



December 23, 2024

Mr. Adam Mendez
Senior Planner
Lee County Zoning Division
1500 Monroe Street
Fort Myers, FL 33901

**RE: Cypress Woods RVPD
DCI2023-00030**

Dear Mr. Mendez:

Enclosed please find responses to your review comments letter dated October 7, 2024. The following documents have been revised to address staff comments.

1. Comment Response Letter
2. SFWMD "Closure of Enforcement" correspondence
3. Revised Master Concept Plan Series
4. Open Space & Indigenous Table
5. Proposed Zoning Conditions
6. Revised Legal Description
7. Revised Title Opinion
8. HOA Letter of Authorization

Environmental Sciences Comments

1. Currently an ERP already exists for this stage of development. Staff located the existing permit No. 36-103777-P from the SFWMD which notes that a consent order was issued on February 02, 2023, and that approximately 1.5 acres of wetlands were directly impacted, and 1.39 acres of conservation easement wetlands have been secondarily impacted without authorization. No return to compliance letter was located demonstrating the success criteria, and the state does not issue additional ERP permits to applicants unable to demonstrate reasonable assurance. To be consistent with the Lee Plan Policy 124.1, and to allow the conditions proposed to be used, provide a FLUCCS for the entire development, with an updated listed species survey to demonstrate that the MCP and whole development, has the required amount of open space.

RESPONSE: Permit No. 36-109350-P relates to Cypress Woods Phase 1-4, while Permit No. 36-103777-P relates to Laguna Caribe (Cypress Woods Phase 5).

The code enforcement case noted above relates to Laguna Caribe (Phase 5) and has been closed out pursuant to the attached correspondence dated March 6, 2024 from the SFWMD.

2. The indigenous open space calculation includes areas in the northeastern portion of the site that do not appear to meet the conditions listed in 10-415 (d) (2) d and include more than

20% percent of impervious area. Surface water management lakes may only be used to substitute up to 25% of the required open space. Ensure that all open space calculations meet 10-415 (d) (2).

RESPONSE: Please see attached revised MCP and Open Space & Indigenous Preserve Table. The Open Space and Preserve Table is attached as a separate exhibit to memorialize proposed conditions pursuant to this request. The open space calculations are consistent with the LDC and address the above comments.

3. The current master concept plan "MCP_2023-11-27" is not the MCP from ADD2022-00021, Phase 5. Provide an updated and revised master concept plan for the entire Cypress Woods Development (all phases), revise the open space calculations, and key all deviations and all recorded easements.

RESPONSE: Please see attached revised MCP. The Phase 5 MCP has been replaced with the current MCP from ADD2002-00021. Open Space and Preserve Calculations are now included as a separate exhibit to memorialize proposed conditions pursuant to this request.

4. The current MCP appears to show 34.74 acres of indigenous open space, pursuant to Z-20-027 the required amount of indigenous open space required is 35.09, not 30.30, a reduction of greater than 10% would require a public hearing and could not be done administratively. Provide the FLUCCS for all open space areas to be sure the indigenous amounts and open space are accurate, request a deviation, or request a variance.

RESPONSE: Please see revised Overall FLUCCS Map, MCP and Open Space & Indigenous Preserve Table. The Applicant is utilizing this public hearing amendment process to modify conditions of approval to reflect current code standards as well as existing conditions. Thus, the proposed reduction/reconciling of open space and preserve is allowed under this public hearing amendment process.

5. Please provide a complete strike through underline of the previous zoning resolution Z-20-027.

RESPONSE: Please see attached Proposed Zoning Conditions.

Legal Comments

1. Description & Sketch. Please provide a legal description and sketch in accordance with the requirements of Lee County LDC §34-202(a)(5).

A metes and bounds legal description and sketch is not required, however a separate legal description and sketch of description suitable for recording (legal or letter size) is required.

Previous comment not addressed. The previously submitted legal description must be revised with the following: Cypress Woods RV Resort Unit 4-B is missing "-B" in the legal description. It must also match the legal description shown on the title.

RESPONSE: Please see attached revised legal description.

2. Title Certification. A title certification is required per LDC §34-202(a)(7).

The legal description on the title opinion does not match the legal description provided.

RESPONSE: Please see attached revised title with corrected legal description.

Zoning Comment

1. Courtesy Comment: The application should accompany a letter of opinion and HOA approval, similar to the initiation documentation provided for ADD2024-00063 (LDC Section. 34-201).

RESPONSE: Please see attached letter of opinion and HOA letter providing required authorization for this application.

Thank you in advance for your consideration of this additional information. If you have questions, please contact me directly at (239) 850-8525 or acrespo@rviplanning.com.

Thank you,

RVi Planning + Landscape Architecture



Alexis Crespo, AICP
Vice President of Planning

Enclosures



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 06, 2024

John Callis
Laguna Caribe at Cypress Woods, LLC
4323 Snowberry Lane
Naples, FL 34119

Delivered via email

**Subject: Laguna Caribe Cypress Woods RV Resort
Closure of Enforcement Case
Enforcement Case No. 20066
Associated Numbers : 36-103777-P
Lee County**

Dear Mr. Callis:

This letter is to inform you that the above referenced enforcement case is hereby closed. Enclosed for your reference is a copy of the executed Consent Order.

All future actions and reports required by the District as part of Environmental Resource Permit (ERP) 36-103777-P, or any questions associated with future compliance with District requirements should be directed to Gary Koltz at (239) 338-2929 x7765 or via email at gkoltz@sfwmd.gov.

Sincerely,

A handwritten signature in blue ink that reads "Natalie Cole".

Natalie Cole
Administrator, Environmental Resource Bureau

eEnclosures: Executed Consent Order ([20066_ExecutedConsentOrder_20230202.pdf](#))

c: Duane Truitt, L26 Development, LLC (E-Mail)
Neale Montgomery, Pavese Law Firm (E-Mail)

This document is filed in the eEnforcement system under Enforcement Case Number 20066

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
 RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)
 LOT AREA = 2,850,427.44 S.F. (65.44 AC.)
 LAKES = 726,812.66 S.F. (16.68 AC.)
 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
 GROSS DENSITY = 3.98 UNITS/AC.
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

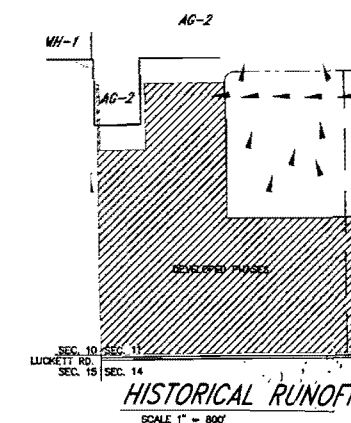
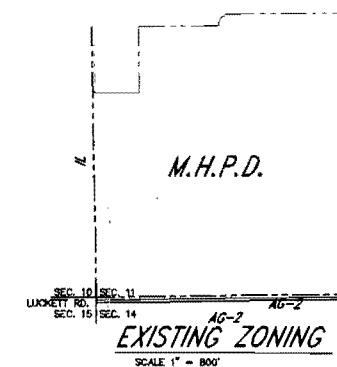
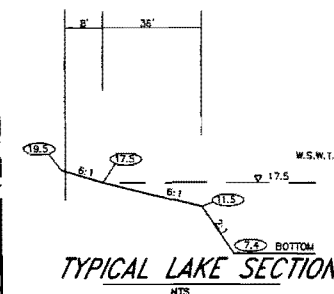
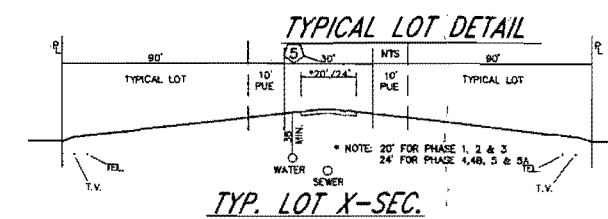
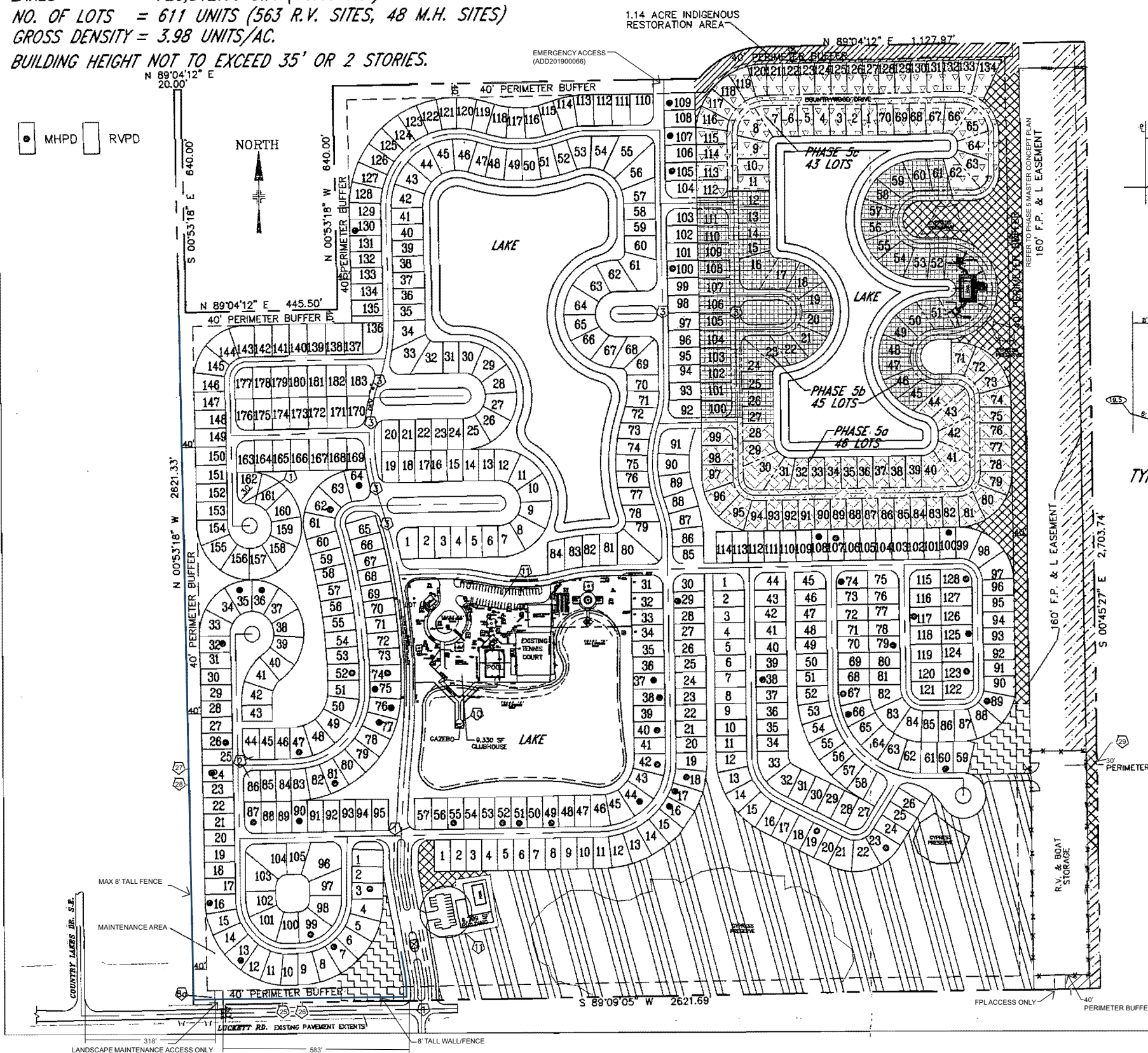


EXHIBIT C

HURRICANE SHELTER (PER LDC SECTION 10-258)

REQUIRED HURRICANE SHELTERS	- (2.25)(597)(20)(48%)=12,090 S.F.
PROVIDED	= 16,128 S.F.

**CYPRESS WOODS
R.V. RESORT**

ORIGINAL ZONING # Z-94-025

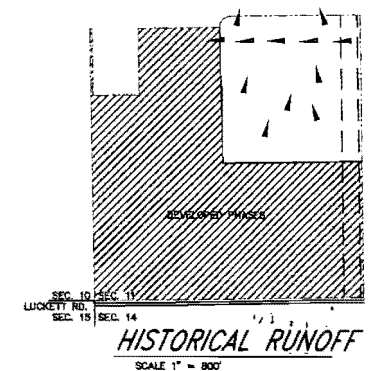
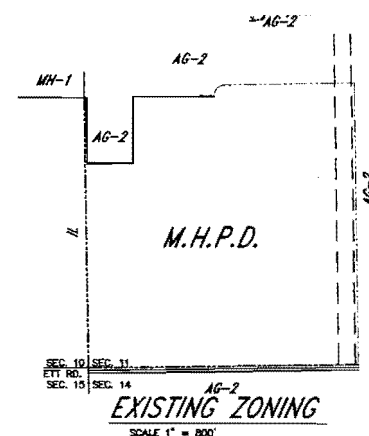
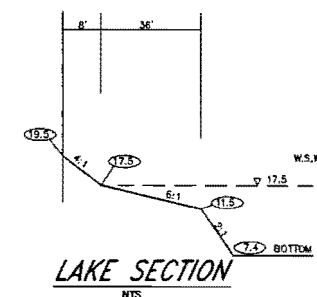
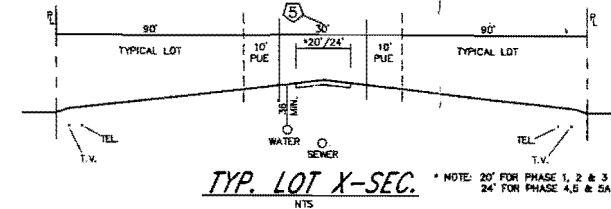
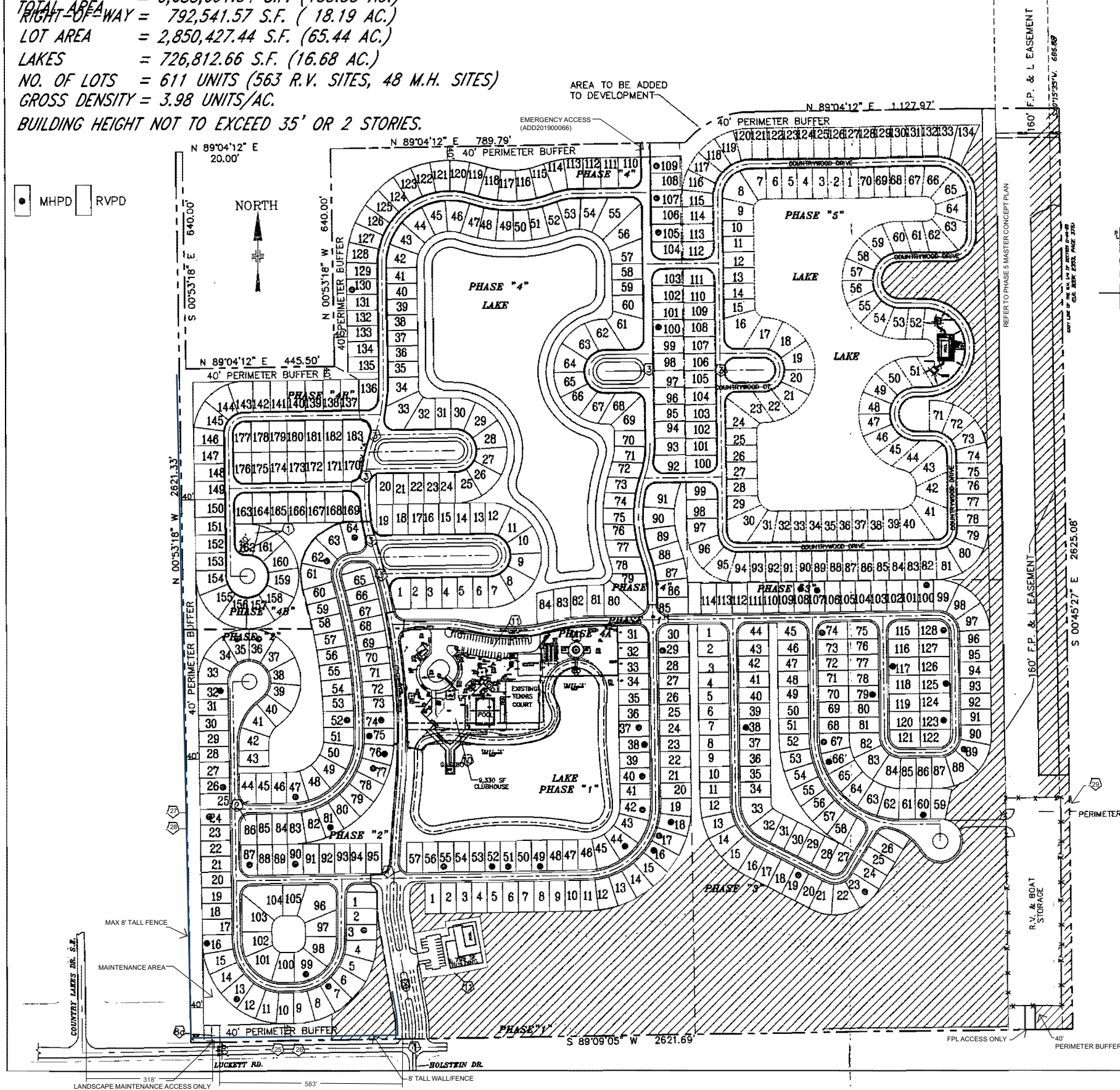
MASTER CONCEPT PLAN

				DESIGNED BY:	CHECKED BY:	
				ICS	ICS	
08/16/00	REVISED PER 05/24/00 SUFFICIENCY CHECKLIST	JTA	ICS	GRAPH BY:	CHECKED BY:	
04/21/00	REVISED PER 01/08/00 SUFFICIENCY CHECKLIST	JTA	ICS	JTA	ICS	FILE NO.
DATE	REVISION	APPROVED		SCALE: 1" = 150'	DATE:	SHEET 1 OF 3
				OR AS NOTED	09/14/2007	3434

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)
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 NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)
 GROSS DENSITY = 3.98 UNITS/AC.
 BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

●	MHPD	RVPD
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CYPRESS WOODS
R.V. RESORT
ORIGINAL ZONING # Z-94-025
MASTER CONCEPT PLAN
BIG CYPRESS FOX SQUIRREL PERSEVERE

[illegible]

"EXHIBIT 3A"

CYPRESS WOODS RESORT

TOTAL AREA = 6,688,691.34 S.F. (153.55 AC.)

RIGHT-OF-WAY = 792,541.57 S.F. (18.19 AC.)

LOT AREA = 2,850,427.44 S.F. (65.44 AC.)

LAKES = 726,812.66 S.F. (16.68 AC.)

NO. OF LOTS = 611 UNITS (563 R.V. SITES, 48 M.H. SITES)

GROSS DENSITY = 3.98 UNITS/AC.

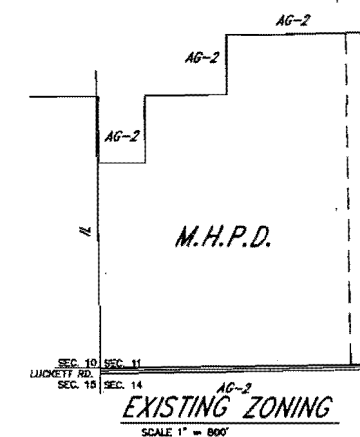
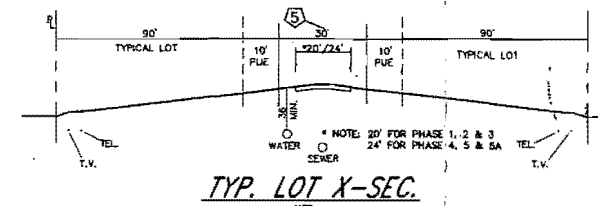
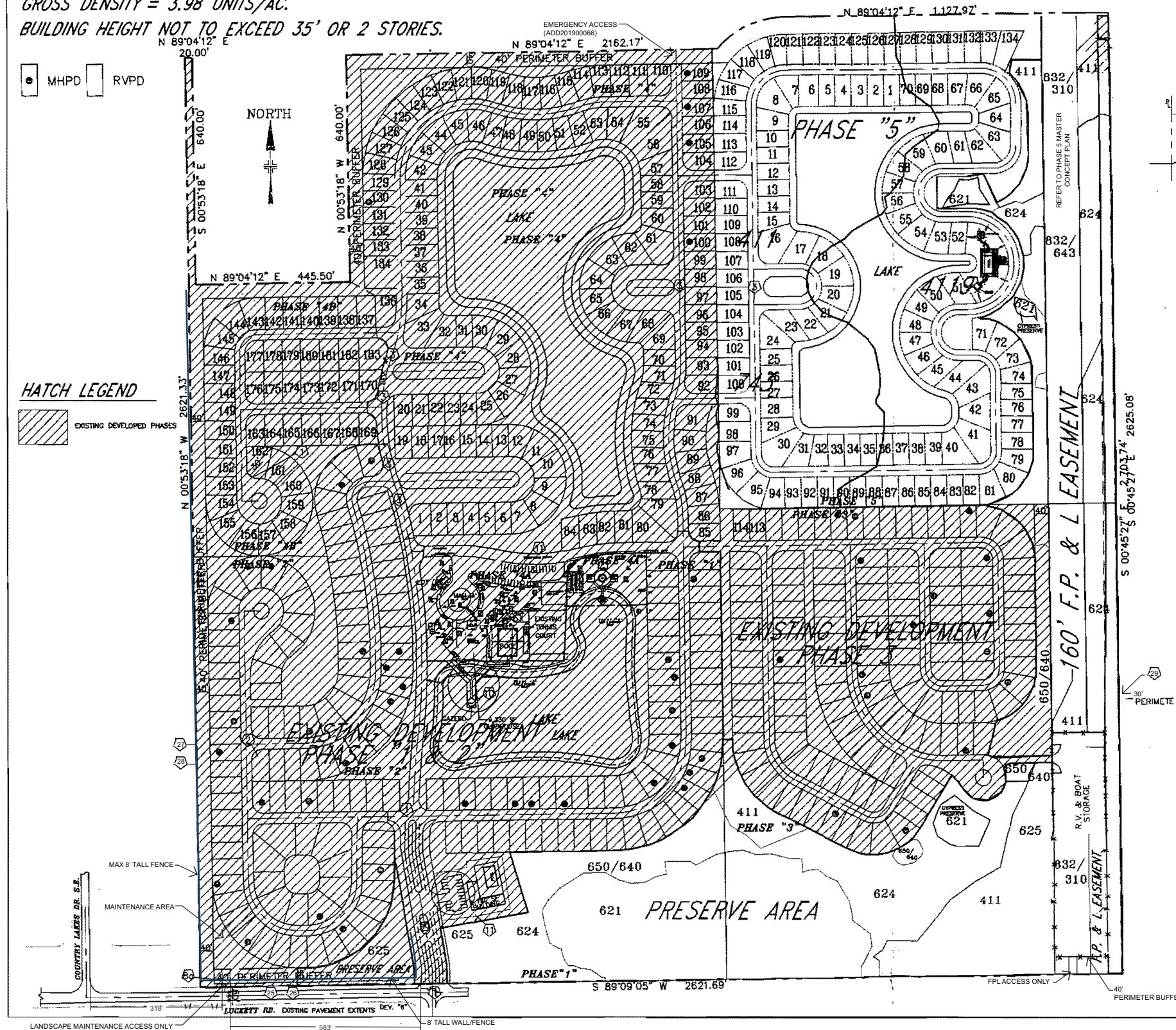
BUILDING HEIGHT NOT TO EXCEED 35' OR 2 STORIES.

 MHPD
  RVPD

NORTH

HATCH LEGEND

 EXISTING DEVELOPED PHASES

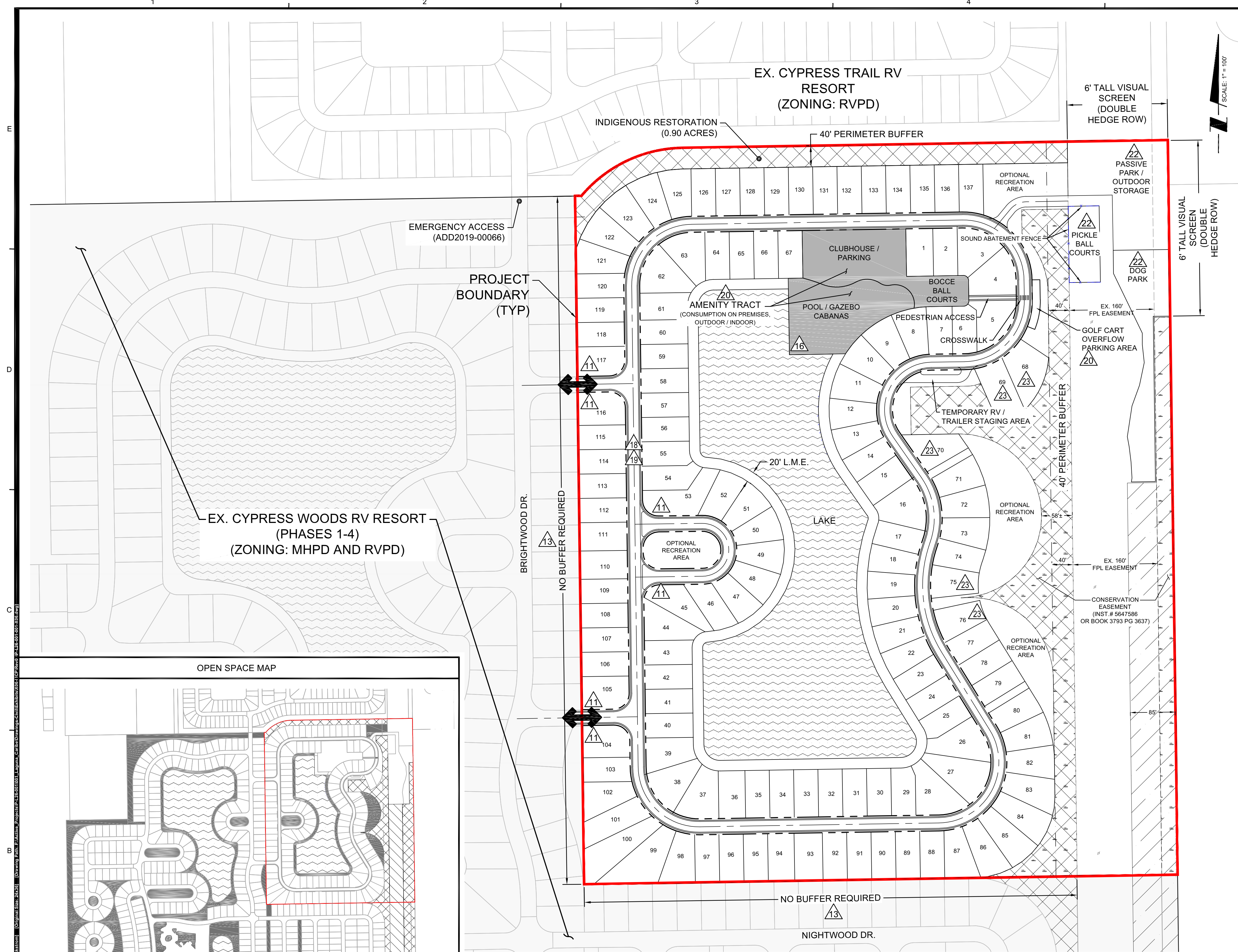
CYPRESS WOODS
R.V. RESORTADMINISTRATIVE AMENDMENT
ORIGINAL ZONING # Z-94-025MASTER CONCEPT PLAN
EXHIBIT III-A-1

HURRICANE SHELTER (PER LOC SECTION 10-258)
REQUIRED HURRICANE SHELTERS = (2.25)(672)(20)(435) = 13,806 S.F.
PROVIDED = 16,129 S.F.

DESIGNED BY:	IKS	CHECKED BY:	IKS	FILE NO.	
DRAWN BY:	JTA	CHECKED BY:	IKS		
DATE:	08/16/10	DATE:	05/28/2007	SHEET	3 OF 3
REVISION		APPROVED			3434

1
2
3
4
5
6
E
D
C
B
A

Additional info dated 12-23-2024



LEGEND

- CONSERVATION EASEMENT
- LAKE
- AMENITY TRACT
- PRESERVE
- RESIDENT INGRESS / EGRESS
- DEVIATION LOCATION

SITE DATA TABLE

RV LOTS/DEVELOPMENT TRACTS	14.6 AC. +/-
LAKE TRACT	5.7 AC. +/-
AMENITY TRACT	1.2 AC. +/-
ROADWAY / PAVEMENT	3.1 AC. +/-
OUTDOOR STORAGE / DOG PARK / PICKLE BALL COURTS	2.6 AC. +/-
INDIGENOUS / PRESERVE	4.9 AC. +/-
BUFFERS / OTHER OPEN SPACE	3.5 AC. +/-
TOTAL SITE AREA	35.6 AC.

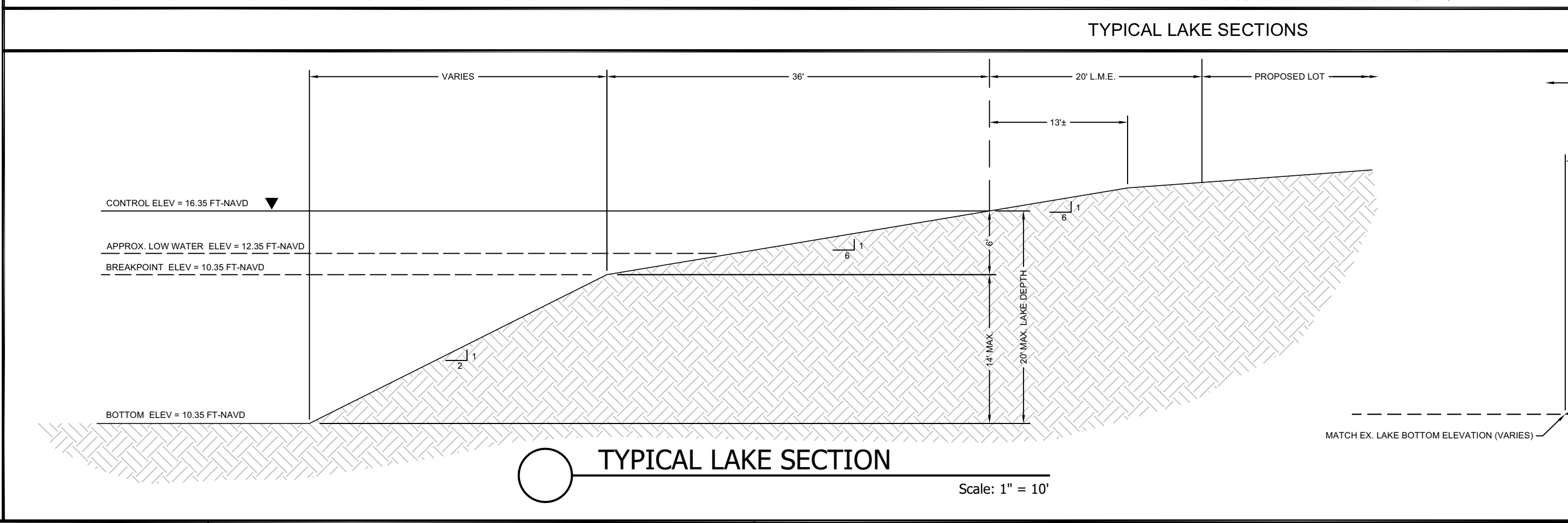
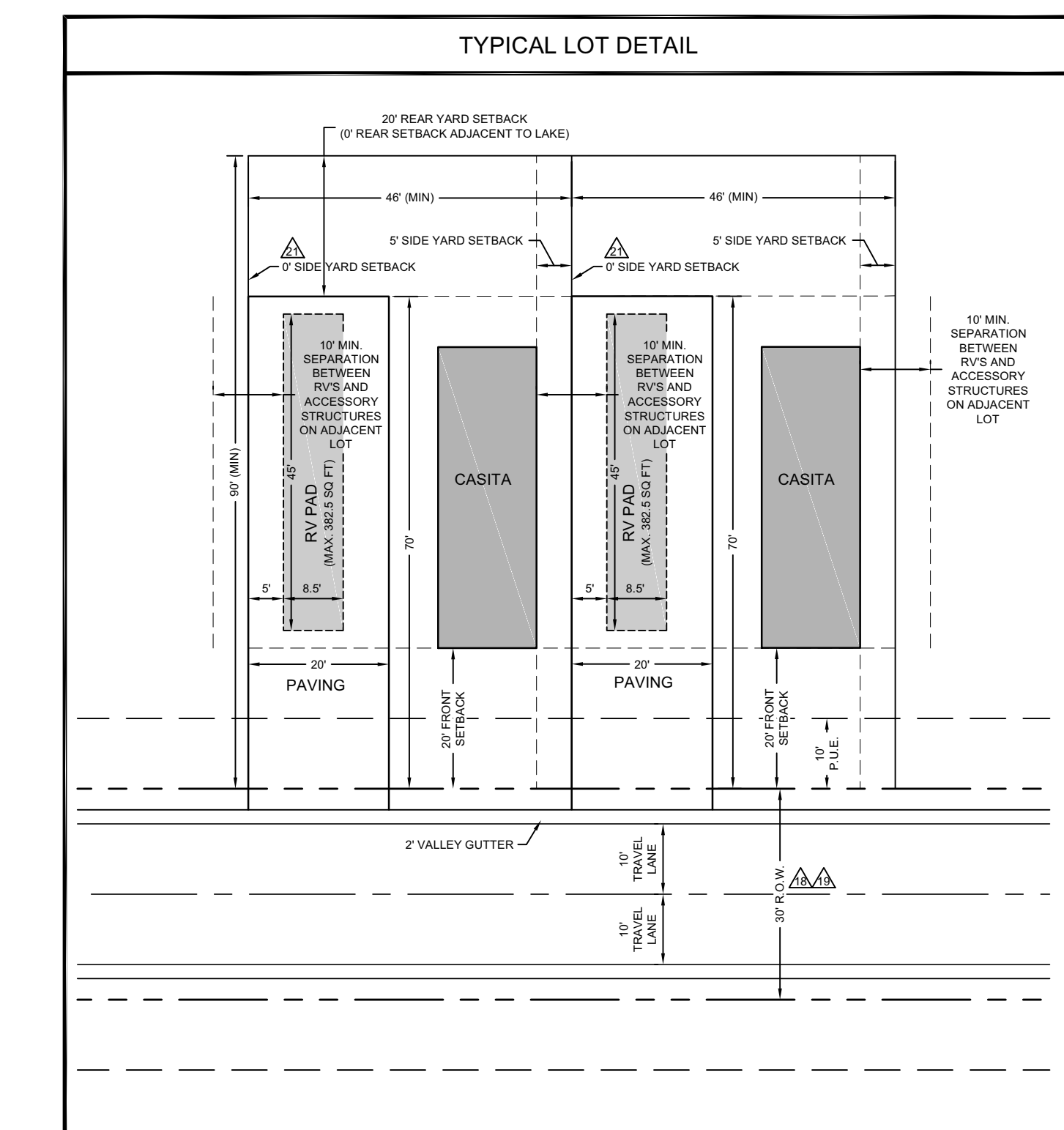
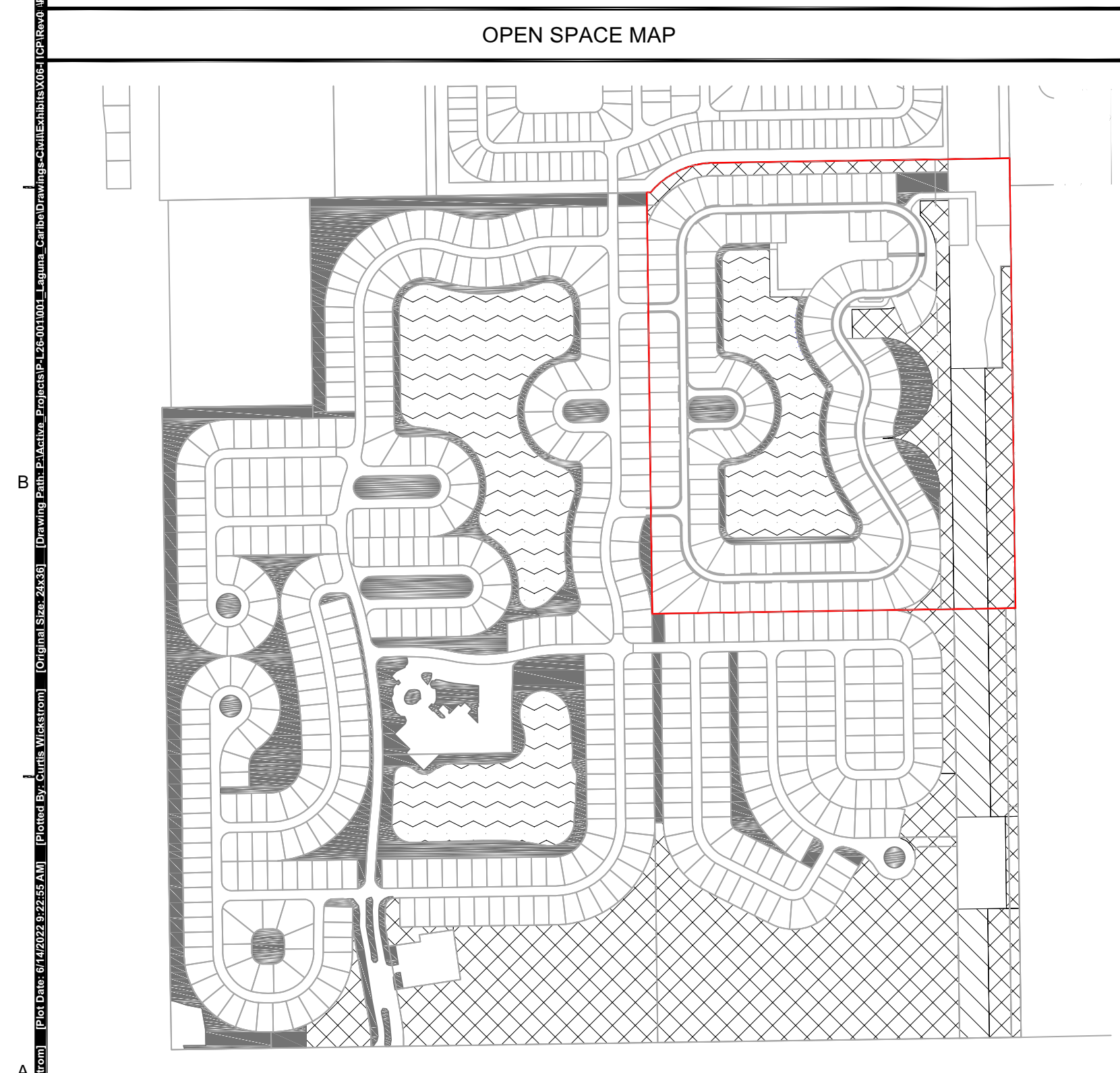
B.C. FOX SQUIRREL PRESERVE

B.C. FOX SQUIRREL PRESERVE AREA INCLUDES ALL INDIGENOUS OPEN SPACE AREAS AS INDICATED IN THE TABLE ABOVE (EXCLUDING THE INDIGENOUS RESTORATION AREA)

INDIGENOUS OPEN SPACE: 26.08 ACRES
INDIGENOUS RESTORATION: 0.90 ACRES
TOTAL B.C. FOX SQUIRREL PRESERVE AREA: 26.08 - 0.90 = 25.18 ACRES

EX. DUKE FARMS
LANDSCAPE NURSERY
(ZONING: AG-2)

Exhibit C



PENINSULA ENGINEERING

CIVIL ENGINEERING · LANDSCAPE ARCHITECTURE · ENVIRONMENTAL CONSULTING · LAND PLANNING · SITE PLANNING · CONSTRUCTION MANAGEMENT · OWNER REPRESENTATIVE

2600 Golden Gate Parkway
Naples, Florida 34105
Phone: 239.403.6700 Fax: 239.261.1797
Email: info@pen-eng.com Website: www.pen-eng.com
Florida Engineering Certificate of Authorization #202275
Florida Landscape Certificate of Authorization #LC26000632

PROJECT:

CYPRESS WOODS RV RESORT PHASE 5 RECREATIONAL VEHICLE PLANNED DEVELOPMENT

TITLE:

MASTER CONCEPT PLAN

OWNER/CLIENT/CONSULTANT:

LAGUNA CARIBE AT CYPRESS WOODS, LLC

REVISIONS:

No.	Revision:	Date:
1	REVISED PER COUNTY COMMENTS	3/27/20
2	REVISED PER COUNTY COMMENTS	9/18/20
3	DEVIATION #23 ADDED	07/13/20
4	SCHEDULE OF DEVIATIONS REMOVED PER COUNTY	08/09/20
5	REVISED PER STAFF REPORT	09/01/20
6	REVISED PER HEX CONDITIONS	12/30/20
7	CORRECTED TYPICAL LOT DETAIL	09/22/21
8	ADDED "CASITA" TO TYPICAL LOT DETAIL	02/11/22
9	REVISED TYPICAL LOT DETAIL	06/14/22

NOTES:

PROFESSIONAL SEALS:

PROFESSIONAL ENGINEER: DANIEL C. HARTLEY
FLORIDA LICENSE NUMBER: 73943

DATUM NOTE:
ALL ELEVATIONS ARE BASED ON NAVD 88 (NORTH AMERICAN VERTICAL DATUM OF 1988).

Bar Scale: 1" = 100'
0 20 50 100 200 300'

SEC: 11 TWP: 44 RGE: 25E
City: FORT MYERS County: LEE
Designed by: CURTIS WICKSTROM
Drawn by: CURTIS WICKSTROM
Date: JAN. 2016
Horizontal Scale: 1" = 200'
Vertical Scale: N.T.S.
Project Number: P-L26-001-001
File Number: P-L26-002-001-X06

Sheet Number: 4 of 4



**Cypress Woods RVPD
Open Space & Indigenous Preserve Table**

	LDC REQUIREMENT	REQUIRED	PROVIDED
OPEN SPACE	30% X 153.6 AC	46 AC	64.24 AC
LAKE/STORMWATER			17 AC
PRESERVE			33 AC
BUFFERS/OTHER OPEN SPACE			14 AC
INDIGENOUS PRESERVE	50% X 46.02 AC	23.01 AC	33.01 AC*

*Excludes native vegetation in FPL Easement and upland credits.



EARTH TECH
ENVIRONMENTAL

SHEET NO.

DATE	10/30/24
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PROJECT NO.	N
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SCALE
AS SHOWN

FLUCCS Mapping



**CYPRESS WOODS RV RESORT RVPD
PROPOSED CONDITIONS**

REVISED DECEMBER 2024

Changes to Conditions from are Z-20-027 as amended by ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2022-00142, ADD2023-00099 are shown in ~~strikethrough~~/underline format.

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

This zoning resolution codifies and supersedes Resolution Z-94-025, PD-95-019, ADD2002-00111, ADD2003-00122, Z-03-057, ADD2004-00102, ADD2010-00013, Z-11-021, ADD2019-00066, ~~and ADD2020-00049(A), ADD2021-00158, ADD2022-00021, ADD2022-00108, ADD2022-00142, and ADD2023-00099.~~

1. Development of this project must be substantially consistent with the 3-page MCP entitled "Cypress Woods R.V. Resort", prepared by Barbot, Steuart & Associates, Inc., date stamped received May 15, 2019, and the 1-page MCP entitled "Cypress Woods RV Resort Phase 5 Recreational Vehicle Planned Development", prepared by Peninsula Engineering, received ~~January 25, 2021~~ June 14, 2022, and attached hereto as Exhibit C, except as modified by the conditions below.

Development must comply with all requirements of the LDC and Lee Plan 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, conditions, or deviations are subsequently pursued, appropriate approvals will be necessary.

The overall RVPD is limited to 611 mobile home and RV units. 137 RV lots are permitted in Phase 5.

2. Uses and Site Development Regulations

- a. Schedule of Uses

Phases 1-5:

Accessory uses

Casitas (Consistent with LDC §34-1179)

Consumption on Premise

Food Stores, Group 1

Gazebos (maximum 2000 square feet)

Maintenance Area (Limited to maintenance trucks, maintenance sheds, and other vehicles/equipment needed for the maintenance of the development)

Personal Services, Group I

Administrative Offices

Entrance Gates or Gatehouse Essential Services Facility, Group I Excavation, Water

Retention Mobile Homes

Model Home, Unit, Display Center Park Trailers
 Recreational Facilities, Personal Recreational Vehicles
 Signs

Storage

Indoor

Open, Phases 1-4 only (Limited to RVs, Trailers, boats, and other vehicles/goods belonging to park residents)

Phases 5 only: No Change

b. Site Development Regulations

Phases 1-4:

Minimum Lot Area and Dimensions

Lot Area:	4,140 square feet
Width:	46 feet
Depth:	90 feet

Minimum Setbacks

Street:	20 feet
Side Street:	10 feet (Deviation 4)
Side:	<u>0 feet for RV pad to the side lot line,</u> <u>and 5 feet for RV or accessory structures to the</u> <u>side lot line;</u> <u>10 feet (for RVs)</u> <u>5 feet (for Mobile Homes)</u> <u>10 feet between parked RVs and accessory</u> <u>structures on adjacent lots¹</u>
Rear (Principal):	20 feet
<u>Rear (Accessory):</u>	<u>5 feet (0 feet from lake maintenance easement for</u> <u>waterfront lots)</u>
Water Body:	25 feet

¹RV Pads may be within 10 feet of accessory structures

Phase 5: No Changes

3. No Change

4. No Change

5. No Change

6. No Change

7. Indigenous Open Space:

The project must provide ~~35.09~~ 33.01 acres minimum of indigenous open space with credits for all phases of the project in conceptual compliance with the MCP

8. No Change

9. No Change

10. No Change

11. No Change

12. Accessory Setback:

~~Phase 5 lots~~ Lots must provide at least 10 feet between RVs and accessory structures on the adjacent lot. The RV pad may be within 10 feet consistent with the MCP "Typical Lot Detail".

13. No Change

14. No Change

15. No Change

Exhibit "A"**Property Description****THE CYPRESS WOODS PLATS****PARCEL 1:**

TRACT(S) A - J, CYPRESS WOODS RV RESORT UNIT ONE, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 65, PAGE(S) 85-89, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2:

TRACT(S) A - K, CYPRESS WOODS RV RESORT UNIT THREE, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 72, PAGE(S) 92-95, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 3:

TRACTS A - J, AND A-1, CYPRESS WOODS RV RESORT UNIT FOUR, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 79, PAGE(S) 68-71, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 4:

TRACTS A-C, CYPRESS WOODS RV RESORT UNIT FOUR-B, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2006000358211, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE LAGUNA CARIBE PLAT**PARCEL 5:**

TRACT A-2, LAGUNA CARIBE, PHASE 2, A SUBDIVISION BEING A REPLAT OF TRACT "F", LAGUNA CARIBE, PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2023000160379, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2023000286171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



KLAUBER GOLDMAN
THE DIFFERENCE IS TEAMWORK

OPINION OF TITLE

Klauber Goldman, P.A.

Project Name: Cypress Woods RVPD

Case Number: SCI2023-00030

Plat Numbers: Plat of Cypress Woods RV Resort Unit One, recorded in Plat Book 65, Page 85 through 89; Plat of Unit No. Three Cypress Woods RV Resort, recorded in Plat Book 72, Page 92 through 95; Plat of Cypress Woods R V Resort, Unit Four, recorded in Plat Book 79, Page 68 through 71 and Plat of Cypress Woods RV Resort Unit Four-B, recorded in Official Records Instrument Number 2006000358211 all being in the Public Records of Lee County, Florida (all owned by Cypress Woods RV Resort Homeowners Association Inc., a Florida not for profit corporation and referred to in this letter as the (“**Cypress Woods Plats**”).

Plat of Laguna Caribe, Phase 1, a Subdivision lying in Section 11, Township 44 South, Range 25 East, according to the Plat thereof, recorded in Instrument Number 2023000160379, and Plat of Laguna Caribe, Phase 2, a Subdivision being a Replat of Tract "F", Laguna Caribe, Phase 1, as recorded in Instrument Number 2023000160379, and lying in Section 11, Township 44 South, Range 25 East, according to the Plat thereof, recorded in Instrument Number 2023000286171 all being in the Public Records of Lee County, Florida (all owned by Laguna Caribe at Cypress Woods, LLC, a Florida limited liability company and referred to in this letter as the (“**Laguna Caribe Plat**”).

The Cypress Woods Plats and the Laguna Caribe Plat are collectively referred to as the “**Property**.”

Effective Date of Opinion of Title is December 9, 2024.

Certified To: Lee County Board of County Commissioners (the “Board”).

I am an attorney licensed and eligible to practice law in the State of Florida and I have searched the Public Records of Lee County, Florida and have examined the Title Search Report prepared by Old Republic National Title Insurance Company under order number 24118328 (the “Search”) to the real property more particularly described in the property description attached as Exhibit “A.” I have made a careful examination of the Public Records of Lee County, Florida, with respect to the real property described in attached Exhibit “A.” 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 on the foregoing, I am of the opinion that:

Title to the Cypress Woods Plats, as of the Effective Date of the Opinion of Title set forth above, is vested in Cypress Woods RV Resort Homeowners Association Inc., a Florida not for profit corporation and title to the Laguna Caribe Plat, is vested in Laguna Caribe at Cypress Woods, LLC, a Florida limited liability company, all as more fully described on Exhibit "A".

The following are all of those persons or entities holding a mortgage secured by the property, along with a brief description of the mortgage:

- Mortgage between Cypress Woods RV Resort Homeowners' Association, Inc., and the Administrator of the U.S. Small Business Administration, recorded April 17, 2023 in Instrument #2023000135312, Public Records of Lee County Florida.
- Amended and Restated Mortgage and Security Agreement (Notice of Future Advance), dated July 31, 2024, between Laguna Caribe at Cypress Woods, LLC, a Florida limited liability company (Mortgagor) and L26 Development, LLC, a Florida limited liability company (Borrower), to United Community Bank, an Illinois chartered bank, doing business as United Commonwealth Bank, Inc., successor by Assignment from Gulf Coast Business Bank, a Florida banking corporation (Mortgagee), recorded August 1, 2024 in Instrument #2024000215749, Public Records of Lee County Florida. Note: Original Mortgage recorded in Instrument #2021000212153.

The following are all easements, rights of way and other exceptions affecting the property to be platted, whether recorded or unrecorded:

- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Cypress Woods RV Resort Unit One, recorded in Plat Book 65, Page 85 through 89, of the Public Records of Lee County, Florida.
- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Unit No. Three Cypress Woods RV Resort, recorded in Plat Book 72, Page 92 through 95, inclusive, of the Public Records of Lee County, Florida.
- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Cypress Woods R V Resort, Unit Four, recorded in Plat Book 79, Page 68 through 71, of the Public Records of Lee County, Florida.
- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Cypress Woods RV Resort Unit Four-B, recorded in Official Records Instrument Number 2006000358211, of the Public Records of Lee County, Florida.
- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Laguna Caribe, Phase 1, a Subdivision lying in Section 11, Township 44 South, Range 25 East, Lee County, Florida, according to the Plat thereof, recorded in Instrument Number 2023000160379, of the Public Records of Lee County, Florida.

- Restrictions, covenants, conditions, easements and other matters as contained on the Plat of Laguna Caribe, Phase 2, a Subdivision being a Replat of Tract "F", Laguna Caribe, Phase 1, as recorded in Instrument Number 2023000160379, Public Records of Lee County, Florida and lying in Section 11, Township 44 South, Range 25 East, Lee County, Florida, according to the Plat thereof, recorded in Instrument Number 2023000286171, of the Public Records of Lee County, Florida.
- Right-of Way Agreement in favor of Florida Power & Light Company contained in instrument recorded April 25, 1956, in Deed Book 255, Page 492, of the Public Records of Lee County, Florida.
- Resolution of the Board of County Commissioners of Lee County recorded in Official Records Book 1751, Page 1476, of the Public Records of Lee County, Florida.
- Resolution of the Board of County Commissioners of Lee County recorded in Official Records Book 1921, Page 4495, as affected by Notice of Vacated Master Concept Plan recorded in Official Records Book 2151, Page 656, of the Public Records of Lee County, Florida.
- Covenant of Unified Control recorded in Official Records Book 2089, Page 375; Official Records Book 2107, Page 2167, and Official Records Book 2527, Page 3840, of the Public Records of Lee County, Florida.
- Lee County Ordinance No. 86-14 providing for mandatory solid waste collection and the imposition of special assessments for said collection services recorded November 30, 1990 in Official Records Book 2189, Page 3281 and amended by Ordinances No. 86-38 recorded in Official Records Book 2189, Page 3334, Ordinance 08-10, Ordinance 11-03 and Ordinance 11-27. Note: The special assessments for the current tax year are payable with the ad valorem taxes.
- Terms, covenants, conditions, restrictions, easements, assessments and possible liens created by and set forth in the Declaration of Covenants, Conditions and Restrictions and Articles of Incorporation of Cypress Woods RV Resort, recorded December 30, 1999; in Official Records Book 3205, Page 893; amendments recorded in Official Records Book 3791, Page 4591; Official Records Book 4456, Page 2164; Official Records Book 4463, Page 2286; Official Records Book 4463, Page 2289; as affected by Assignment of Developers Rights recorded in Official Records Book 4693, Page 1202; Supplement Declaration of Covenants, Conditions and Restrictions recorded in Official Records Book 4693, Page 1207; Official Records Instrument Number 2006000012587, Amendment recorded in Official Records Instrument Number 2006000231889, Official Records Instrument Number 2006000358212, Official Records Instrument Number 2006000374671, Official Records Instrument Number 2006000381744, Official Records Instrument Number 2013000065004; and Extinguishment and Termination of Portion of First Supplement recorded in Official Records Instrument Number 2013000250738, Official Records Instrument Number 2015000083646, Official Records Instrument Number 2017000166620, Official

Records Instrument Number 2018000033614, Official Records Instrument Number 2019000016679, Certificate of Amendment to Articles of Incorporation, Bylaws and Declaration of Covenants, Conditions and Restrictions recorded in instrument Number 2019000060572, and Amendment to Rules and Regulations for Cypress Woods RV Resort Homeowners Association, Inc. Official Records Instrument Number 2019000235214, and Assignment of Developer's Rights Official Records Instrument Number 2020000024855, Certificate of Amendment and Restatement of the Articles of Incorporation, Declaration of Covenants, Conditions and Restrictions, and By-Laws of the Cypress Woods RV Resort Homeowners' Association, Inc. recorded in Official Records Instrument Number 2021000385926; Certificate of Amendment recorded in Official Records Instrument Number 202400098998, and Certificate of Amendment recorded in Official Records Instrument Number 2024000099031, of the Public Records of Lee County, Florida, as may be subsequently amended.

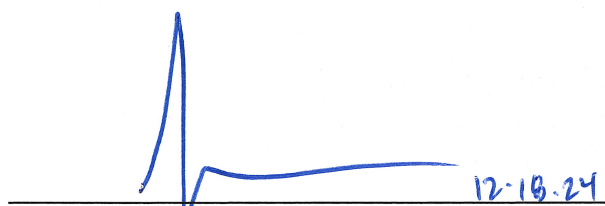
- Easement to Florida Power & Light Company, recorded in Official Records Book 3211, Page 2824, of the Public Records of Lee County, Florida.
- Deed of Conservation Easement to South Florida Water Management District recorded in Official Records Book 3793, Page 2637, of the Public Records of Lee County, Florida.
- Notice of Development Order Approval recorded in Official Records Book 4216, Page 3157, of the Public Records of Lee County, Florida.
- Easement granted to Florida Power & Light Company recorded in Official Records Book 4259, Page 972, of the Public Records of Lee County, Florida. (Parcel 1)
- Easement Agreement in favor of Kenora Land, LLC recorded in Official Records Book 4315, Page 3112 and subordination agreement recorded in Official Records Book 4325, page 4053, of the Public Records of Lee County, Florida.
- Agreement for Easements and Shared Use of Facilities recorded in Instrument Number 2007000290300, of the Public Records of Lee County, Florida.
- Easement to Comcast of California XIZ, LLC, recorded in Instrument Number 2007000311232, of the Public Records of Lee County, Florida.
- Amended and Restated Agreement for Cross Easements for Emergency Access recorded in Official Records Instrument Number 2012000112224 and Notice of Future Owners as recorded in Official Records Instrument Number 2012000193403, Public Records of Lee County, Florida.
- Easement Agreement as recorded in Instrument Number 2012000193405 and re-recorded in Instrument Number 2012000274643, as affected by Assignment and Assumption of Easement Agreement recorded in Instrument Number 2023000277708, Public Records of Lee County, Florida.

- Grant of Perpetual Public Utility Easement as recorded in Instrument Number 2014000022224, of the Public Records of Lee County, Florida.
- Notice of Development Order Approval recorded in Instrument Number 2021000030711, Public Records of Lee County, Florida.
- Lake Maintenance Plan & Deep Lake Maintenance Plan for Cypress Woods RV Resort Phase 5 (aka Laguna Caribe at Cypress Woods) recorded in Instrument #2022000259053, Public Records of Lee County, Florida.
- Drainage Easement and Maintenance Agreement recorded in Instrument Number 2023000135780, Public Records of Lee County, Florida.
- Terms and conditions of South Florida Water Management District Notice of Consent Order recorded in Instrument #2023000048023, Public Records of Lee County, Florida.
- Declaration of Covenants, Conditions and Restrictions of Laguna Caribe recorded in Instrument #2023000160378, and First Amendment recorded in Instrument #2024000254256, Public Records of Lee County, Florida, as may be subsequently amended.
- Easement in favor of Florida Power & Light Company recorded in Instrument Number 2023000288983, Public Records of Lee County, Florida. (Tract C-1)
- Easement in favor of Florida Power & Light Company recorded in Instrument Number 2023000288984, Public Records of Lee County, Florida. (Tract C-1)
- Easement in favor of Florida Power & Light Company recorded in Instrument Number 2023000288985, Public Records of Lee County, Florida. (Tract C-2)
- Assignment of Rents and Leases recorded August 1, 2024 in Instrument #2024000215750, Public Records of Lee County Florida.
- UCC Financing Statement recorded August 1, 2024 in Instrument #2024000215751, Public Records of Lee County Florida.
- UCC Financing Statement recorded June 25, 2021 in Instrument #2021000212155, as amended by Instrument #2023000285050, and as assigned in Instrument #2024000030863.

I have made legal and factual determinations as I have deemed pertinent or necessary for the purpose of rendering this opinion letter. I have assumed the genuineness of all signatures and the conformity to all original instruments of all copies of documents, records and other instruments furnished to me as part of the Search.

The opinions expressed in this document are qualified by the following: (1) my opinions are limited to the laws of the State of Florida as they exist on the date of this opinion, and I express no opinion as to the laws of any other jurisdiction; (2) I have assumed that any documents executed in the presence of anyone other than me have been properly executed and notarized where required; and (3) I disclaim any responsibility for advising the Board of any changes in the law.

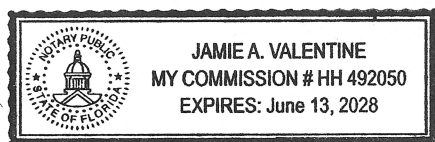
The opinions expressed in this document are given solely for the benefit of the Board in connection with the granting of the approval of a zoning amendment and related modifications to the applicable development regulations and may not be relied upon, in whole or in part, by the Board for any other purpose or relied upon by any other person, firm or corporation for any purpose, without my express prior written consent.

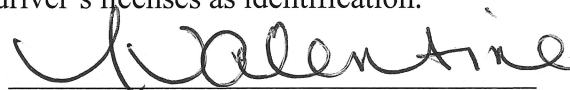

Adam Klauber, Esquire

State of Florida
County of Broward

The foregoing instrument was acknowledged before me by means of ☒ physical presence or ☐ online notarization, this 18 day of December, 2024 by Adam Klauber who ☒ is personally known or ☐ have produced a _____ driver's licenses as identification.

[Seal]





Notary Public

Print Name: Jamie Valentine

My Commission Expires: June 13, 2028

Exhibit "A"**Property Description****THE CYPRESS WOODS PLATS****PARCEL 1:**

TRACT(S) A - J, CYPRESS WOODS RV RESORT UNIT ONE, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 65, PAGE(S) 85-89, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 2:

TRACT(S) A - K, CYPRESS WOODS RV RESORT UNIT THREE, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 72, PAGE(S) 92-95, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 3:

TRACTS A - J, AND A-1, CYPRESS WOODS RV RESORT UNIT FOUR, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 79, PAGE(S) 68-71, INCLUSIVE, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

PARCEL 4:

TRACTS A-C, CYPRESS WOODS RV RESORT UNIT FOUR-B, A SUBDIVISION LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2006000358211, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

THE LAGUNA CARIBE PLAT**PARCEL 5:**

TRACT A-2, LAGUNA CARIBE, PHASE 2, A SUBDIVISION BEING A REPLAT OF TRACT "F", LAGUNA CARIBE, PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2023000160379, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA, ACCORDING TO THE PLAT THEREOF, RECORDED IN INSTRUMENT NUMBER 2023000286171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.



October 24, 2024

Lee County Department of
Community Development
1500 Monroe Street
Ft. Myers, Florida 33901
Attn: Adam Mendez

***Re: Cypress Woods RV Resort Homeowners Association, Inc. - Attorney Opinion
Letter
RVPD Amendment
DCI2023-00030
Project Name: Cypress Woods RVPD***

Mr. Mendez:

The undersigned is general legal counsel for the Cypress Wood RV Homeowners Association, Inc. ("Association" and/or "Applicant"), the homeowners association of which the property related to the above referenced application is subject. *See Legal Description of the subject Association property attached as **Exhibit "A."*** I am licensed by the State of Florida to practice law under Florida Bar No.: 511961. This correspondence is provided in response to your department's request for additional information; specifically for a letter of opinion of counsel in accordance with the provisions of the LDC.

Pursuant to your request, I have reviewed the Association's Governing Documents, including the Amended and Restated Declaration of Covenants, Conditions and Restrictions for Cypress Woods RV Resort and the Amended and Restated By-Laws of Cypress Woods RV Resort Homeowners Association, Inc., both recorded at Instrument No.: 2021000385926 in the Official Records of Lee County, Florida (the "Declaration"). Based on my review of the foregoing governing documents:

1. Applicant is the Association pursuant to the Declaration.
2. The Association has full authority to regulate all structures and improvements constructed on the common property, and may adopt, rescind and amend guidelines relating thereto, pursuant to the terms and conditions of the Declaration.
3. The Association has the authority to seek and apply for amendments, modifications, and deviations to the pertinent zoning resolutions relating to the Cypress Woods RVPD.
4. None of the zoning amendments being applied for herein would require any amendment to the governing documents.

Attorney Opinion Letter- Cypress Woods RVPD

Based upon the foregoing, it is my opinion that the submission of the above-referenced application for the zoning amendment by the Applicant/Association, does not violate: (i) any of the provisions of the Governing Documents; (ii) any law regulating homeowners associations; or (iii) the rights of any homeowners derived from the Governing Documents, nor would approval of the requested amendment by the County violate any such rights.

Finally, it is my opinion that Michael McMahon, current President and Director of the Association's Board of Directors, has the requisite authority to execute and apply for the zoning amendment being sought through Lee County on behalf of the Association. The scope of the requested projects requiring the zoning consideration are all with the Board's authority and maintenance, repair and replacement obligations of common elements and common property of the Association.

Please feel free to contact the undersigned should you require an expansion, or further explanation, of any of the information contained herein.

Very truly yours,

A handwritten signature in black ink, appearing to be 'M. Haller', written in a cursive style.

Mitchell B. Haller
For the Firm



**EXHIBIT A
LEGAL DESCRIPTION**

TRACTS A – J, BLOCK A, LOTS 1-57 & BLOCK B, LOTS 1-105, CYPRESS WOODS RV RESORT UNIT ONE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 65, PAGE 85-89, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TRACTS A - K & BLOCK C, LOTS 1-128, CYPRESS WOODS RV RESORT UNIT THREE, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 72, PAGE 92-95, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TRACTS A – J & BLOCK D, Lots 1-136, CYPRESS WOODS RV RESORT UNIT FOUR, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN PLAT BOOK 79, PAGE 69-71, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TRACTS A-C & LOTS 139-183, CYPRESS WOODS RV RESORT UNIT FOUR B, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON AND RECORDED IN INSTRUMENT NUMBER 2006000358211, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TRACTS A – E-2 & LOTS 1-10, 39-69 & 103-137, LAGUNA CARIBE PHASE 1, A SUBDIVISION, LOCATED IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000160379, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.

TRACTS A-2, TRACT F, LOTS 11-38 & 71-102, LAGUNA CARIBE PHASE 2, A SUBDIVISION BEING A REPLAT OF TRACT "F", LAGUNA CARIBE, PHASE 1, AS RECORDED IN INSTRUMENT NUMBER 2023000160379, PUBLIC RECORDS OF LEE COUNTY, FLORIDA AND LYING IN SECTION 11, TOWNSHIP 44 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA. ACCORDING TO THE PLAT THEREOF ON FILE AND RECORDED IN INSTRUMENT NUMBER 2023000286171, OF THE PUBLIC RECORDS OF LEE COUNTY, FLORIDA.