (S-T-R): 34-43-24

Blanks Engineering
Professional Engineers, Planners & Land Surveyors
2415 NORTHSHORE PLAZA, SUITE 200
NAPLES, FLORIDA 34110
PHONE: (239) 439-1119
FAX: (239) 439-1120
SURVEY LICENSE # LB 6680

PREPARED FOR:
LEE COUNTY HOUSING AUTHORITY
14170 WARNER CIRCLE
NORTH FORT MYERS, FL 33603

DATE: 10/25/2019
PROJECT: MCP
SHEET: 3 OF 3
SCALE: 1"=100'
DRAWN: SDJ
CHECKED: SEH
DESIGNED: MCP

DATE: 10/25/2019
PROJECT: MCP
SHEET: 3 OF 3
SCALE: 1"=100'
DRAWN: SDJ
CHECKED: SEH
DESIGNED: MCP

DATE: 10/25/2019
PROJECT: MCP
SHEET: 3 OF 3
SCALE: 1"=100'
DRAWN: SDJ
CHECKED: SEH
DESIGNED: MCP