



LEE COUNTY
SOUTHWEST FLORIDA

BOARD OF COUNTY COMMISSIONERS

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(941) 479-8585

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September 12, 2001

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Ray Eubank, Community Program Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package for the 2000/2001 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2000/2001 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: January 22, 2001; February 26, 2001; March 26, 2001; April 23, 2001; June 4, 2001, June 25, 2001 and, July 23, 2001. The Board of County Commissioners transmittal hearing for the plan amendments was held on August 29, 2001. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: oonnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

Wayne Daltry
Executive Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2000/2001 LEE PLAN AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- PAM 98-06** Amends the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, amends Lee Plan Policy 1.1.6 and Table 1(a), Note 6.
- PAT 99-14** Amends the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical floodplain information and analysis. Given that the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. Policy 39.1.4 has been amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new floodplain information.
- PAT 99-20** Reevaluates the allocations of Table 1(b), Planning Community Year 2020 Allocations, for consistency with existing and approved developments.
- Amends Map 16, Planning Communities, of the Future Land Use Map series to revise the Planning Community boundaries to reflect the incorporation of Bonita Springs and on going "grass roots" planning efforts.
1. CPA2000-04 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Orange River property. This request was included in PAT 99-20, as part of the analysis for the Fort Myers Planning Community. The specific request of this privately initiated amendment were not transmitted.
 2. CPA2001-01 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Bonita Beach Road Residential Planned Development. This request was included in PAT 99-20, as part of the analysis for the Bonita Springs Planning Community. The specific request of this privately initiated amendment were not transmitted.
- CPA2000-02** Amends Map 12 of the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and,

amends Goal 15 of the Lee Plan by adding the following Objective and Policy:

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

CPA2000-03

Amends the Future Land Use Map series, Map 1, the Future Land Use Map, to change the Future Land Use designation from Mixed Use Interchange and General Interchange to Outlying Suburban for approximately 152.37 +/- acres of land generally located in the northwest quadrant of the interchange of I-75 and Daniels Parkway. The amendment also deletes Policy 1.3.6, the Mixed Use Interchange descriptor policy, and reclassifies approximately 2 +/- acres that would remain in the Mixed Use Interchange category as General Interchange. Also, amends the Planning Communities Acreage Allocation Table 1(b), for the Daniels Parkway Planning Community, to remove 68 residential acres from the Mixed Use Interchange category and add 68 residential acres to the Outlying Suburban category.

CPA2000-06

Amends Map 1 of the Future Land Use Map series for land near Eagle Road, Section 24, Township 43S, Range 23E, from Open Lands to Rural. In addition, the amendment adds a Footnote to Table 1 (a) clarifying an exception to the Rural category for the area limiting the density in this area to 1 du/2.25 acres. Staff believes that the Rural category is a more suitable designation for the site than the Open Lands category given the existing density of residential uses and the character of the area. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the request will have a minimal impact on public service providers.

CPA2000-07

Amends the Future Land Use Map Series by adding a map delineating an area in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17, 18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, amends Objective 1.7, Special Treatment Areas, of the Future Land Use Element by adding a new policy describing urban infill areas of the County.

The state of Florida may have money available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers Planning staff have identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties. The proposed plan

amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding. The Board of County Commissioners, when they co-signed the grant application, committed to a plan amendment that would identify the subject property as an Urban Infill area.

CPA2000-08

Amends the Future Land Use Map (FLUM) series, Map 1, to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map. The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.

CPA2000-09

Amends the Future Land Use Series, Map 1, by updating the Conservation Lands land use categories to include lands purchased by Lee County with the Conservation 2020 program and one property bought by the State of Florida (TIITF). New language was added to Policy 1.4.6 which states, "2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances." The Conservation Lands designation will give the County a competitive edge in obtaining grants, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels. The Conservation 2020 Program objective is to put into the public domain private lands that will sustain native plant and animal populations, help protect people and property from flooding, help replenish our underground drinking water supply, it will also help to improve or sustain the water quality of our coastal bays, inlets, and sounds, provide eco-tourism opportunities, and provide local environmentally-oriented recreational and educational opportunities.

CPA2000-10

Amends the Future Land Use Element by adding Research and Development as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The Research and Development land use is consistent with the uses that are already permitted in the Airport Commerce land use category. Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Research and Development uses would benefit from a location proximate to the airport, the University, and I-75.

CPA2000-11

Amends the Future Land Use Element by modifying Policy 6.1.2.6 to clarify that extension of the interstate interchange use is not by right, but is permissive and subject to County review and approval.

Policy 6.1.2.6 states that “any contiguous property under one ownership **may** be developed as part of the interstate interchange...” This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer. The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners given the potential impacts to the surrounding existing and future land uses. The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. Staff has proposed amended language to the policy to help clarify this issue.

CPA2000-13

Amends the future Land Use Element by adding a policy to Goal 16, Private Recreational Facilities in the DR/GR, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

CPA2000-14

Amends the Future Land Use Element by modifying Policy 16.3.9 to clarify the maintenance area intensity limitations. Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Staff’s examination of the regulation, however, reveals that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building. The combination of the two limitations would prevent future confusion over the intent of the policy.

CPA2000-15

Amends the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses. The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the “development area” to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property’s size, use, the zoning of surrounding

properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

CPA2000-17

Amends the Future Land Use Element by removing Goal 13, Bonita Springs, and relocates policies which should continue to apply to the remaining unincorporated areas of Bonita Springs. The amendment evaluates the affect of the incorporation of the City of Bonita Springs and the provisions of Lee Plan Goal 13. The amendment proposes to delete from the Lee Plan those provisions in Goal 13 that will be responsibility of the City of Bonita Springs. The provisions of Goal 13 that do apply to the areas in south Lee County outside of the city limits are proposed to be retained and relocated. The amendment also adds a map, Map 13, depicting an irrigation well overlay to the Future Land Use Map series.

CPA2000-19

Amends the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community. The proposed goals, objectives, and policies are the result of a year long planning process. They directly reflect the vision that the Estero Community has for its future growth and development. Staff believes that this amendment should be viewed as a first step in a continuous process that addresses planning needs in Estero. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future. The initial establishment of Goal 19 of the Lee Plan is the important first step that will open the door to address other land use planning issues in Estero as they arise. The Community identified a desire to maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment of potentially incompatible uses. The community has a desire to limit "tourist oriented uses," certain "detrimental uses," and high intensity uses along specific corridors. At the same time, the community expressed a desire for small-scale neighborhood commercial development.

CPA2000-21

This is a general update of the transportation element. The changes include a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual, a modification of Policy 26.1.3 to distinguish between traffic control devices and plans, an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination

with other governmental entities, addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and update of Policy 21.1.1 and the transportation map series to reflect the most recent MPO 2020 highway and transit plans.

CPA2000-22

Amends the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. The South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the effort.

CPA2000-23

Amends the Conservation and Coastal Management Element by adding a Policy under Goal 78, Policy 78.2.2, stating the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002. The Charlotte Harbor National Estuary Program has issued a draft Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan stating the County will review the plan in order to identify goals, objectives and policies relating to the recommendations of the drafted plan.

CPA2000-25

Amends the Parks, Recreation and Open Space Element by adding a new Objective and/or policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Open space in non-residential developments serves these functions as it does in residential developments. Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space. In addition, a new objective is proposed to require innovative open space design at the time of zoning review. This is consistent with other provisions of the Lee Plan and with the LDC. The purpose of the open space design is to assess the natural features of the site early in the development process, thereby incorporating the existing native vegetation in a manner that provides visual relief and buffers adjacent uses. Goal 52 of the Lee Plan should be modified to recognize the importance of open space and innovative design that incorporates natural features within developments.

- CPA2000-26** Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.
- CPA2000-27** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2000-29** Adds a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, amends the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, where applicable, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials. It should be ensured that all mined materials, organic and inorganic, are included under the language of Goal 10. The improved term, "Natural Resource Extraction," should be placed in the Lee Plan Glossary to support the new term.
- CPA2000-31** Amends Policy 1.7.1, Airport Noise Zones, of the Future Land Use Element by removing language pertaining to the dedication of noise and aviation easements to Lee County within noise zones 2 and 3. Also amends the Lee Plan by deleting Policy 32.2.6. pertaining to the Aviation Easements Program. In addition, amends the Lee Plan Glossary by removing the definition of the term aviation easement as it will no longer apply in the Lee Plan. The proposed amendment has no effect on existing or future land uses.

**CPA 2000-02
PRIVATELY INITIATED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585**

August 29, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2000-02**



Text Amendment



Map Amendment

	This document contains the following reviews:
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board Of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 21, 2001

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

THE BOCA BAY MASTER ASSOCIATION
REPRESENTED BY BEVERLY GRADY, ESQ.
ROETZEL & ANDRESS

2. REQUEST:

To amend Map 12 of the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and,

Amend Goal 15 of the Lee Plan by adding the following Objective and Policy:

Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.

Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning Staff recommends that the Board of County Commissioners transmit this plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Zoning resolution ZAB-83-352 granted preliminary Planned Unit Development (PUD) approval and a special exception in the PORT district for residential uses. Resolution Z-86-166 granted final approval to both of these measures in 1987. This development was further amended by Resolution Z-93-009 in 1993.
- The Boca Grande Pass Marina use no longer exists. The subject site was approved for conversion from water dependent uses to non-water dependent uses by resolution Z-99-054. This resolution approved the demolition of Boca Grande Pass marina and the subsequent development of 16 multifamily residential units on the site.
- The site has been cleared and as such there are no indigenous plant communities to disturb.
- There are no sites of historic or archeological importance impacted by the proposed change to the Lee Plan.
- The proposed amendment limits the potential traffic generation of the subject site.
- The proposed amendment limits utilities demands of the subject site.
- The proposed amendment limits development intensity of the subject site.

C. BACKGROUND INFORMATION

Boca Bay is a residential community on the south end of Gasparilla Island. In 1981, the Board of Commissioners approved resolution Z-81-258, which rezoned large portions of the Boca Grande area to the PORT district. The owners of the Boca Bay project appealed unsuccessfully and initiated litigation against the County. This legal action was dropped in 1984 when the County approved resolution ZAB-83-352. This granted a change from AG-2 zoning district to preliminary Planned Unit Development (PUD) approval and created a special exception in the PORT district for residential uses. Approximately 97 acres were affected by this approval. The northern parts of the Boca Bay development, Neighborhoods 1 through 4, were still zoned RM-2 and were not affected by ZAB 83-352 or subsequent resolutions concerning the PUD.

In 1987 final PUD and special exception approval was granted by resolution Z-86-166. 291 units were approved at a density of 3 units per acre to be distributed between three areas. Also permitted were a tennis club with food and beverage service and consumption on premises of alcoholic beverages, model homes in each neighborhood, a sales office, a guard house with gates, and appurtenant signs. At the same time, the portions of Boca Bay outside the PUD were approved for

77 residential units, 19 wet slip docks in the yacht basin, a beach club, guardhouses, Model homes, and a consumption on premises use by resolutions Z -86-170 and Z -86-171. This brought the total number of approved units for the Boca Bay development to 368.

In 1988, the board approved Z-88-151, which created a conservation easement and approved variations in neighborhood #5 in the PUD.

The Water Dependent Overlays were created in 1989 to protect marine-oriented land uses from incompatible or preemptive land uses. The Lee Plan was amended to include two WDOs on the southern end of Gasparilla Island (Attachment 1). The southernmost one is within the parcel owned by Florida Power and Light and consists of a fuel oil storage and transfer facility. The northern one was originally the Boca Grande Pass Marina and abutted the northern edge of the FPL facility. This latter WDO is the subject of this amendment.

In 1993 the PUD was further amended by Resolution Z-93-009. This specifically prohibited an 85-unit wet slip marina and allowed an additional 13 residential units in its place. This raised the total approved units in the PUD to 304 and the total in the Boca Bay development to 381.

In 1999, resolution Z-99-054 approved the conversion of a water-dependent use to a non-water-dependent use for the Boca Grande Pass Marina and approved 16 multifamily units on that site. The 16 units had to be taken from the 304 that were already approved for the PUD. Subsequently, the marina was demolished, removing the two dry-storage buildings. The residential units are under construction as of the writing of this report. On March 6, 2001, administrative approval was granted to substitute 2 single family residential units in lieu of 1 four-plex building.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

In a resubmittal dated January 24, 2001, (attachment 3) the applicant provides the following comments:

"The current Lee Plan is misleading. The proposed text and map amendment merely makes the Lee Plan correct and accurately reflect the position of the Board of County Commissioners of Lee County. The current Lee Plan still reflects on Map 12 for 'Water Dependent Overlay South Boca Grande' a portion of land which is already been determined by the Board of County Commissioners to be appropriate for residential use-non water-dependent uses.

In the same manner as there are special provisions in the Lee Plan for Buckingham, Pine Island and Gasparilla Island, the purpose of this request is to accurately reflect the decisions already made by Lee County.

The LDC current regulations provide for a Port District with intense commercial/industrial permitted uses. A special exception in the Port District which is solely available for the residential community of Boca Bay is residential use.

In Case No. 95-06-050.03Z 01.01 the Board of County Commissioners granted the following relief to the property which is the subject of this comprehensive plan amendment number CPA 2000-02. The Board of County Commissioners granted:

- 1. An amendment to the planned unit development (PUD) portion of Boca Bay to adopt a revision to the plans for Phase VI of South Village in Boca Bay to allow for the development of 16 dwelling units; and*
- 2. A special exception for residential use in the Port District and an amendment to the Final Plan in the Port District to allow the development of 16 dwelling units and an additional design to Phase VI of South Village in Boca Bay; and*
- 3. Conversion of water dependent uses to non water dependent uses within the Water Dependent Overlay Zone."*

The Boca Bay community is a residential area. The 1984 special exception for residential uses created a de facto residential zoning. The proposed amendment does not change any existing land uses and insures that future land uses will be consistent with existing approvals. Likewise, the conversion to residential use created by resolution Z-99-054 removed all water dependent uses from the portion of the WDO zone lying north of Belcher Road. This has rendered the WDO designation for this parcel unnecessary. The proposed Lee Plan amendment would remove the Boca Grande Pass Marina WDO zone from Map 12 (Attachment 2).

Transportation

The proposed amendment does not create any additional residential units or other uses. The proposed amendment allows only those uses approved by previous resolutions. As such, it precludes more intense uses and the resulting increase in trip generation.

Emergency Services

As this proposed amendment does not create additional infrastructure or residences, it does not increase the demand on EMS or fire protection services. In fact, the proposal limits demand as it precludes more intense uses from the subject area.

Hurricane Evacuation

Since the proposed amendment limits trip generation, it has no effect on hurricane evacuation time.

Utilities

The proposed amendment does not create any additional demand on either water or sewer facilities. In addition, the proposal precludes the more intense uses of the PORT designation from being developed and creating greater demands on utility services.

Environmental Concerns

The proposed change would not destroy or disturb any fragile or preserved plant communities in the WDO zone as the affected area had been previously disturbed when it was the Boca Grande Pass Marina. The proposed amendment creates no environmental concerns.

Soils

A summary report of the Boca Bay PUD lists the following soil types on the property: Canaveral fine sand, Captiva fine sand, Wulfert muck, Kesson fine sand, and St. Augustine sand (Attachment 4).

Development Intensity

The proposed amendment limits developmental intensity by precluding those uses in the PORT designation that are more intense than the uses specifically approved by previous resolutions.

Residential Density

The proposed amendment would not change the residential density of the Boca Bay community as previous resolutions have already determined the number of units in the PUD.

Historic Preservation

There are no known historic or archeological sites within the area of the proposed change. The proposed amendment has no effect on any known archeological or historic sites or areas.

Coastal Issues

Previous resolutions have addressed coastal issues for the subject site. As the proposed amendment limits further development to those uses specifically listed by previous resolutions, it creates no new coastal issues.

Population Accommodation

The proposed amendment will not change the population accommodation of the subject property.

B. CONCLUSIONS

The proposed amendment does not create new land uses or change existing ones. It simply ensures that the Boca Bay community is protected from incompatible land uses in the future. In doing so, the proposal will help maintain the local character of the area. This proposal also limits overall development intensity by precluding uses that might result in additional commercial intensity. Furthermore, by removing the marina WDO from the Lee Plan, this proposal clarifies the true intent of the property owner and reflects the reality of the existing, on-site development.

C. STAFF RECOMMENDATION

Planning Staff recommends that the board of County Commissioners transmit this Plan Amendment.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC LPA HEARING: June 4, 2001

A. LOCAL PLANNING AGENCY REVIEW

One LPA member asked if there were any uses not contemplated in the amendment that may be needed in this planned development or future rezonings that would be a problem in the future. Staff responded that the applicant had been asked this very question and was satisfied with the language. The previous resolutions on the property outlined the exact uses permitted on the subject property.

Another LPA member asked why this amendment had to be initiated privately instead of by the County. Staff responded that the County would only have initiated the removal of the WDO. Staff also said that there was not much time between the applicant's removal of the water dependent uses through the rezoning request and the initiation of this amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Board of County Commissioners transmit this amendment to add to the Lee Plan Objective 15.5 that removes the Boca Grande Pass Marina Water Dependent Overlay zone and to add Policy 15.5.1 that limits the uses within the PORT district in the Boca Bay PUD to those approved by resolutions Z-86-166, Z-93-009, and Z-99-054.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as advanced by the staff

C. VOTE

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>AYE</u>
GREG STUART	<u>AYE</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

AYE

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

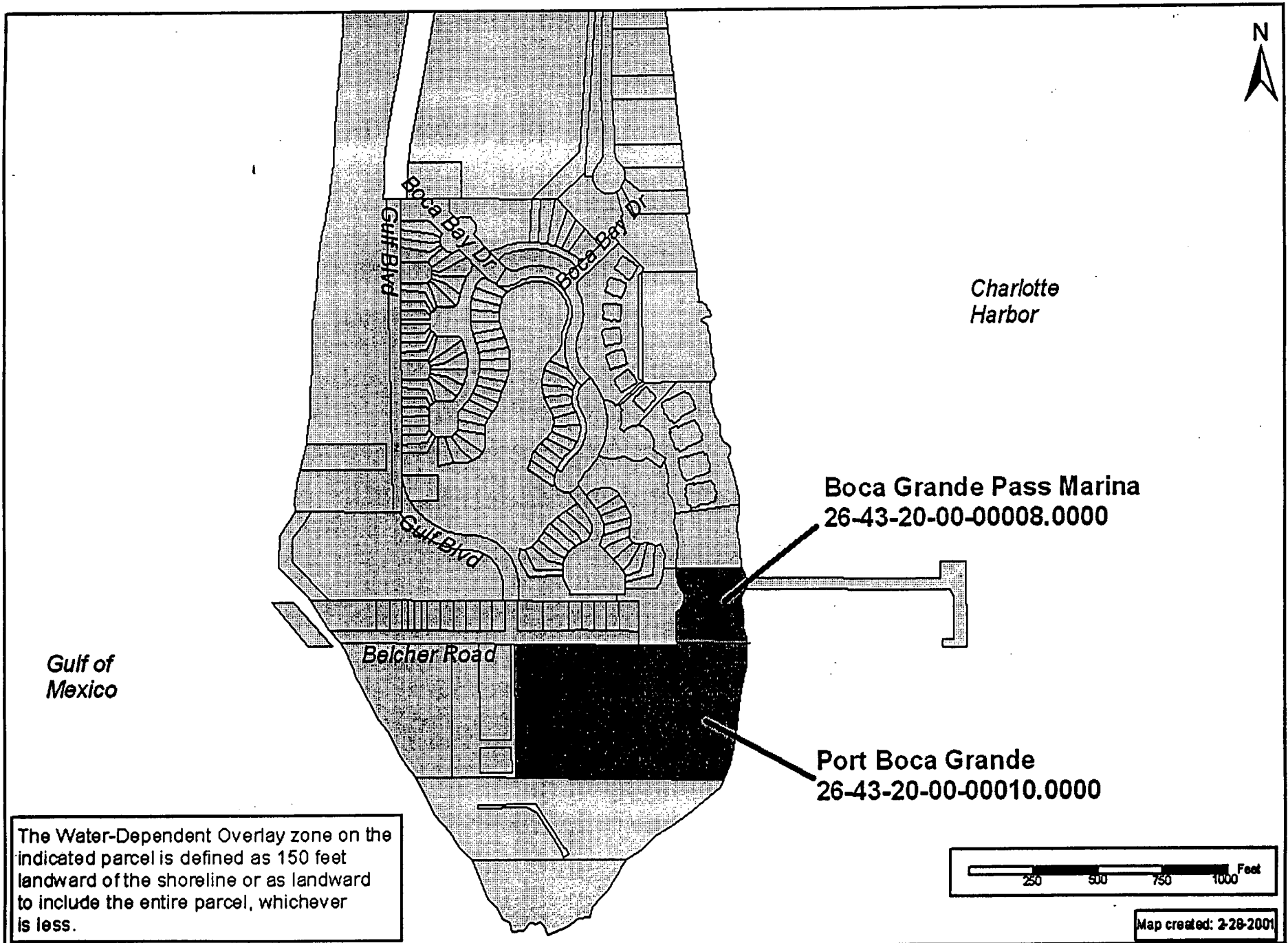
JOHN ALBION

ANDREW COY

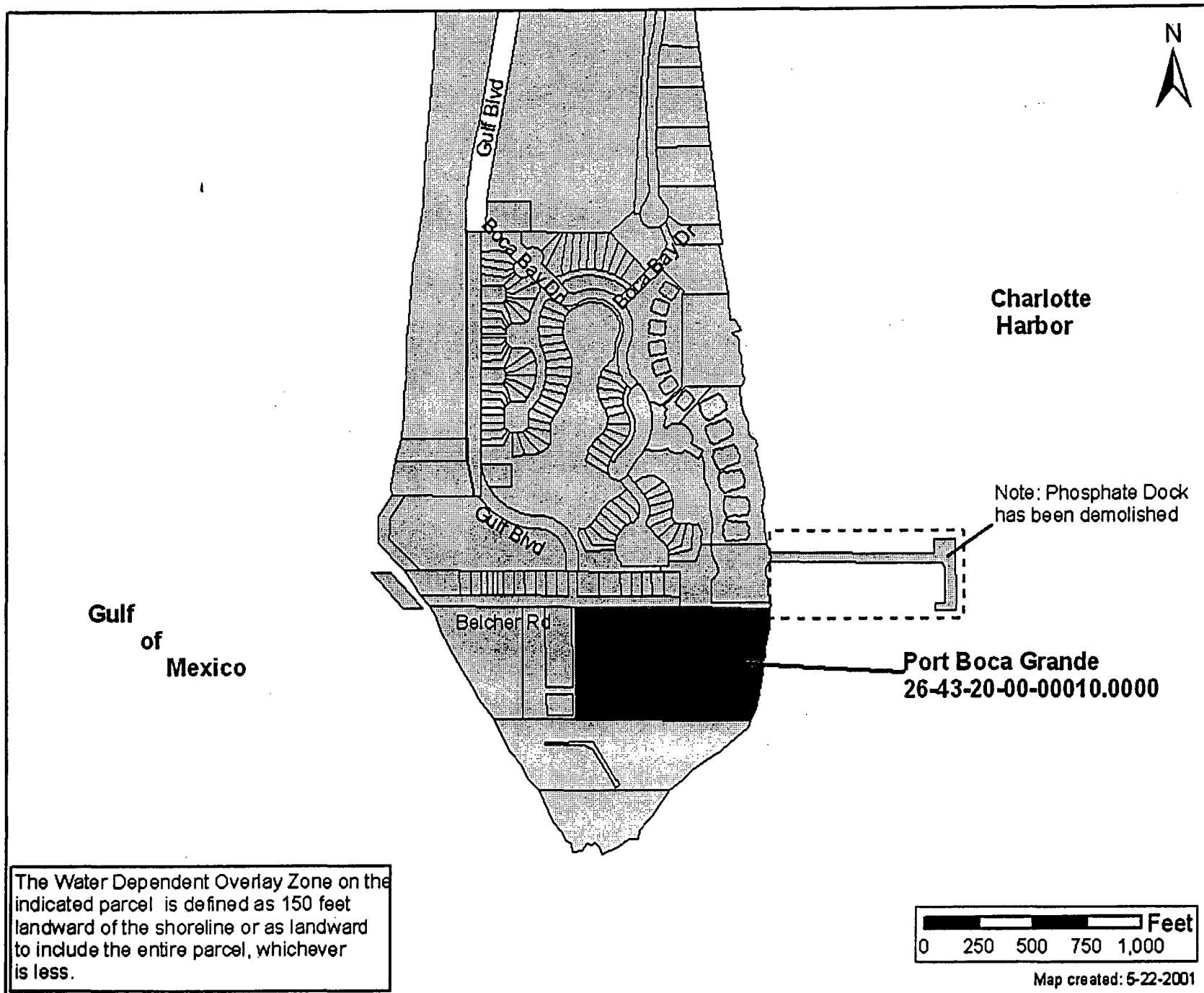
RAY JUDAH

BOB JANES

DOUG ST. CERNY



Attachment 1 Existing WDO Map



Attachment 2. Proposed WDO map

January 24, 2001

Mr. Peter Blackwell, Planner
Lee County
Post Office Box 398
Fort Myers, FL 33902-0398

Re: CPA2000-02 Lee Plan Text and Map Amendment

Dear Mr. Blackwell:

This is in response to your correspondence dated January 17, 2001. The current Lee Plan is misleading. The proposed text and map amendment merely makes the Lee Plan correct and accurately reflect the position of the Board of County Commissioners of Lee County. The current Lee Plan still reflects on Map 12 for "Water Dependent Overlay South Boca Grande" a portion of land which is already been determined by the Board of County Commissioners to be appropriate for residential use - non water dependent uses.

In the same manner as there are special provisions in the Lee Plan for Buckingham, Pine Island and Gasparilla Island, the purpose of this request is to accurately reflect the decisions already made by Lee County.

The LDC current regulations provide for a Port District with intense commercial/industrial permitted uses. A special exception in the Port District which is solely available for the residential community of Boca Bay is residential use.

In Case No. 95-06-050.03Z 01.01 the Board of County Commissioners granted the following relief to the property which is the subject of this comprehensive plan amendment number CPA2000-02. The Board of County Commissioners granted:

1. An amendment to the Planned Unit Development (PUD) portion of Boca Bay to adopt a revision to the plans for Phase VI of South Village in Boca Bay to allow for the development of 16 dwelling units; and
2. A special exception for residential use in the Port District and an amendment to the Final Plan in the Port District to allow the development of 16 dwelling units and an additional design to Phase VI of South Village in Boca Bay; and

3. Conversion of water dependent uses to non water dependent uses within the Water Dependent Overlay Zone.

To support the requested comprehensive plan amendment and the above statement, please find enclosed the following:

1. Staff report dated August 11, 1999 recommending approval of the above request with
Exhibit A - Map of surrounding zoning (which illustrates location of subject property)
Exhibit B - Resolution Z-93-009
Exhibit C - Applicant's supporting documentation
Exhibit D - Comments from The School District of Lee County
Exhibit E - **Comments from Division of Planning and Environmental Sciences**
Exhibit F - Comments from Emergency Management

Note that this subject property was the location of the former Pass Marina site which provided dry storage facility and marina use. The recommendation on behalf of the Planning Department of Lee County dated July 16, 1999 was to approve the elimination of the existing dry storage facility and marina use and no objection to the proposed amendment of approval of residential use in the Water Dependent Overlay Zone. The marina has been demolished.

2. Hearing Examiner Recommendation of Approval, hearing date August 11, 1999, issuance of Hearing Examiner Report - August 25, 1999.

Note page 3 of the Hearing Examiner's Report which finds as follows:

The Boca Bay Community, within which this change is being requested, is situated on the south end of Boca Grande. The only portion of the overall project to be affected by this requested change is its southern portion. There are two dry storage marina facilities/structures at that location, and they are no longer needed by the new owners of the project. The area is currently being used for construction storage, storage, and an office area for the construction of residential units within the South Village of Boca Bay. Furthermore, it has been determined that this area of Boca Grande Pass has currents that are too swift to allow for the safe operation of any wet slip storage. Therefore, the Applicant wishes to use this area to develop 16 housing units.

Note on page 5 as to conversion of water dependent use to non water dependent use, "the public hearing required by objective 8.1 of the Lee Plan has been met by the August 11, 1999 hearing" that was held before the Lee County Hearing Examiner.

Mr. Peter Blackwell, Planner
January 24, 2001
Page 3

4. Resolution Z-99-54 - The Board of County Commissioner approval of the above-referenced request.

We are requesting a revision to the language in our Comprehensive Plan Amendment as follows:

Lee Plan - Goal 15: Gasparilla Island be amended to add the following objective and policy:

Objective 15.5: - Port Facility The Water Dependent Overlay for South Boca Grande is limited to the Port Facility South of Belcher Road.

Policy 15.5.1 The commercial industrial uses permitted in the Port District (excluding residential, accessory uses and uses approved pursuant to the special exception) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.

The most significant reason to approve the text and map to Goal 15 and the Water Dependant Overlay Map 12 is that the amendments are technical only and are designed to clarify and reflect the actual planning and zoning status approved by the Board of County Commissioners in 1999.

Very truly yours,

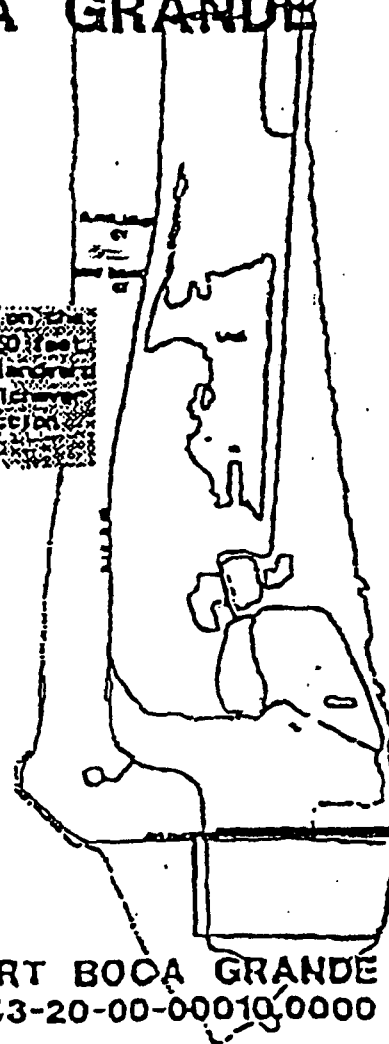

Beverly Grady
For the Firm

BG/umr
Enclosure

81044_1

WATER DEPENDENT OVERLAY SOUTH BOCA GRANDE

The water dependent overlay zone on the indicated parcel is defined as 150 feet landward of the shoreline or the landward to include the entire parcel, whichever is less. The base map is a reduction of the original.



PORT BOCA GRANDE
STRAP NO. 26-43-20-00-00010.0000



E. Soils: 2-Canaveral fine sand. This is a nearly level, moderately well drained to somewhat poorly drained soil on low ridges. In most years, under natural conditions, this soil has a water table at a depth of 18 to 40 inches for 2 to 6 months. The water table recedes to a depth of more than 40 inches during February through July. Natural vegetation consists of cabbage palm, seagrape, wild coffee, and an understory of vines and weeds. This soil has severe limitations for septic tank absorption fields, dwellings without basements, small commercial buildings, sewage lagoon areas, shallow excavations, and recreational uses. Excessive permeability can cause pollution of ground water in areas of septic tank absorption fields.

5-Captiva fine sand. This is a nearly level, poorly drained soil in sloughs. In most years, under natural conditions, this soil has a water table within a depth of 10 inches for 1 to 2 months. The water table is at a depth of 10 to 40 inches for 10 months during most years. Natural vegetation consists of cabbage palms, sand cordgrass, leatherleaf fern, and waxmyrtle.

23-Wulfert muck. This is a nearly level, very poorly drained soil on broad tidal swamps. The water table fluctuates with the tide. Areas are subject to tidal flooding. Natural vegetation consists of red mangrove, black mangrove, and needlegrass. Saltwater marshes are on level sites where saltwater and brackish water have a significant effect on plant composition. When in good or excellent condition, the saltwater marsh is dominated by smooth cordgrass, marshhay cordgrass, seashore saltgrass, and numerous other grasses and forbs. This soil has severe limitations for urban development and recreational uses. It is not suitable for cultivated crops, pasture grasses, citrus, or woodland. The flood hazard and high salt and sulfur content are limitations to these uses. This soil type indicates saltwater wetlands and is classified as a Resource Protection Area when its hydrologic and vegetation characteristics are in their natural state (Lee Plan Policy IX.D.5 and Appendix IX-I).

24-Kesson fine sand. This is a nearly level, very poorly drained soil in broad tidal swamps. Areas are subject to tidal flooding. The water table fluctuates with the tide. Natural

E. Soils: 2-Canaveral fine sand. This is a nearly level, moderately well drained to somewhat poorly drained soil on low ridges. In most years, under natural conditions, this soil has a water table at a depth of 18 to 40 inches for 2 to 6 months. The water table recedes to a depth of more than 40 inches during February through July. Natural vegetation consists of cabbage palm, seagrape, wild coffee, and an understory of vines and weeds. This soil has severe limitations for septic tank absorption fields, dwellings without basements, small commercial buildings, sewage lagoon areas, shallow excavations, and recreational uses. Excessive permeability can cause pollution of ground water in areas of septic tank absorption fields.

5-Captiva fine sand. This is a nearly level, poorly drained soil in sloughs. In most years, under natural conditions, this soil has a water table within a depth of 10 inches for 1 to 2 months. The water table is at a depth of 10 to 40 inches for 10 months during most years. Natural vegetation consists of cabbage palms, sand cordgrass, leatherleaf fern, and waxmyrtle.

23-Wulfert muck. This is a nearly level, very poorly drained soil on broad tidal swamps. The water table fluctuates with the tide. Areas are subject to tidal flooding. Natural vegetation consists of red mangrove, black mangrove, and needlegrass. Saltwater marshes are on level sites where saltwater and brackish water have a significant effect on plant composition. When in good or excellent condition, the saltwater marsh is dominated by smooth cordgrass, marshhay cordgrass, seashore saltgrass, and numerous other grasses and forbs. This soil has severe limitations for urban development and recreational uses. It is not suitable for cultivated crops, pasture grasses, citrus, or woodland. The flood hazard and high salt and sulfur content are limitations to these uses. This soil type indicates saltwater wetlands and is classified as a Resource Protection Area when its hydrologic and vegetation characteristics are in their natural state (Lee Plan Policy IX.D.5 and Appendix IX-I).

24-Kesson fine sand. This is a nearly level, very poorly drained soil in broad tidal swamps. Areas are subject to tidal flooding. The water table fluctuates with the tide. Natural vegetation consists of black mangrove, batis, oxeye daisy, and red mangrove. This soil has severe limitations for urban development, and it is poorly suited for cultivated crops, pasture grasses, citrus, and woodland because of the flood hazard and high salt and sulfur content. This soil type indicates saltwater wetlands and is classified as a Resource Protection Area when its hydrologic and vegetation characteristics are in their natural state (Lee Plan Policy IX.D.5 and Appendix IX-I).

48-St. Augustine sand. This is a nearly level, somewhat poorly drained soil that was formed by earthmoving operations. Most areas are former sloughs and depressions or other low areas that have been filled with sandy material. Included with this soil in mapping are areas where the fill material is underlain by organic soils and other areas where the fill material is less than 20 inches thick. Also included are areas that contain lenses or pockets of organic material throughout the fill. In addition, there are small scattered areas where the fill material is more than 35 percent shells or shell fragments. The depth to the water table varies with the amount of fill material and the extent of artificial drainage. However, in most years, the water table is 24 to 36 inches below the surface of the fill material for 2 to 4 months. It is below a depth of 60 inches during extended dry periods. Most of the natural vegetation has been removed. The soil is poorly suited to most plants unless topsoil is spread over the surface to make a suitable root zone. This soil has severe limitations for most urban and recreational uses. The sandy nature of the fill material, the high water table, and rapid permeability can cause pollution of ground water in areas with septic tank absorption fields.

Attachment 5
Previous Resolutions
Concerning the Boca Bay PUD

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

2258567

61.0
Bills
RECORD VERIFIED - CHARLIE GREEN, CLERK
BY: H. FERNSTROM, D.C.

WHEREAS, an application has been properly filed by CSX Realty, Inc. (formerly known as CSX Resources, Inc.) in the preliminary P.U.D. and PORT districts for the following requests, which were made part of the final P.U.D. plan review process for Boca Bay's Neighborhoods #5 through #10 and Tennis Club (pursuant to Resolution ZAB-83-352). This portion of Boca Bay would include 291 residential units, a tennis club in the southwest corner of the property with food and beverage service and consumption-on-premises of alcoholic beverages, 5 model homes in each neighborhood, a sales office, a guardhouse with entrance gates, and appurtenant signs. The specific requests were as follows:

- a) Modification of Condition 2 in Resolution ZAB-83-352, to allow improvement of a road bed within D.E.R. non-jurisdictional wetland;
- b) Variance from the Wetlands Protection Ordinance (No. 85-42, Section 5.02), to allow construction of this road bed within a "Resource Protection Area";
- c) Modification of Condition 7 in Resolution ZAB-83-352 requiring RM-5 development standards in the PORT district, to substitute PUD property development regulations as specifically illustrated on the final site plan submitted for the PORT district (and as further described below);
- d) Modification of Condition 12 in Resolution ZAB-83-352, to change the timing of the utility agreement from "prior to final plan approval" to "prior to issuance of the final development order on each phase";
- e) Withdrawn by applicant;
- f) Withdrawn by applicant;
- g) Deviation from the requirement that a P.U.D. must be developed under unified control (606.B and 606.C.2), to allow the developer to convey subparcels within the P.U.D. to parties other than ultimate project residents;
- h) Deviation from the required perimeter setback of one-half the building height (484.E.3), to 0 feet on internal lines that had been shown on the preliminary P.U.D. plan;
- i) Withdrawn by applicant;
- j) Deviation from the required building separation of one-half the sum of the building heights (but no less than 20 feet) (484.E.5), to 0 feet to clarify conflicting notations on the preliminary P.U.D. plan regarding spacing between structures;

- k) Deviation from the required lot width of 75 feet (605.D.3), to 30 feet in Neighborhood #6;
- l) Deviation from the required lot width of 75 feet and area of 7500 square feet (605.D.3), to 40 feet of width and 5000 square feet of area in Neighborhood #10;
- m) Deviation from the required 5-foot setback for a wall from any street right-of-way (500.15.B), to 0 feet along Gulf Boulevard;
- n) Deviation from minimum parking area setback (606.D and 500.21), to 0 feet on the internal lines of the property within applicant's ownership or control;
- o) Withdrawn by applicant;
- p) Deviation from the required 150-foot excavation setback from a street right-of-way (500.4.D), to 15 feet;
- q) Withdrawn by applicant;
- r) Variance from the requirement that "Category C" local roads have a wearing surface of one-inch asphaltic concrete (DSR Table D-1-7.c.(2)), to allow a shell road for Neighborhoods #5, #6, and #7; and
- s) Variance from the minimum elevation of local subdivision streets of 5.5 feet above mean sea level (DSR D.4.a.(3)), to allow parking areas only to be a minimum of 4.5 feet above mean sea level for Neighborhoods #5, #6, and #7.

WHEREAS, the subject property is located on Gasparilla Island, from Gulf Boulevard on the west to Charlotte Harbor on the east; the property encompasses the former port and also a shoreline parcel along the former railroad grade. These irregularly shaped parcels are located south of Boca Grande, and are described more particularly as follows:

LEGAL DESCRIPTION: In Section 23 and 26, Township 43 South, Range 20 East, Lee County, Florida:

**P.U.D. AND SPECIAL EXCEPTION PARCEL
NEIGHBORHOODS #5 THROUGH #10**

A tract or parcel of land lying in Government Lots 1, 2, 5 and 6, Section 23 and Government Lots 1, 2, and 3, Section 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida, which tract or parcel is described as follows:

From the northeast corner of Government Lot 2 of said Section 23 run S 89° 22' 31" W along the north line of said lot in said Section 23, being also the north line of the former United States Military Reservation referred to in deed to Charlotte Harbor and Northern Railway Company recorded in Deed Book 129 at page 346, Lee County Records for 96.46 feet to an intersection with a line 50 feet easterly from (as measured on a perpendicular) the former main track centerline of the Seaboard Air Line Railroad and the Point of Beginning.

From said Point of Beginning continue S 89° 22' 31" W along said north line for 51.49 feet to said centerline; thence run S 14° 25' 00" E along said centerline for 1,019.39 feet to an intersection with the south line of the North 990 feet of said Government Lot 1, Section 23; thence run S 89° 22' 31" W along said south line for 51.48 feet to an intersection with a westerly line of said Seaboard Air Line Railroad; thence run S 14° 25' 00" E along said westerly line for 1768.03 feet to a point of curvature; thence continue southerly along said westerly line along the arc of a curve to the

right of radius 1860.05 feet (chord bearing S 02° 43' 19" W) (chord = 1096.26 feet) for 1112.78 feet to a point of tangency; thence continue along said westerly line S 19° 51' 38" W for 476.31 feet; thence run S 28° 51' 38" W for 641.21 feet to a point of curvature; thence run southerly along the arc of a curve to the left of radius 1712.54 feet (chord bearing S 16° 08' 49" W) (chord = 753.78 feet) for 760 feet to a point of tangency; thence run S 03° 26' 01" W, parallel with the westerly line of said railroad right-of-way, for 830.00; thence run S 28° 20' 22" E for 227.89 feet to an intersection with said westerly line of said railroad; thence run S 03° 26' 01" W along said westerly line for 1353.08 feet; thence deflect 43° 23' to the right and run S 46° 49' 01" W along a northwesterly line of said lands as described in said deed for 150.53 feet to an intersection with a north line of said lands; thence run S 89° 55' 35" W along said north line for 599.31 feet to the railroad rail referred to as Monument "A" in said deed; thence run S 00° 04' 25" E along the west line of said lands as described in said deed for 1199.91 feet to a railroad rail referred to as Monument "B" in said deed; thence deflect to 90° 10' to the right and run N 89° 54' 25" W along a north line of said lands as described in said deed for 374.48 feet; thence run S 33° 20' 35" W for 130.23 feet; thence run S 01° 35' 35" W for 90.64 feet; thence run S 44° 39' 25" E for 200.72 feet to an intersection with a south line of said lands as described in said deed; thence run S 89° 42' 59" E along said south line for 473.59 feet to a 3/4" pipe; thence continue S 89° 42' 59" E along said south line for 411 feet to a 3/4" pipe; thence run N 00° 17' 01" E for 150 feet to a 3/4" pipe; thence run S 89° 42' 59" E for 290 feet to a 3/4" pipe; thence run N 00° 17' 01" E for 100 feet to a 3/4" pipe; thence run S 89° 42' 59" E for 344 feet to a 3/4" pipe; thence run S 00° 17' 01" W for 161 feet to a 3/4" pipe; thence run S 89° 42' 59" E for 106 feet more or less to the approximate Mean High Tide Line of Charlotte Harbor; thence run northerly and northeasterly along said Line for 7860 feet more or less to an intersection with the south line of the North 1980 feet of said Government Lot 1 in said Section 23; thence run S 89° 22' 31" W along said south line for 914 feet more or less to an intersection with said easterly line of said former railroad right-of-way; thence run N 14° 25' 00" W along said easterly line for 2038.78 feet to the Point of Beginning. Containing 96.51 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers are:

23-43-20-00-00008.0030;
23-43-20-00-00008.0040;
23-43-20-00-00101.0000;
26-43-20-00-00001.0050;
26-43-20-00-00001.0040;
26-43-20-00-00001.0060;
26-43-20-00-00001.001A;
26-43-20-00-00001.0010; and

WHEREAS, proper authorization has been given to Humphrey, Jones & Myers, P.A., Kenton Randall Keilling of Johnson Engineering, Inc., H. Thomas Dunck, General Counsel for CSX Resources, Inc., and Mark S. Hoffmann, Associate Counsel for CSX Resources, Inc., by R. C. McGowan, President of CSX Resources, Inc., the fee simple owner and also agent for Seaboard System

Railroad, Inc., another owner of portions of the subject parcels, to act as agents to pursue this zoning application; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Planning and Zoning Commission, with full consideration of all the evidence available to the Planning and Zoning Commission; and

WHEREAS, the Lee County Planning and Zoning Commission fully reviewed the matter and recommended partial approval with conditions, based on the recommendations of staff in their report dated November 21, 1986, and on the testimony and evidence presented; and

WHEREAS, a public hearing was legally and properly advertised and held before the Lee County Board of County Commissioners; and

WHEREAS, in the legislative process the Lee County Board of County Commissioners gave full and complete consideration to the recommendations of the staff, the Planning and Zoning Commission, the documents on file with the county, and the testimony of all interested persons:

LEGISLATIVE HISTORY:

CSX Resources had applied for final plan approval of that portion of their Boca Bay development that was approved in Resolution ZAB-83-352. That resolution granted preliminary P.U.D. approval and also granted a special exception in the PORT zoning district for residential uses. Under the terms of that resolution, both the P.U.D. and the PORT property were required to get final plan approval using the normal final P.U.D. process. (Other portions of Boca Bay were the subject of simultaneous but separate zoning requests in cases 86-10-8 and 86-10-9.) A complete discussion of the zoning requests can be found in the staff summary reports dated January 7, 1987, on file with the Lee County Department of Community Development. CSX clarified that the legal documents for Neighborhood #6 will provide for use of the driveway for ingress and egress for the units in Neighborhood #6 and that the front setback for the individual units shall be measured from the property line and not from the driveway. Specific requests e), f), i), o), and q) were withdrawn by CSX prior to final action by the Board of County Commissioners, and therefore no action by the Board was required.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that the Board of County Commissioners does hereby DENY requests a), b), d), and m), and does hereby APPROVE the following requests in the Planned Unit Development (P.U.D.) and PORT districts for Boca Bay's Neighborhoods #5 through #10, and does hereby APPROVE final plans in accordance with Resolution ZAB-83-352, for a project to include 291 residential units, a tennis club in the southwest corner of the property with food and beverage service

and consumption-on-premises of alcoholic beverages, 5 model homes in each neighborhood, a sales office, a guardhouse with entrance gates, and appurtenant signs, subject to the following general conditions, and to the additional specific conditions noted under the individual approved requests:

- (1) [Proposed condition not adopted.]
- (2) [Proposed condition not adopted.]
- (3) No new or replacement vertical bulkheading, either above or below mean high water, will be permitted in this development.
- (4) South of the existing riprap, CSX shall establish and insure survival of a native vegetative community similar in species diversity and density to the area north of the existing riprap, to extend at least the first 25 feet from mean high water. Throughout the development, all existing ground contours and all native vegetation waterward of 25 feet above mean high water shall remain undisturbed by CSX and remain undisturbed in the future through deed restrictions or other legal mechanisms.
- (5) Prior to the issuance of any development order, the applicant shall execute and record a Declaration of Covenants and Restrictions substantially the same as the draft submitted on January 6, 1987.
- (6) If any archaeological sites are identified during the construction of the project, development activities in the impacted areas will cease in order to allow a survey to be completed.
- (7) Prior to the issuance of any development order, the applicant shall have a formalized agreement with the Gasparilla Island Water Association to provide potable water and sanitary sewer, including financial arrangements to cover both capital and operating costs.
- c) Modification of Condition 7 in Resolution ZAB-83-352 requiring RM-5 development standards in the PORT district, to substitute PUD property development regulations as specifically illustrated on the final site plan submitted for the PORT district (and as further described below);
- g) Deviation from the requirement that a P.U.D. must be developed under unified control (606.B and 606.C.2), to allow the developer to convey subparcels within the P.U.D. to parties other than ultimate project residents, subject to the following condition:
 - (8) A covenant of unified control satisfactory to the Lee County Attorney shall be recorded in the public records prior to the issuance of any development order on this property. Such covenant shall include the elements of the draft found in Attachment L of the January 7, 1987, staff report, and also shall include an acknowledgement that the conditions of approval will also be enforced by Lee County regardless of the ownership of the property.
- h) Deviation from the required perimeter setback of one-half the building height (484.E.3), to 0 feet on internal lines that had been shown on the preliminary P.U.D. plan;

- j) Deviation from the required building separation of one-half the sum of the building heights (but no less than 20 feet) (484.E.5), to 0 feet to clarify conflicting notations on the preliminary P.U.D. plan regarding spacing between structures [approved only as shown on the final P.U.D. plans];
- k) Deviation from the required lot width of 75 feet (605.D.3), to 30 feet in Neighborhood #6 [approved only as shown on the final P.U.D. plans];
- l) Deviation from the required lot width of 75 feet and area of 7500 square feet (605.D.3), to 40 feet of width and 5000 square feet of area in Neighborhood #10, subject to the following condition:
 - (9) Approval of lots less than 7500 square feet is subject to the approval of the Community Development Director, who shall attempt to insure that all lots are so configured as to permit the construction of a home, and that adverse impacts are not created on adjoining properties.
- n) Deviation from minimum parking area setback (606.D and 500.21), to 0 feet on the internal lines of the property within applicant's ownership or control;
- p) Deviation from the required 150-foot excavation setback from a street right-of-way (500.4.D), to 15 feet, subject to the following condition:
 - (10) Water retention excavation may be as close as 25 feet to internal local streets, measured from the highest level on the excavation bank proposed, designed, or intended to be used for the storage of stormwater, to the edge of the street right-of-way.
- r) Variance from the requirement that "Category C" local roads have a wearing surface of one-inch asphaltic concrete (DSR Table D-1-7.c.(2)), to allow a shell road for Neighborhoods #5, #6, and #7, subject to the following condition:
 - (11) The wearing surface of common driveways may be constructed of compacted shell where the driveways serve 10 or fewer residential units and are to be perpetually maintained by a private entity; however, the aprons of these common driveways must be paved to a distance of 40 feet from the edge of the main loop road, and the construction standards for shell driveways are subject to the approval of the County Engineer.
- s) Variance from the minimum elevation of local subdivision streets of 5.5 feet above mean sea level (DSR D.4.a.(3)), to allow parking areas only to be a minimum of 4.5 feet above mean sea level for Neighborhoods #5, #6, and #7.

Reduced copies of sheets 1, 7, 8, 9, 10, 11, 12, and 13, of 48 (revised through January 7, 1987, except for sheet 10 which was further revised on January 12, 1987) from Johnson Engineering [marked as site plan SP-86-166] are attached hereto and incorporated herein by reference, as reduced copies of the approved final plans.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Goss, and seconded by Commissioner Slisher and, upon being put to a vote, the result was as follows:

Porter J. Goss	Aye
Charles L. Bigelow, Jr.	Aye
Mary Ann Wallace	Aye
Bill Fussell	Aye
Donald D. Slisher	Aye

DULY PASSED AND ADOPTED this 12th day of January, A.D., 1987.

ATTEST:
CHARLIE GREEN, CLERK

BY: Mary Ann Wallace
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Bill Fussell
Chairman

Approved as to form by:

Charles J. Brannitt
County Attorney's Office

FILED

APR 10 1987

CLERK CIRCUIT COURT
BY Mary Ann Wallace D.C.

OFF 10 061309
REC

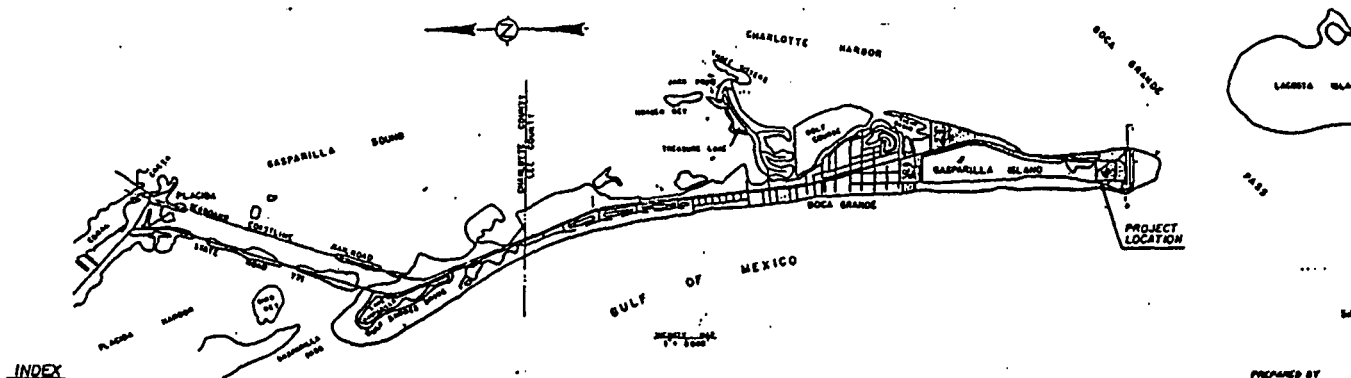
PRELIMINARY
ENGINEERING PLANS
FOR

BOCA BAY

SECTIONS 23,24 & 25 TOWNSHIP 43S RANGE 20 E

LEE COUNTY, FLORIDA
FOR

CSX RESOURCES, INC.



INDEX

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2	INDEX MAP
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14	LAND USE MODIFICATION PLAN
15-23	MASTER DRAINAGE PLAN
24-30	PLAN AND PROFILE SHEET
31	ROAD AND DRAINAGE DETAILS
32-45	PRELIMINARY WATER AND SEWER SYSTEM
46-48	SEWING, WATER/SEWER DETAILS
APPENDIX -A-D	LANDSCAPE PLAN

JUNE 1966

CHARLOTTE HARBOR NORTH BRIDGE AND DRAINAGE & SEWAGE AND BOCA GRANDE, FLA. 33097	P. O. BOX 1000 TAMPA, FLA. 33601	ST. JAMES AND ADJACENT BOCA GRANDE, FLA.
---	-------------------------------------	--

DEVELOPED BY
CSX RESOURCES, INC.
AND ADJACENT
BOCA GRANDE, FLA. 33097



PREPARED BY
JOHNSON ENGINEERING, INCORPORATED
CIVIL ENGINEERS LAND SURVEYORS
FORT MYERS, FLORIDA

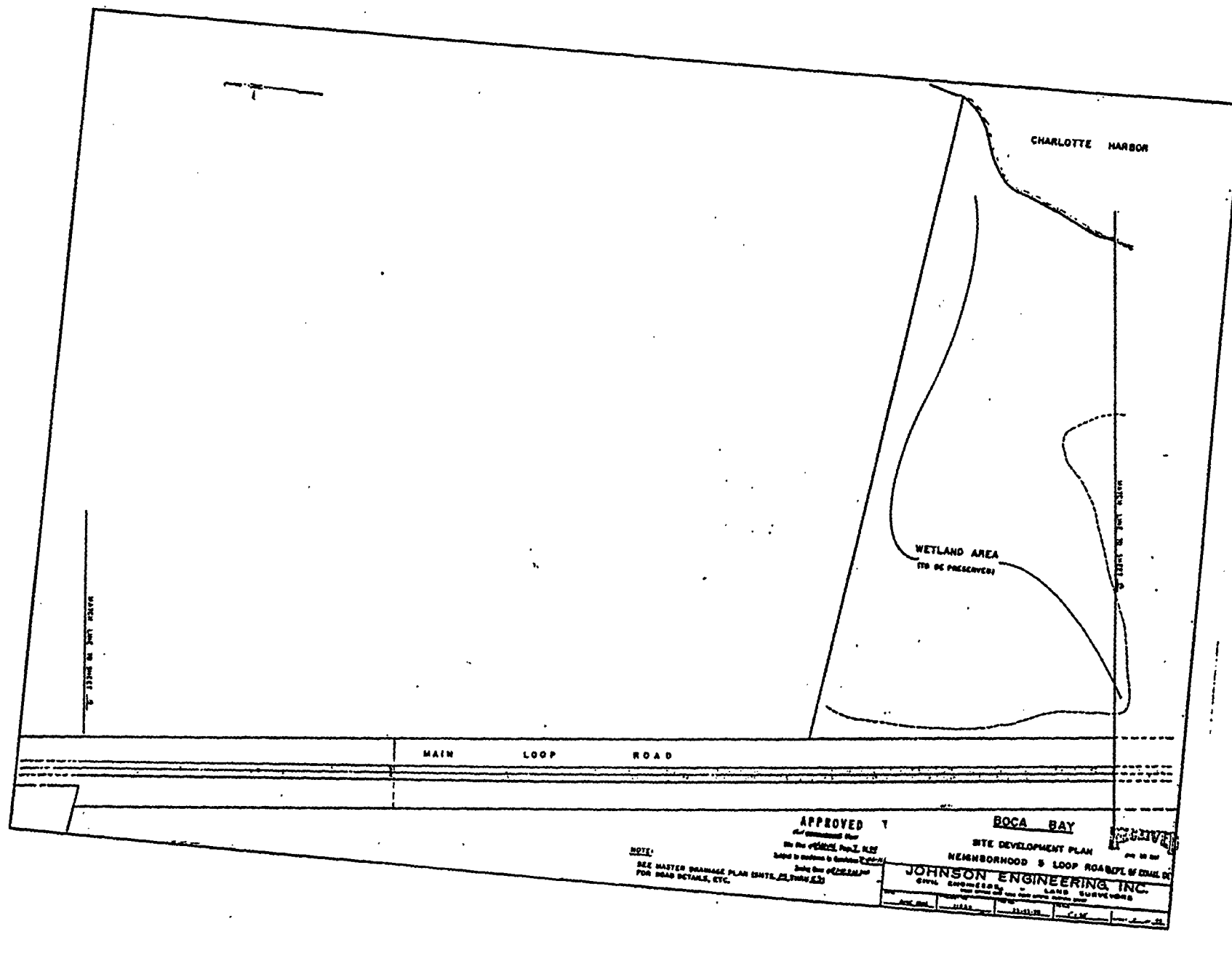
A.T. GRANT
Registered Professional Engineer
Florida Certificate No. 13421

APPROVED
For Submission to
The Port of Charlotte, N.C.
Subject to conditions in Resolution 10-10-10
Dated Date of 12-10-10-10

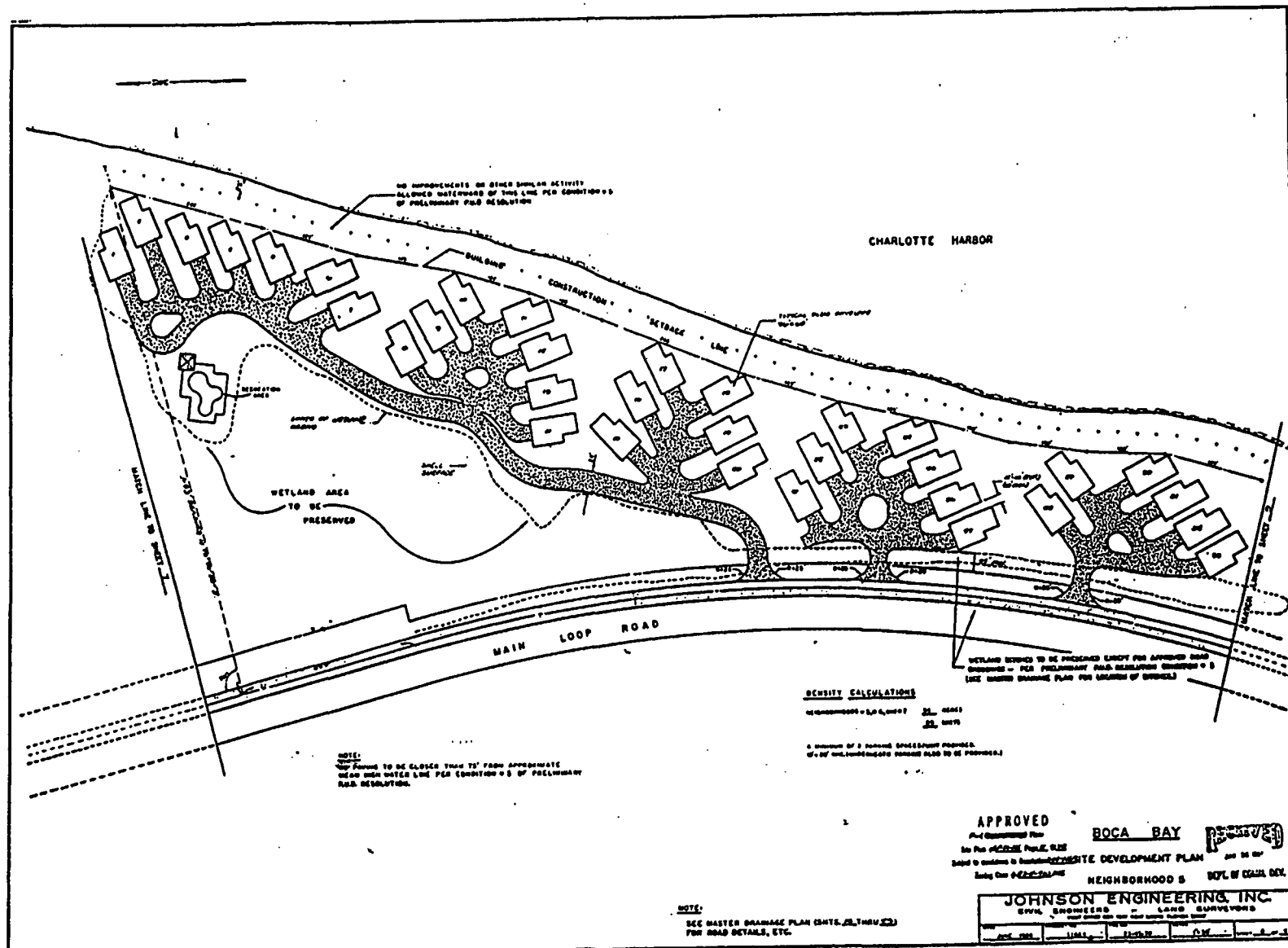
RECEIVED
JUN 15 1966
DEPT. OF CIVIL ENG.

REVISED JANUARY 7, 1967
REVISED DECEMBER 24, 1966
REVISED DECEMBER 15, 1966
REVISED NOVEMBER 15, 1966
REVISED AUGUST 28, 1966

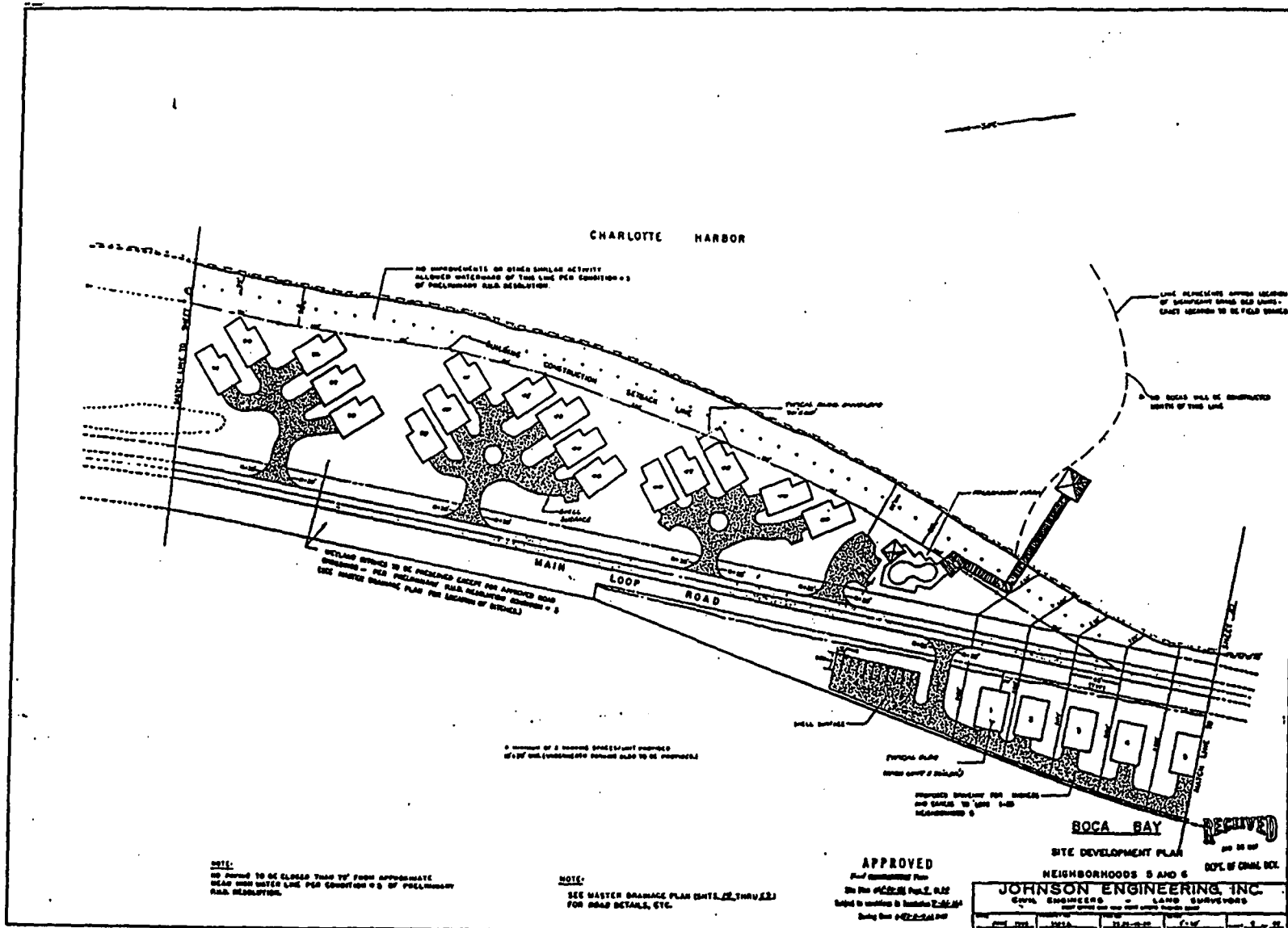
OFF REC 1061310



OF 910P61311

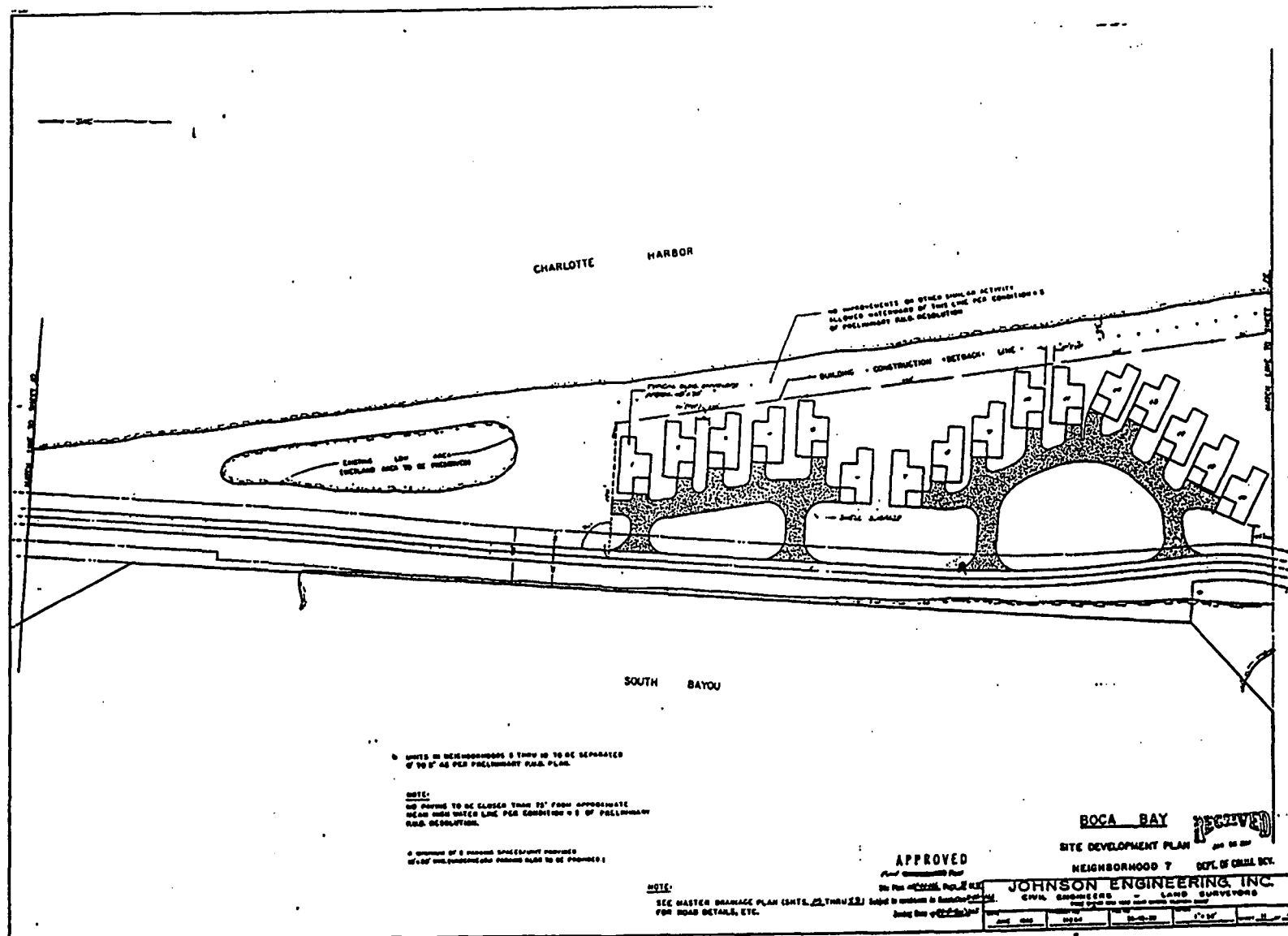


OF
REC 910 PG 1312



[illegible]

FE 1910261314



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

WHEREAS, CSX Realty, Inc., a Virginia Corporation, in reference to South Bay and South Village, has properly filed an application for a) an amendment to the final plan in the Port District and an amendment to the final Planned Unit Development (PUD) plan in the PUD district; and b) in the Port District, a request for a special exception; and

WHEREAS, the subject property is located at 770 Gulf Boulevard and 799 Port Circle Drive, Boca Grande, described more particularly as:

LEGAL DESCRIPTION: In Section 26, Township 43 South, Range 20 East, Lee County, Florida:

Additional PUD and Special Exception Area

A tract or parcel of land lying in Government Lot 3, Section 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida which tract or parcel is described as follows:

BEGINNING AT the railroad rail referred to as Monument "F" in deed recorded in Deed Book 129 at Page 346, Lee County Records run N89°42'59"W along the South line of lands described in said deed for 69.55 feet to the POINT OF BEGINNING.

From said POINT OF BEGINNING continue N89°42'59"W for 318.25 feet;
THENCE run N00°17'01"E for 150.00 feet;
THENCE run S89°42'59"E parallel to said South line for 260.00 feet to a 3/4" pipe;
THENCE run N00°17'01"E for 100.00 feet to a 3/4" pipe;
THENCE run S89°42'59"E parallel to said South line for 369.00 feet;
THENCE run S00°17'01"W for 161.00 feet;
THENCE run N89°42'59"W for 311.55 feet;
THENCE run S00°17'01"W for 89.00 feet to the POINT OF BEGINNING.

Containing 2.38 acres, more or less.

South Bay and South Village PUD Plan Amendment

A tract or parcel of land lying in Government Lots 1, 2 and 3, Section 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida which tract or parcel is described as follows:

From the railroad rail referred to as Monument "A" in deed to Charlotte Harbor and Northern Railroad Company recorded in Deed Book 129 at Page 346, Lee County Records run N89°55'35"E along the North line of lands described in said deed for 599.31 feet;
THENCE run N46°49'01"E for 150.53 feet;
THENCE run N03°26'01"E along the Westerly line of the former Seaboard Air Line Railroad right-of-way for 1,353.08 feet to the POINT OF BEGINNING of the herein described parcel.
From said POINT OF BEGINNING run S03°26'01"W along the last mentioned course for 1,353.08 feet;

continued...

THENCE run S46°49'01"W for 150.53 feet;
 THENCE run S89°55'35"W for 599.31 feet to Monument "A";
 THENCE run S00°04'25"E along a West line of said lands as described
 in said deed for 1,199.91 feet to a railroad rail referred to as
 Monument "B" in said deed;
 THENCE run N89°54'25"W along a North line of said lands as described
 in said deed for 347.48 feet;
 THENCE run S33°20'35"W for 130.23 feet;
 THENCE run S01°35'35"W for 90.64 feet;
 THENCE run S44°39'25"E for 200.72 feet to an intersection with the
 South line of said lands as described in said deed;
 THENCE run S89°42'59"E along said South line for 473.59 feet to a
 3/4" pipe, 407.40 feet to a 3/4" pipe, 128.70 feet to Monument "E",
 223.15 feet;
 THENCE run N00°17'01"E for 89.00 feet;
 THENCE S89°42'59"E for 392.55 feet more or less to the Mean High
 Water Line of Charlotte Harbor;
 THENCE run Northerly along said Approximate Mean High Water Line for
 3,030.00 feet, more or less to an intersection with a line bearing
 S86°33'59"E passing through the POINT OF BEGINNING;
 THENCE run N86°33'59"W along said line for 160.00 feet more or less
 to the POINT OF BEGINNING.

Containing 56.75 acres more or less.

WHEREAS, the applicant has indicated the property's current STRAP numbers
 are: 26-43-20-00-00001.0010, 26-43-20-00-00001.001A, 26-43-20-00-00001.0060,
 and 26-43-20-00-00008.0000; and

WHEREAS, proper authorization has been given to Peper, Martin, Jensen,
 Maichel and Hetlage, by Stephen A. Crosby, Vice President, CSX Realty, Inc.,
 the owner of the subject parcel, to act as agent to pursue this zoning
 application; and

WHEREAS, a public hearing was legally and properly advertised and held
 before the Lee County Hearing Examiner, with full consideration of all the
 evidence available; and the Lee County Hearing Examiner fully reviewed the
 matter in a public hearing held on February 16, 1993, and subsequently con-
 tinued to March 5, 1993; and

WHEREAS, a public hearing was legally and properly advertised and held
 before the Lee County Board of County Commissioners; and in the legislative
 process the Lee County Board of County Commissioners gave full and complete
 consideration to the recommendations of the staff, the Hearing Examiner, the
 documents on file with the county, and the testimony of all interested
 persons.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, that
 the Board of County Commissioners does hereby APPROVE an amendment to the
 final plan in the Port District and an amendment to the final Planned Unit
 development (PUD) Plan in the PUD District and APPROVE a special exception on

2.38 acres in the Port District to permit residential uses on the subject property also known as South Bay and South Village (Zoning Ordinance Section 472.07.b.2.).

The amendment and Master Development Plan, which deviate from certain Lee County Standards, are subject to the following conditions:

1. The development and use of the subject property shall be in accordance with the six-page plan, entitled "PUD Plan Amendment Package" for Boca Bay, South Village (plan dated October, 1990 with various revision dates on individual sheets, all sheets stamped received May 27, 1993) with sheets 1 through 4 and 6 of 6 prepared by Johnson Engineering and sheet 5 of 6 prepared by Burner & Company. This plan specifically amends the approved Final PUD Plan authorized by Resolutions ZAB-83-352 and Z-86-166. All conditions of those resolutions, except as modified herein, remain in effect. Approval of this plan does not relieve this development from conformance with all applicable federal, state and regional regulations. No deviations from Lee County regulations are granted except as specifically identified in Resolutions ZAB-83-352 and Z-86-166, which are applicable to this portion of the original development and which are approved as part of this zoning action.
2. The 85 wet slip marina is specifically prohibited. In its place on the Master Development Plan, either 13 additional dwelling units in that phase, and/or recreational and open space uses may be permitted. Minor revisions to the Master Development Plan made necessary by denial of the proposed marina may be approved by the Director of the Department of Community Development through an Administrative Amendment.
3. Condition 1 (9) of Resolution Z-86-166 is hereby modified to permit the lot widths as shown on the typical detail drawings shown on Sheet 4 of 6 of the PUD Plan Amendment Package and as may be permitted in Condition 5 of this zoning action.
4. All perimeter lots within this development shall be graded inward to the site so that all stormwater is maintained on the site and directed to the stormwater management system constructed as part of this development.
5. The Property Development Regulations for this portion of the Boca Bay development are as follows:

Single-Family Detached

Street: 1/2 (ROW) + 10 feet (see also Deviation 1)
Side: 5 feet
Rear: 10 feet
Water body: 25 feet (15 feet from retention lake)

Single-Family Attached (Villas)

Street: 1/2 (ROW) + 10 feet (see also Deviation 1)
Side: 0 (zero) feet on one side and minimum 10 feet between structures
Rear: 10 feet
Water body: 25 feet (15 feet from retention lake)

Multiple-Family Building (Flats/Town Homes)

Street: 1/2 (ROW) + 10 feet (see also Deviation 1)
Separation between structures: 10 feet
Rear: 10 feet
Water body: 25 feet (15 feet from retention lake)

Lot Coverage

The total lot coverage of buildings and structures shall not exceed forty percent (40%).

6. a. The developer shall establish a homeowner's or resident's association encompassing the entire Boca Bay development before a Development Order may be granted. The association shall provide an annual educational program for hurricane preparedness. In addition, an information distribution location shall be established where guests and part-time residents may obtain brochures, booklets, etc., describing hurricane hazard risks as well as the actions to mitigate the danger to property and life. The information required for distribution may be obtained from the Lee County Division of Emergency Management. The education program is subject to the approval of the Division of Emergency Management.
- b. The developer shall formulate an emergency hurricane preparedness plan. This plan must be approved by the Lee County Division of Emergency Management prior to the issuance of a Development Order.
7. a. The wetlands which are located between the wetland jurisdictional line and South Bayou, as depicted on the Master Development Plan, shall be preserved and identified as a wetland preservation area on the Master Development Plan for Development Order Approval.
- b. The preservation of the wetlands shall be required in the deed for the affected lots. Any activities which would alter or affect the wetlands and mangroves associated with South Bayou shall be subject to approval by the Lee County Division of Natural Resources Management before commencing work. One entity, such as the developer or homeowners' association, shall be given sole authority through an easement to seek approval and permits for proposed activities, such as mangrove trimming, and/or construction of boardwalks, observation decks and fishing piers, and this entity be responsible for supervising any work conducted as authorized by the appropriate permits.
8. The Old Power Station building shall be preserved; however, adaptive reuse may be permitted for uses which are strictly private and ancillary to the Boca Bay community. Permitted uses are limited to:

Clubhouse

Storage

Maintenance and shop facility - limited to equipment and facilities serving only the Boca Bay community

Sales and rental office - limited to units within the Boca Bay community only

Administrative office (df)

Health club

Day care center (Section 506)

Classrooms

Multipurpose room

Art studio

Food and beverage service - a cafe or snack bar limited to serving the members of the Boca Bay associations (not open to the general public)

Pro shop - limited to serving the members of the Boca Bay associations (not open to the general public)

The developer shall apply for and diligently seek historic designation for the Old Power Station from the State of Florida as well as under Lee County Ordinance 88-62, as amended. In the event that historic designation is denied, then the Old Power Station may be demolished and open space or recreational uses established on the site.

9. Deviation (1) is a request to deviate from the required street setback for a private street of 1/2 right-of-way plus 20 feet (Zoning Ordinance Section 202.18.B.2.a.), to 1/2 right-of-way plus 10 feet for principal

structures and 5 feet for accessory structures. This deviation is APPROVED.

Deviation (2) is a request to deviate from the required minimum distance between any building or structure in the PUD and the PUD boundaries of 1/2 the height of said building or structure or a minimum of 20 feet (Zoning Ordinance Section 484.E.3.), to 5 feet. This deviation is DENIED.

Deviation (3) is a request to deviate from the required minimum distance between any building or structure within the PUD of 1/2 the sum of the heights of the buildings or a minimum of 20 feet (Zoning Ordinance Section 484.E.5.), to 10 feet as measured from the building walls. This deviation is APPROVED.

Deviation (4) is a request to deviate from the minimum water body setback of 25 feet (Zoning Ordinance Section 202.18.B.4.b.), to 15 feet from the retention lake edge. This deviation is APPROVED.

Deviation (5) is a request to deviate from the requirement that privately maintained accessways meet the dimensional requirements for parking lot accesses and aisles from the dimensional width requirement of 24 feet (Zoning Ordinance Section 202.16.F.3. and Development Standards Ordinance Section 9.P.13.), to 20 feet. This deviation is APPROVED with the condition that no more than 50 units are served by these proposed 20 foot wide parking lot aisles.

Deviation (6) is a request to deviate from the requirement that the outside and inside diameter of pavement of a cul-de-sac be 90 feet and 45 feet, respectively, and the right-of-way be 110 feet diameter (plus 20 feet for open swale drainage (Development Standards Ordinance Section 9.P.11.)), to allow turnarounds as shown on the PUD plan. This deviation is APPROVED.

Deviation (7) is a request to deviate from the requirement that 10-foot-wide utility easements shall be provided on both sides of street right-of-way or road easements (Development Standards Ordinance Section 11.E.1.), to require a 5-foot-wide (minimum) utility easement on both sides of the street right-of-way or road easements. This deviation is APPROVED with the condition that it is the responsibility of the developer to coordinate all utilities and comply with all other requirements as they may be promulgated.

Site Plan 93-009 is attached hereto and incorporated herein by reference, as a reduced copy of the Master Concept Plan.

The following findings of fact were made in conjunction with this approval of the residential plan amendment and special exception:

- A. That the residential plan amendment and Special Exception request, as conditioned, will not have an adverse impact on the intent of the Zoning Ordinance, but the approval of the inland docking facility would have an adverse impact on the intent of the Zoning Ordinance.
- B. That the residential plan amendment and Special Exception request, as conditioned, is consistent with the goals, objectives, policies and intent of the Lee Plan, but that the inland docking facility is not consistent with those provisions.
- C. That the residential plan amendment and Special Exception request, as conditioned, meets or exceeds all performance and locational standards set forth for the proposed use.
- D. That the residential plan amendment and Special Exception request, as conditioned, is consistent with the densities, intensities and general

uses set forth in the Lee Plan.

- E. That the residential plan amendment and Special Exception request, as conditioned, will protect, conserve or preserve environmentally critical areas and natural resources.
- F. That denial of the inland docking facility will protect, conserve or preserve environmentally critical areas and natural resources within the Charlotte Harbor.
- G. That the residential plan amendment and Special Exception request, as conditioned, will be compatible with existing or planned uses and will not cause damage, hazard, nuisance or other detriment to persons or property.
- H. That the location of the proposed project will not place an undue burden upon the surrounding transportation network or other services and facilities.
- I. That the proposed residential use will be in compliance with all applicable general zoning provisions and supplemental regulations pertaining to the use, as set forth elsewhere in the Zoning Ordinance.
- J. That each approved deviation enhances the achievement of the objectives of the planned development and preserves and promotes the protection of the public health, safety and welfare.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon a motion by Commissioner Douglas R. St. Cerny, and seconded by Commissioner Ray Judah and, upon being put to a vote, the result was as follows:

John E. Manning	Aye
Douglas R. St. Cerny	Aye
Ray Judah	Aye
Franklin B. Mann	Aye
John E. Albion	Aye

DULY PASSED AND ADOPTED this 7th day of June, A.D., 1993.

ATTEST:
CHARLIE GREEN, CLERK

BY: Charlie Green
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: J. Manning
Chairman

Approved as to form by:

Samuel R. [Signature]
County Attorney's Office

FILED

JUN 17 1993

CLERK CIRCUIT COURT
BY [Signature] D.C.

PUD PLAN AMENDMENT PACKAGE

for

BOCA BAY

SOUTH VILLAGE

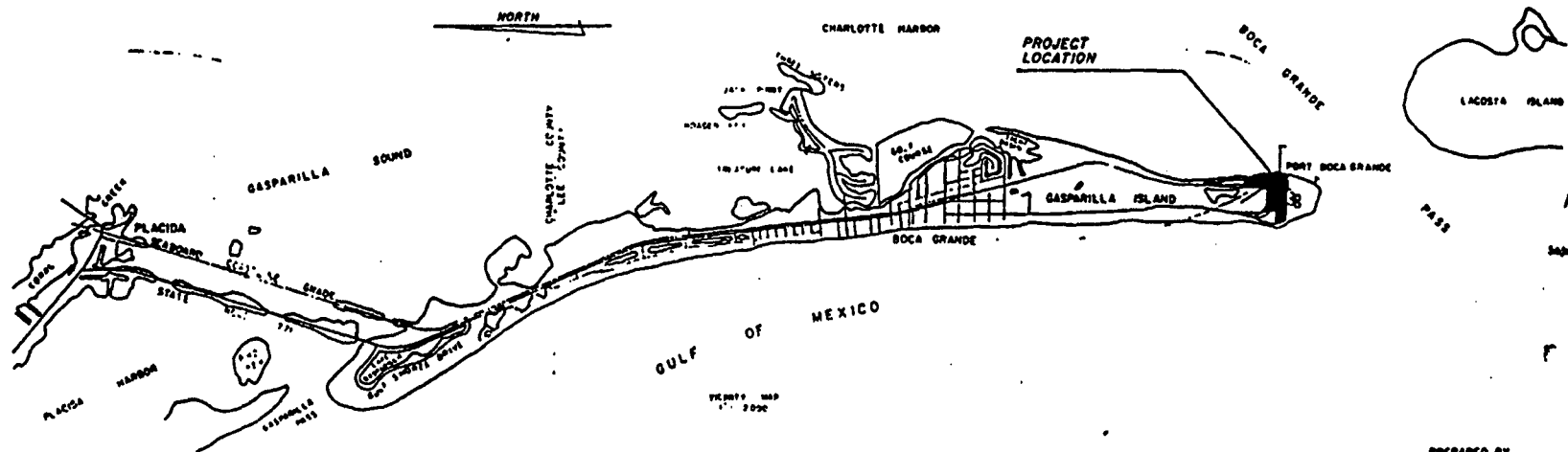
NEIGHBORHOODS 7, 8, & 10

SECTION 26 TOWNSHIP 43 S. RANGE 20 E.

GASPARILLA ISLAND, LEE COUNTY, FLORIDA

PREPARED FOR:

CSX REALTY, INC.



APPROVED

APPROVED TO
FOR THE
SUBJECT TO THE
DATE 10/1/91
BY 10/1/91

INDEX

- 1 COVER SHEET
- 2 OVERALL BOCA BAY SITE MAP
- 3 PUD MASTER SITE PLAN
(NEIGHBORHOODS 7-10)
- 4 DETAILS & NOTES
- 5 TYPICAL UNIT LAYOUTS
& DETAILS
- 6 SKETCH TO ACCOMPANY
LEGAL DESCRIPTION

UTILITIES:

WATER AND SEWER
GASPARILLA ISLAND WATER ASSOCIATION
PO BOX 375
BOCA GRANDE, FLA 33991

ELECTRIC

FLORIDA POWER AND LIGHT CO
P.O. BOX 930
VIENNA, FLA 33599

TELEPHONE

UNITED TELEPHONE COMPANY OF FLORIDA
1414 GUNN STREET
PORTA GORDON, FLA

TELEVISION

BOCA GRANDE FINE COUNTRY, 33110

PROJECT DEVELOPER

CSX REALTY, INC.
CSX CORPORATION
ONE JAMES CENTER
RICHMOND, VA 23219

OCTOBER, 1990
REVISED: MARCH 7, 1991
REVISED: MAY 7, 1991
REVISED: OCTOBER 3, 1991
REVISED: OCTOBER 31, 1991
REVISED: NOVEMBER 11, 1991
REVISED: SEPTEMBER 17, 1992
REVISED: JANUARY 26, 1993
REVISED: MAY 26, 1993

PREPARED BY

JOHNSON ENGINEERING, INCORPORATED

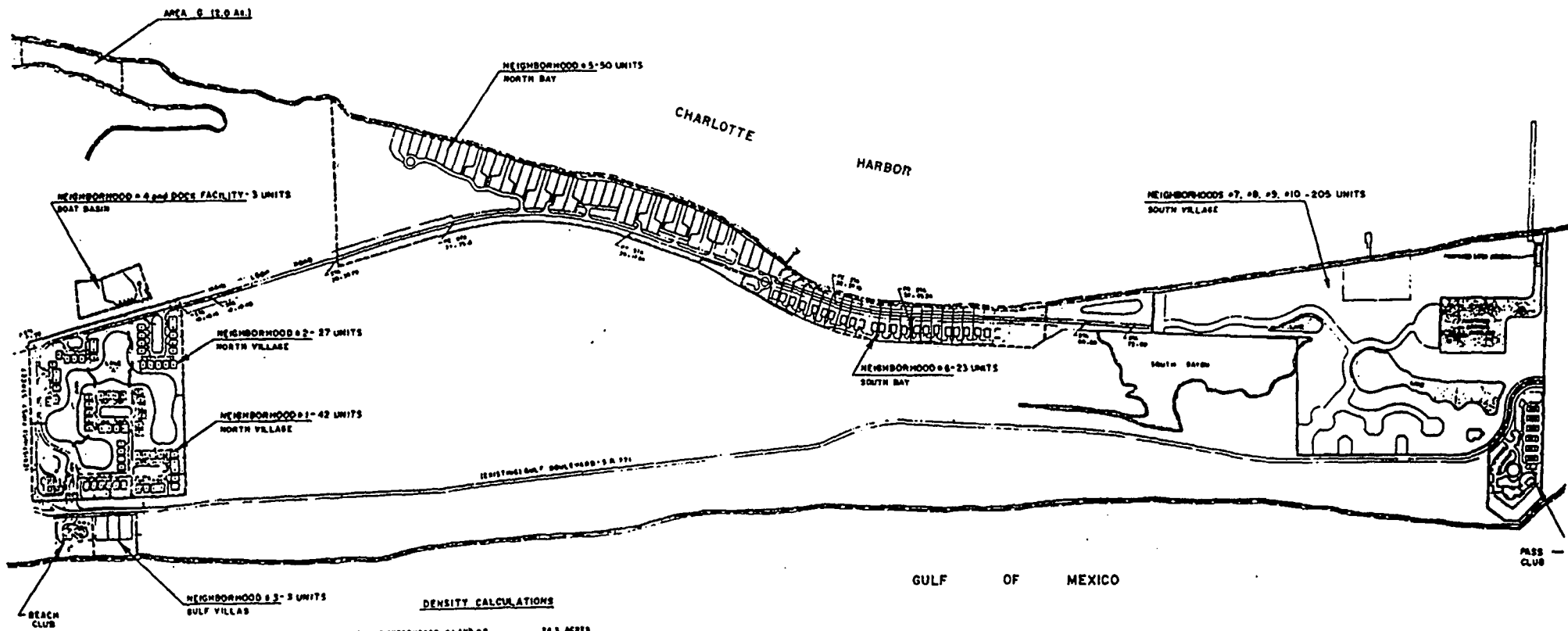
CIVIL ENGINEERS LAND SURVEYORS

FORT MYERS, FLORIDA



12/1/91 12/1/91
12/1/91 12/1/91
12/1/91 12/1/91

REC'D
NOV 27 1991



DENSITY CALCULATIONS

A. NEIGHBORHOODS #1 AND #2 (NORTH VILLAGES) AND AREA 6	26.3 ACRES 69 UNITS
B. NEIGHBORHOOD #3 (GOLF VILLAS) AND BEACH CLUB	2.7 ACRES 3 UNITS
C. NEIGHBORHOOD #4 (BOAT BASIN) AND DOCK	2.0 ACRES 3 UNITS
D. NEIGHBORHOOD #5 (NORTH VILLAGE)	31.4 ACRES 50 UNITS
E. NEIGHBORHOOD #6 (SOUTH BAY)	9.3 ACRES 23 UNITS
F. NEIGHBORHOODS #7, #8, #9, #10 (SOUTH VILLAGE) AND PASS CLUB	56.75 ACRES 205 UNITS
TOTAL AC. (PREVIOUSLY APPROV'D PLAN)	121.1 ACRES
TOTAL UNITS (PREVIOUSLY APPROV'D PLAN)	346 UNITS
TOTAL AC. (PROPOSED PLAN)	128.00 ACRES
TOTAL UNITS (PROPOSED PLAN)	365 UNITS

REVIEWED BY: J. W. JONES
REVIEWED BY: J. W. JONES
REVIEWED BY: J. W. JONES
REVIEWED BY: J. W. JONES

APPROVED

Approved by
Mayor George Plan
Mayor George Plan
Mayor George Plan
Mayor George Plan

BOCA RATON
INDEX MAP

and
NEIGHBORHOOD LAYOUT

JOHNSON ENGINEERING, INC.			
CIVIL ENGINEERS	LAND SURVEYORS	PLANNING CONSULTANTS	
1001 S.W. 10TH AVE.	1001 S.W. 10TH AVE.	1001 S.W. 10TH AVE.	1001 S.W. 10TH AVE.
MIAMI, FL 33135	MIAMI, FL 33135	MIAMI, FL 33135	MIAMI, FL 33135
DATE: OCTOBER, 1970	BY: J. W. JONES	CHECKED: J. W. JONES	APPROVED: J. W. JONES

PARKING REQUIREMENTS

REQUIRED-
SOUTH VILLAGE 300 SPACES
DOCKING FACILITY 57
PARK DRIVE 37
TOTAL 494 SPACES

PROPOSED-
SOUTH VILLAGE 2 SPACES/UNIT (SEE NOTE 5)
DOCKING FACILITY 57
PARK DRIVE 37
TOTAL 943 SPACES

CHARLOTTE HARBOR

PHASE VI
TO BE REDESIGNED AND APPROVED ADMINISTRATIVELY TO INCLUDE A MAXIMUM OF 13 ADDITIONAL UNITS AND THE DELETION OF DOCKING FACILITY.

NOTE: CCR TRANSPORTATION FISHING COTTAGE TO BE RE-LOCATED & REBUILT TO INCLUDE 8 BEDROOMS & A CARETAKERS FACILITY.

24 FLATS*
(14 FAMILY ATTACHED)

44 FLATS*
(14 FAMILY ATTACHED)

17 SINGLE FAMILY HOMES*

PHASE V

PHASE II

PHASE VI

PHASE I

PHASE III

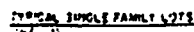
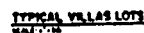
PHASE IV

UNIT BREAKDOWN
17 SINGLE FAMILY
50 VILLAS
64 TOWN HOMES
64 FLATS
295 TOTAL UNITS

AREA CALCULATIONS

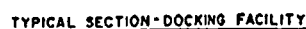
- TOTAL LAWN AREA (P.U.D. 11-5-10) = 1,140.00 AC.
- REQUIRED OPEN AREA = 34 AC. (13.5%)
- TOTAL OPEN AREA = 49 AC. (51%)
- TOTAL AREA 11-5-10 = 567.5 AC.
 - AREA COVERED BY BLDGS. = 8 AC. (1.5%)
 - AREA COVERED BY PAGES = 2.8 AC. (1.7%)
 - AREA COVERED BY LAKE/DOCKING FACILITIES = 8.2 AC. (1.5%)
 - AREA COVERED BY SIDEWALKS = 1.3 AC. (1.2%)
 - AREA COVERED BY PARKING AREA = 1.04 AC. (1.9%)
 - AREA COVERED BY ROOFED STRUCTURES (HAZARDOUS, ETC.) = 1.00 AC. (1.05%)
 - AREA TO BE LANDSCAPED (INCLUDES LOT, PARK AREA, ETC.) = 1.2 AC. (1.23%)
 - AREA OF RECREATION, PARKS, AND OPEN AREAS = 4.7 AC. (1.9%)
 - AREA LEFT UNDISTURBED = 14.1 AC. (12.7%)

- LOT DIMENSIONS AND GEOMETRIES MAY VARY AFTER FINAL DESIGN BUT SHALL TYPICALLY BE AS SUBMITTED TYPICAL DETAIL - LOT GEOMETRIES ON SHEET 6 OF 8 AND TYPICAL UNIT LAYOUT ON SHEET 9 OF 8.
- DOCK SEPARATORS SHALL BE 6 FEET ON ONE SIDE AND 8 FEET ON THE OTHER, HOWEVER IN NO CASE SHALL SEPARATION BETWEEN POND/CHANNEL STRUCTURES BE LESS THAN 10 FEET. DEAR STRAIGHT SHALL BE 10 FEET TYPICAL. 10 FEET CONTINUOUSLY APPLIES TO SINGLE FAMILY AND VILLA AREAS ONLY.
- THE PROPOSED UNITS WILL HAVE TYPICAL 10' SIDEWALK FLOORS. THE BUILDING OVERHANG HEIGHT IS 12' 7". MAX. 50' 30" FT. ABOVE GROUND PER THE GASAPARILLA IS ACTIVITY OF FLA. (CDD 10-101)
- PHASE I = 1998-1999
PHASE II = 1999-2001
PHASE III = 2001-2003
PHASE IV = 2003-2005
PHASE V = 2005-2007
PHASE VI = 2007-2009
PHASE VII = 2009-2011
PHASE VIII = 2011-2013
PHASE IX = 2013-2015
PHASE X = 2015-2017
PHASE XI = 2017-2019
PHASE XII = 2019-2021
PHASE XIII = 2021-2023
PHASE XIV = 2023-2025
PHASE XV = 2025-2027
PHASE XVI = 2027-2029
PHASE XVII = 2029-2031
PHASE XVIII = 2031-2033
PHASE XIX = 2033-2035
PHASE XX = 2035-2037
PHASE XXI = 2037-2039
PHASE XXII = 2039-2041
PHASE XXIII = 2041-2043
PHASE XXIV = 2043-2045
PHASE XXV = 2045-2047
PHASE XXVI = 2047-2049
PHASE XXVII = 2049-2051
PHASE XXVIII = 2051-2053
PHASE XXIX = 2053-2055
PHASE XXX = 2055-2057
PHASE XXXI = 2057-2059
PHASE XXXII = 2059-2061
PHASE XXXIII = 2061-2063
PHASE XXXIV = 2063-2065
PHASE XXXV = 2065-2067
PHASE XXXVI = 2067-2069
PHASE XXXVII = 2069-2071
PHASE XXXVIII = 2071-2073
PHASE XXXIX = 2073-2075
PHASE XL = 2075-2077
PHASE XLI = 2077-2079
PHASE XLII = 2079-2081
PHASE XLIII = 2081-2083
PHASE XLIV = 2083-2085
PHASE XLV = 2085-2087
PHASE XLVI = 2087-2089
PHASE XLVII = 2089-2091
PHASE XLVIII = 2091-2093
PHASE XLIX = 2093-2095
PHASE L = 2095-2097
PHASE LI = 2097-2099
PHASE LII = 2099-2101
PHASE LIII = 2101-2103
PHASE LIV = 2103-2105
PHASE LV = 2105-2107
PHASE LVI = 2107-2109
PHASE LVII = 2109-2111
PHASE LVIII = 2111-2113
PHASE LIX = 2113-2115
PHASE LX = 2115-2117
PHASE LXI = 2117-2119
PHASE LXII = 2119-2121
PHASE LXIII = 2121-2123
PHASE LXIV = 2123-2125
PHASE LXV = 2125-2127
PHASE LXVI = 2127-2129
PHASE LXVII = 2129-2131
PHASE LXVIII = 2131-2133
PHASE LXIX = 2133-2135
PHASE LXX = 2135-2137
PHASE LXXI = 2137-2139
PHASE LXXII = 2139-2141
PHASE LXXIII = 2141-2143
PHASE LXXIV = 2143-2145
PHASE LXXV = 2145-2147
PHASE LXXVI = 2147-2149
PHASE LXXVII = 2149-2151
PHASE LXXVIII = 2151-2153
PHASE LXXIX = 2153-2155
PHASE LXXX = 2155-2157
PHASE LXXXI = 2157-2159
PHASE LXXXII = 2159-2161
PHASE LXXXIII = 2161-2163
PHASE LXXXIV = 2163-2165
PHASE LXXXV = 2165-2167
PHASE LXXXVI = 2167-2169
PHASE LXXXVII = 2169-2171
PHASE LXXXVIII = 2171-2173
PHASE LXXXIX = 2173-2175
PHASE LXXXX = 2175-2177
PHASE LXXXXI = 2177-2179
PHASE LXXXXII = 2179-2181
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**SCHEDULE OF DEVIATIONS
FROM DAY**

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SCALE 11: 20'



SCALE: 1-5



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A P P R O V E D

Approved by
Superintendent
10. Just to complete to transfer to 298
Jury Case # 88-01-4-0216
Date 08/07/83
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BOCA BAY

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JOHNSON ENGINEERING, INC.

ROBINSON ENGINEERING
CIVIL ENGINEERS • LAND SURVEYORS

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17 SINGLE FAMILY
26 VILAS
64 TOWN HOUSES
66 FLATS

163 TOTAL UNITS

10/12/98 TA

GULF OF MEXICO

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IDENTIFICATION
"NATIONAL P.O.S. AND SPECIAL IDENTIFICATION AGENTS"
O.E. J. SECTION 20, P. 13 B., S. 20 B.
SPECIALIST INLAND, LEE COUNTY, FLORIDA

[illegible]

CHARLOTTE
HARBOR

- APPROVED

Approved By _____
 Officer's Signature _____
 Subj: [illegible] to [illegible] 8/22/02
 Training Case # [illegible]
 Date 8/22/02
 2 19/02

SEEKEN TO ACCOMPANY DESCRIPTION PAGE 17 HAS
SOUTH BAY & SOUTH VILLAGE PLIN PLAN AMENDMENT
ZONING COUNCIL
SECTION 36, TWP 48 SOUTH, R2E, CORPST
GASPARELLA ISLANDS LEE COUNTY FLORIDA
GASPARILLA ENGINEERING INC

Acee

RESOLUTION NUMBER Z-99-054

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

WHEREAS, Beverly Grady, Esquire, of Roetzel & Andress, P.A., Dana L. Hume of Johnson Engineering, Inc., and Peter McKinney c/o CSX Realty Development, LLC, filed an application on behalf of the owner of the property, CSX Realty Development, LLC, to amend the Planned Unit Development (PUD) for Phase VI of South Village in Boca Bay, request a Special Exception for residential use in the PORT district and an amendment to the final plan in the PORT district, and convert water-dependent uses to non-water dependent uses within the water-dependent overlay zone; and

WHEREAS, a public hearing was advertised and held on August 11, 1999, before the Lee County Hearing Examiner who gave full consideration to the evidence in the record (Case # 95-06-050.03Z 01.01); and

WHEREAS, a second public hearing was advertised and held on October 4, 1999, before the Lee County Board of Commissioners, who gave full and complete consideration to the recommendations of the staff, the Hearing Examiner, the documents on the 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:

1. Amend the Planned Unit Development (PUD) to adopt a revision to the plans for Phase VI of South Village in Boca Bay to allow for the Development of 16 dwelling units;
2. Request a Special Exception for residential use in the PORT district and an amendment to the final plan in the PORT district to allow the development of 16 dwelling units and additional design to Phase VI of South Village in Boca Bay; and
3. Convert water-dependent uses to non-water dependent uses within the water-dependent overlay zone.

The subject property is located on Gasparilla Island in the Urban Community Land Use Category. The legal description of the property is set forth in Exhibit A attached to this resolution. The request IS APPROVED SUBJECT TO the conditions and deviation set forth in Section B below.

SECTION B. CONDITIONS AND DEVIATION:

1. The development of this project must be consistent with the two-page Master Development Plan for Boca Bay, South Village (Page 3 of 6 stamped received August 4, 1999, and Page 3A of 6 stamped received July 9, 1999), prepared by Johnson Engineering, Inc., except as modified by the conditions below. Development must comply with the Lee County Land Development Code (LDC) at time of local development order approval, except as may be granted by deviation as part of this zoning approval. If changes to the Master Development Plan are subsequently pursued, appropriate approvals will be necessary.

This resolution amends Condition 1 of Resolution Z-93-009 as it pertains to the specific project area associated with this request.

2. The terms and conditions expressed in Resolution Z-93-009 remain fully binding unless specifically addressed and modified by this action.
3. Deviation (5) of Resolution Z-93-009 is effective within this portion of the development, the net effect of which is to allow a privately-maintained accessway to be 20 feet wide rather than 25 feet wide, and to limit this accessway to serving 52 units which is an increase of 2 units.
4. This resolution does not give the Developer an undeniable right to receive local development order approval. Future development order approvals must satisfy the requirements of the Lee Plan Planning Communities Map and Acreage Allocations Table, Map 16 and Table 1(b).
5. The developer must preserve the existing drainage on the south 20 feet of the property east of Belcher Road consistent with the plan attached as Exhibit D.

SECTION C. EXHIBITS:

The following exhibits are attached to this resolution and are incorporated by reference:

Exhibit A. The legal description and STRAP number of the property.

Exhibit B. A reduced copy of the South Village in Boca Bay Master Development Plan.

Exhibit C. A map depicting the subject parcel (shaded) in relation to the surrounding area.

Exhibit D. Paving, Grading, and Drainage Plan, Harborshore Phase IV, Boca Bay - Gasparilla Island.

SECTION D. FINDINGS AND CONCLUSIONS:

As to the Amendment to the PUD:

1. The Applicant has proven entitlement to the amendment to the PUD by demonstrating compliance with the Lee Plan, the Land Development Code, and other

applicable codes and regulations.

2. The request:

- a) meets or exceeds all performance and locational standards set forth for the potential uses allowed by the request;
- b) is consistent with the densities, intensities and general uses set forth in the Lee Plan;
- c) is compatible with existing or planned uses in the surrounding area;
- d) will not place an undue burden upon existing transportation or planned infrastructure facilities and the site will be served by streets with the capacity to carry traffic generated by the development; and
- e) will not adversely affect environmentally critical areas and natural resources.

3. The proposed use or mix of uses is appropriate at the subject location.

4. The recommended conditions to the concept plan and other applicable regulations provide sufficient safeguard to the public interest.

5. The recommended conditions are reasonably related to the impacts on the public interest created by or expected from the proposed development.

6. The requested deviation pertaining to privately maintained accessways enhances the achievement of the objectives of the PUD and preserves and promotes the general intent of Chapter 34, Land Development Code, to protect the public health, safety, and welfare.

7. Urban services, as defined in the Lee Plan, are available and adequate to serve the proposed land use.

As to the Special Exception for Residential Use in the PORT District:

1. Changed or changing conditions exist that make approval of the request appropriate.

2. The request:

- a) is consistent with the goals, objectives, policies, and intent of the Lee Plan;
- b) meets or exceeds all performance and locational standards set forth for the proposed use;
- c) will protect, conserve, or preserve environmentally critical areas and natural

resources;

- d) will be compatible with existing or planned uses;
- e) will not cause damage, hazard, nuisance, or other detriment to persons or property; and
- f) will be in compliance with all general zoning provisions and supplemental regulations set forth in Chapter 34, Land Development Code.

As to the Conversion of Water-Dependent Use to Non-Water-Dependent Use:

1. The public hearing required by Objective 8.1 of the Lee Plan has been met by the August 11, 1999 hearing held before the Lee County Hearing Examiner, as well as the hearing before this Board of County Commissioners.

The foregoing resolution was adopted by the Lee County Board of Commissioners by a motion by Commissioner John E. Manning, and seconded by Commissioner Andrew W. Coy and, upon being put to a vote, the result was as follows:

Ray Judah	<u>Aye</u>
John E. Albion	<u>Aye</u>
Andrew W. Coy	<u>Aye</u>
John E. Manning	<u>Aye</u>
Douglas R. St. Cerny	<u>Aye</u>

DULY PASSED AND ADOPTED this 4th day of October, 1999.

ATTEST:
CHARLIE GREEN, CLERK

BY: Michelle S. Gossamer
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY: Ray Judah
Chairman

Approved as to form by:

Dawn C. [Signature] 10/6/99
County Attorney's Office

FILED OCT 08 1999
MINUTES OFFICE
msj

EXHIBIT A

LEGAL DESCRIPTION

A tract or parcel of land lying in Government Lots 1, 2 and 3, Section 26, Township 43 South, Range 20 East, Gasparilla Island, Lee County, Florida, which tract or parcel is described as follows:

From the railroad rail referred to as Monument "A" in deed to Charlotte Harbor and Northern Railroad Company recorded in Deed Book 129 at Page 346, Lee County records, run N89°55'35"E along the North line of lands described in said deed for 599.31 feet; thence run N46°49'01"E for 150.33 feet; thence run N03°26'01"E along the Westerly line of the former Seaboard Airline Railroad Right-of-Way for 1,353.08 feet to the POINT OF BEGINNING of the herein described parcel.

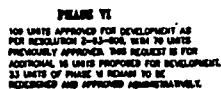
From said POINT OF BEGINNING run S03°26'01"W along the last mentioned course for 1,353.08 feet, thence run S46°49'01"W for 150.53 feet; thence run S89°55'35"W for 599.31 feet to Monument "A"; thence run S00°04'25"E along a West line of said lands as described in said deed for 1,199.91 feet to a railroad rail referred to as Monument "B" in said deed; thence run N89°54'25"W along a North line of said lands as described in said deed for 347.48 feet; thence run S33°20'35"W for 130.23 feet; thence run S01°35'35"W for 90.64 feet; thence run S44°39'25"E for 200.72 feet to an intersection with the South line of said lands as described in said deed; thence run S89°42'59"E for along said South line for 473.59 feet to a 3/4" pipe, 407.40 feet to a 1/4" pipe, 128.7 feet to Monument "E", 191.70 feet to the Northeast corner of Tract 1, Official Record Book 1408 at Page 2263, of said Public Records, said point being 101.00 feet Westerly from Monument "F"; thence run S00°17'01"W along the West line of said parcel and the West line of Parcel II, Official Record Book 1702 at Page 710 for 165.00 feet to the Southwest corner of said parcel; thence run S89°42'59"E along the South line of said parcel for 409 feet, more or less to the Mean High Water Line of Charlotte Harbor; thence run Northerly along said Mean High Water line for 3,284 feet, more or less, to an intersection with a line bearing S86°33'59"E passing through the POINT OF BEGINNING; thence run N86°33'59"W along said line for 160 feet, more or less, to the POINT OF BEGINNING.

Containing 59.06 acres more or less.

Bearings hereinabove mentioned are Plane Coordinates for the Florida West Zone based on ties to the Florida Department of Natural Resources Monuments "A15" through "A20" from which the East line of Gulf Boulevard was determined to bear N00°04'25"W.

STRAP NUMBER

The applicant has indicated the STRAP #'s of the subject property are 26-43-20-00-00001.0010 and 26-43-20-00-00008.0000.



RESOLUTION Z-93-009

17 SINGLE FAMILY
06 VILLAS
04 TOWN HOMES
06 PLATS
13 ADD'L. UNITS (for deletion
of existing family)
216 TOTAL UNITS

REQUESTED UNITS TO DATE

12 SINGLE FAMILY
94 VILLAS
6 TOWN HOMES
80 PLATS
100 TOTAL UNITS

PROJECT AREA ASSOCIATED
WITH THIS REQUEST

— PHASE LINE

PROPOSED ADDITIONAL UNITS

RECEIVED
JUN 8 1968
THE DIRECTOR OF INVESTIGATION

APPROVED

Master Concept Plan
Site Plan - 82-001 Page 1 of 2
Subject to conditions in Resolution 82-001
Project Case - 82-001 - 82-001

BOCA: BAY

**SOUTH VILLAGE
MASTER DEVELOPMENT PLAN
SHOWING A PORTION OF PHASE VI**

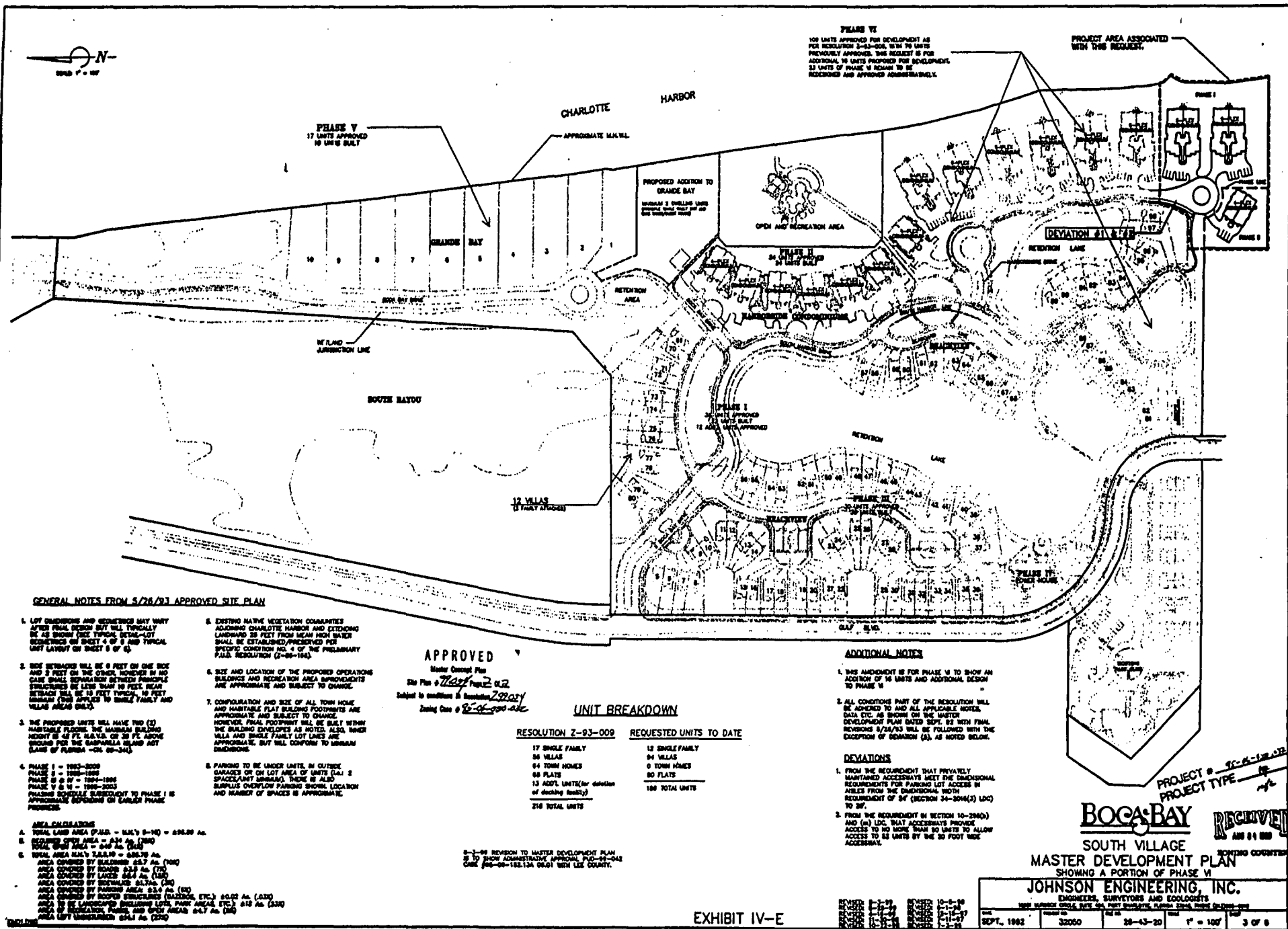
JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS AND ECOLOGISTS

DATE	TIME	LOCATION	WIND	SEA
MAY, 1998	10:00	94-41-90	1° = 30'	3A 10'

EXHIBIT IV-E

REVISED 9-28-77



6. LOT DIMENSIONS AND GEOMETRICS MAY VARY AFTER FINAL DESIGN BUT WILL TYPICALLY BE AS SHOWN (SEE TYPICAL DETAIL-LOT GEOMETRICS ON SHEET 4 OF 8 AND TYPICAL LIFT LAYOUT ON SHEET 6 OF 8).

2. SIDE SETBACKS WILL BE 8 FEET ON ONE SIDE AND 3 FEET ON THE OTHER, HOWEVER IN NO CASE SHALL SEPARATION BETWEEN PRINCIPLE STRUCTURES BE LESS THAN 10 FEET. REAR SETBACK WILL BE 15 FEET TYPICAL, 10 FEET MINIMUM (THIS APPLIES TO SINGLE FAMILY AND SMALL AREA ONLY).

3. THE PROPOSED UNITS WILL HAVE TWO (2) HABITABLE FLOORS. THE MAXIMUM BUILDING HEIGHT IS 45 FT. M.A.S.L. OR 30 FT. ABOVE GROUND FOR THE CASAPARRA ISLAND ACT CLASE OF ZONING - (CM 95-341)

6. PHASE I - 1993-2000
PHASE II - 1996-1998
PHASE III & IV - 1994-1996
PHASE V & VI - 1998-2003
PHASING SCHEDULE SUBSEQUENT TO PHASE I IS
APPROXIMATE DEPENDING ON EARLIER PHASE
ACTIVITIES.

- AREA CALCULATIONS**
- A. TOTAL LAND AREA (P.M.D. - N.M.'s 6-10) =
- B. RECLAIMED OPEN AREA = 234 Ac. (7850)
- C. TOTAL OPEN AREA = 849 Ac. (342)
- D. TOTAL AREA N.M.'s 7,8,9,10 = 206.75 Ac.

- AREA COVERED BY BUILDINGS 25.7 Ac (70%)
AREA COVERED BY ROADS 3.8 Ac (7%)
AREA COVERED BY LAKES 26.4 Ac (15%)
AREA COVERED BY SKEWALKE 31.7Ac (26%)
AREA COVERED BY PARCHING AREA 2.6 Ac
AREA COVERED BY ROOFED STRUCTURES 0.6
AREA TO BE LANDSCAPED INCLUDING LOT,
AREA OF RECREATION, PARKS, AND OPEN AREA
AREA LEFT UNDEVELOPED 24.4 Ac (22%)

5. EXISTING NATIVE VEGETATION COMMUNITIES ADJOINING CHARLOTTE HARBOR AND EXTENDING LANDWARD 25 FEET FROM MEAN HIGH WATER SHALL BE ESTABLISHED/PRESERVED PER SPECIFIC CONDITION NO. 4 OF THE PRELIMINARY P.U.D. RESOLUTION (7-89-164).

6. SIZE AND LOCATION OF THE PROPOSED OPERATIONS BUILDINGS AND RECREATION AREA IMPROVEMENTS ARE APPROXIMATE AND SUBJECT TO CHANGE.

7. CONFIGURATION AND SIZE OF ALL TOWN HOME AND HABITABLE FLAT BUILDING FOOTPRINTS ARE APPROXIMATE AND SUBJECT TO CHANGE. HOWEVER, FINAL FOOTPRINT WILL BE SHOWN WITHIN THE BUILDING DEVELOPMENTS AS NOTED. ALSO, TOWNHALL AND SINGLE FAMILY LOT LINES ARE APPROXIMATE, BUT WILL CONFORM TO MINIMUM DIMENSIONS.

8. PARKING TO BE UNDER UNITS, IN OUTSIDE GARAGES OR ON LOT AREA OF UNITS (Lot 2 SPACES/UNIT MINIMUM). THERE IS ALSO SURPLUS OVERFLOW PARKING SHOWN. LOCATION AND NUMBER OF SPACES IS APPROXIMATE.

Master Concept Plan
Site Plan of Map 2 Page 2 of 2
Subject to conditions in Resolution 2992
Zoning Case # 95-06-000-032

RESOLUTION Z-93-009

17 SINGLE FAMILY	13 SINGLE FAMILY
04 VILLAS	04 VILLAS
04 TOWN HOMES	0 TOWN HOMES
00 FLATS	00 FLATS
13 ADD'L UNITS (for deletion of double family)	
<u>218 TOTAL UNITS</u>	<u>108 TOTAL UNITS</u>

8-3-88 REVISION TO MASTER DEVELOPMENT PLAN
IS TO SHOW ADMINISTRATIVE APPROVAL PUD-88-042
CASE 88-08-182.12A 08.01 WITH LEE COUNTY.

1. THIS AMENDMENT IS FOR PHASE VI TO SHOW AN ADDITION OF 16 UNITS AND ADDITIONAL DESIGN TO PHASE V

2. ALL CONDITIONS PART OF THE RESOLUTION WILL BE ADHERED TO AND ALL APPLICABLE NOTES, DATA ETC. AS SHOWN ON THE MASTER DEVELOPMENT PLAN DATED SEPT. 82 WITH FINAL REVISIONS 8/28/83 WILL BE FOLLOWED WITH THE EXCEPTION OF DEVIATION (8), AS NOTED BELOW.

1. FROM THE REQUIREMENT THAT PRIVATELY MAINTAINED ACCESSWAYS MEET THE DIMENSIONAL REQUIREMENTS FOR PARKING LOT ACCESS IN ATILES FROM THE DIMENSIONAL WIDTH REQUIREMENT OF 24' (SECTION 34-2016(3) LDC TO 28'.

2. FROM THE REQUIREMENT IN SECTION 10-280(5) AND (m) LDC, THAT ACCESSWAYS PROVIDE ACCESS TO NO MORE THAN 80 UNITS TO ALLOW ACCESS TO 83 UNITS BY THE 30 FOOT WIDE ACCESSWAY.

SOUTH VILLAGE
MASTER DEVELOPMENT PLAN

SHOWING A PORTION OF PHASE VI
JOHNSON ENGINEERING, INC.

ENGINEERS, SURVEYORS AND ECOLOGISTS					
1000 MARINE CIRCLE, SUITE 404, PORT SAUNDERS, FLORIDA 32085, PHONE (904) 246-1000					
DATE	PROJECT NO.	JOB NO.	SCALE	SHEET	
SEPT., 1982	32060	28-43-20	1" = 100'	3 OF 6	

ZONING MAP

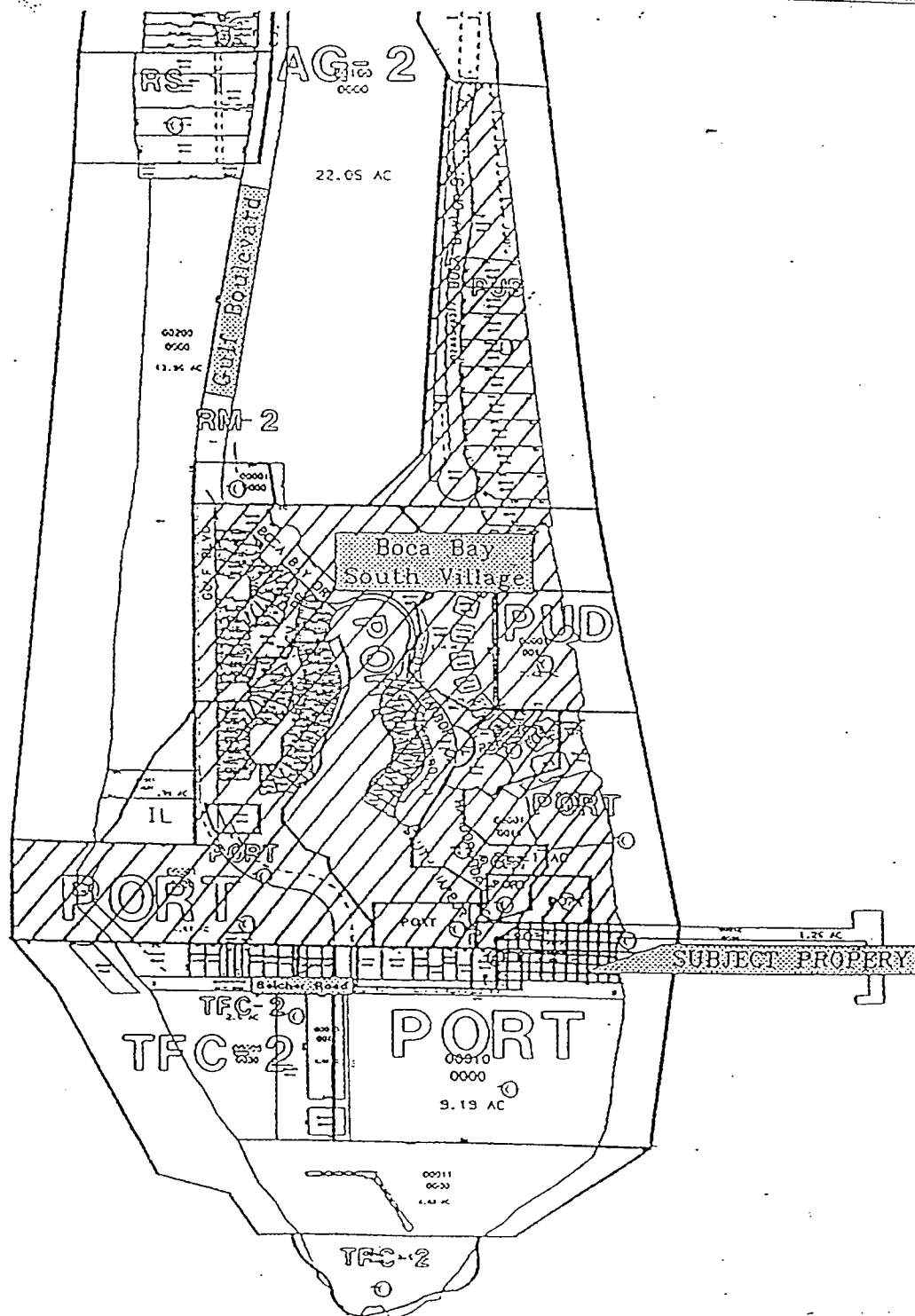
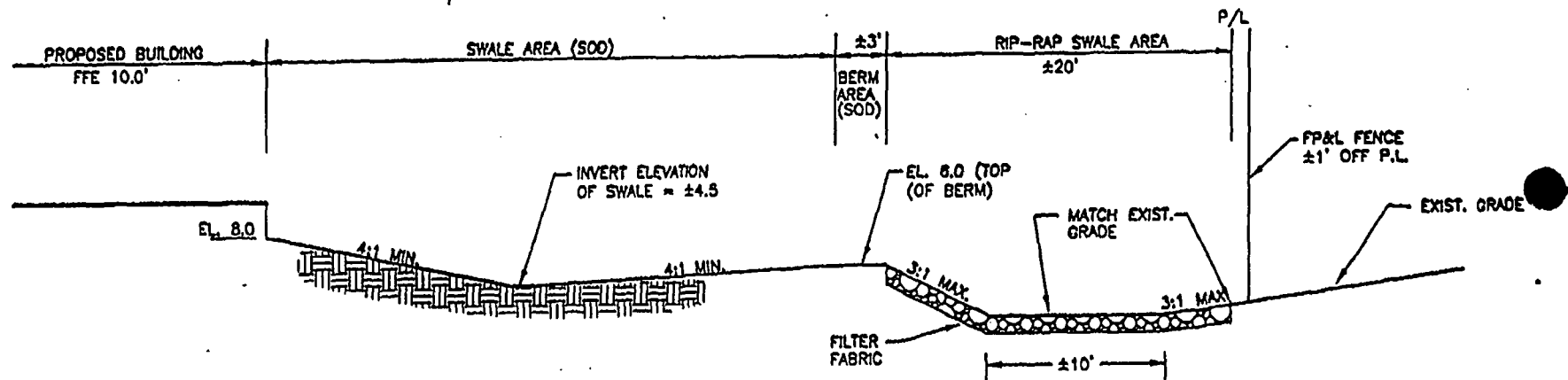


EXHIBIT C



SECTION B-B N.T.S.

ROETZEL & ANDRESS

A LEGAL PROFESSIONAL ASSOCIATION

2320 FIRST STREET
SUITE 1000
FORT MYERS, FL 33901-3419
941.338.4203 DIRECT
941.337.3850 MAIN
941.337.0970 FAX
snoble@ralaw.com

October 9, 2000

Mr. Matt Noble
Lee County Planning
1500 Monroe Street
Ft. Myers, FL 33901

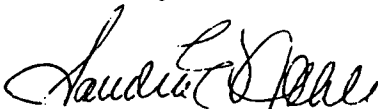
**Re: CSX Application for Comprehensive Plan Amendment
Case No. CPA2000-00002**

Dear Mr. Noble:

Pursuant to your telephone conversation with Attorney Robert Pritt, enclosed please find two copies of the Application for Comprehensive Plan Amendment, which was previously filed with your office on September 28, 2000. It is our understanding that the filing of this new form will be retroactive back to the original filing date.

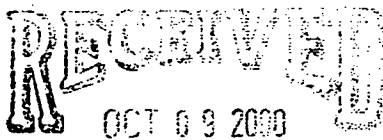
If you have any questions or if you need any further information, please feel free to contact me or Mr. Pritt.

Sincerely,



Sandra E. Noble, CLA
Certified Legal Assistant

SEN/umr
Enclosure



PERMIT COUNTER

CLEVELAND TOLEDO AKRON COLUMBUS CINCINNATI FORT MYERS BONITA SPRINGS NAPLES

www.ralaw.com

FILE COPY

LETTER OF AUTHORIZATION

TO LEE COUNTY COMMUNITY DEVELOPMENT

The undersigned does hereby swear or affirm that the BOCA BAY MASTER ASSOCIATION, INC., Responsible for the Maintenance of Infrastructure and Unified Control and Development with Boca Bay, hereby designate Roetzel & Andress, a legal professional association, as the legal representative of the property and as such, is authorized to legally bind all owners of the property in the course of seeking the necessary approvals. This authority includes but is not limited to the hiring and authorizing of agents to assist in the preparation of applications, plans, surveys, and studies necessary to obtain the comprehensive plan amendments. This representative will remain the only entity to authorize development activity on the property until such time as a new or amended authorization is delivered to Lee County.

BOCA BAY MASTER ASSOCIATION, INC. a Florida
Not-for profit corporation

BY: SA Crosby
PRINTED NAME: Stephen A Crosby
TITLE: President

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 26th day of September, 2000, by STEPHEN A. CROSBY, as PRESIDENT, of the BOCA BAY MASTER ASSOCIATION, INC., who is personally known to me ~~or who has produced~~ _____ as identification.

(SEAL)

Harriett K. Moche
Signature of Notary Public

77032_1

HARRIETT K. MOCHEL
Notary Public, State of Florida
My comm. exp. Dec. 2, 2003
Comm. No. CC892047

**APPLICATION FOR A
COMPREHENSIVE PLAN AMENDMENT**

(To be completed at time of intake)

DATE REC'D.: _____

REC'D BY: _____

APPLICATION FEE: _____

TIDEMARK NO: _____

THE FOLLOWING VERIFIED:

Zoning ☐

Commissioner District ☐

Designation on FLUM ☐

(To be completed by Planning Staff)

Plan Amendment Cycle: ☐ Normal: ☐ Small Scale: ☐ DRI ☐ Emergency: ☐


Request No.: _____

APPLICANT PLEASE NOTE:

Answer all questions completely and accurately. Please print or type responses. If additional space is needed, number and attach additional sheets. The total number of sheets in your application is: _____

Submit 6 copies of the complete application and amendment support documentation, including maps, to the Lee County Division of Planning. Additional copies may be required for Local Planning Agency, Board of County Commissioners hearings and the Department of Community Affairs' packages.

I, the undersigned owner or authorized representative, hereby submit this application and the attached amendment support documentation. The information and documents provided are complete and accurate to the best of my knowledge.



DATE

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

**ROBERT D. PRITT, ESQ., on behalf of Roetzel & Andress,
A Legal Professional Association**

I. APPLICANT/AGENT/OWNER INFORMATION

**BOCA BAY MASTER ASSOCIATION, INC., Responsible for maintenance of
infrastructure unified control and development within Boca Bay**

APPLICANT

699 BOCA BAY DRIVE

ADDRESS

BOCA GRANDE

FLORIDA

33921-1370

CITY

STATE

ZIP

(941) 964-0800

TELEPHONE NUMBER

FAX NUMBER

**ROBERT D. PRITT, ESQ., on behalf of Roetzel & Andress, A Legal Professional
Association**

AGENT

2320 FIRST STREET, SUITE 1000

ADDRESS

FORT MYERS

FLORIDA

33901

CITY

STATE

ZIP

(941) 337-3850

TELEPHONE NUMBER

(941) 337-0970

FAX NUMBER

**BOCA BAY MASTER ASSOCIATION, INC., Responsible for maintenance of
infrastructure unified control and development within Boca Bay**

OWNER(s) OF RECORD

699 BOCA BAY DRIVE

ADDRESS

BOCA GRANDE

FLORIDA

33921-1370

CITY

STATE

ZIP

(941) 964-0800

TELEPHONE NUMBER

FAX NUMBER

Name, address and qualification of additional planners, architects, engineers,
environmental consultants, and other professionals providing information contained in
this application. (SEE ATTACHED EXHIBIT II-G PRO. CONSULTANTS LIST)

* This will be the person contacted for all business relative to the application.

II. REQUESTED CHANGE (Please see Item 1 for Fee Schedule)

A. TYPE: (Check appropriate type)

☐

Text Amendment

☐

Future Land Use Map Series Amendment
(Maps 1 thru 19)

List Number(s) of Map(s) to be amended

X Map 12 (South Boca Grande)

B. SUMMARY OF REQUEST (Brief explanation):

See attached Summary of Request - Exhibit "A"

**III. PROPERTY SIZE AND LOCATION OF AFFECTED PROPERTY
(for amendments affecting development potential of property)**

A. Property Location:

1. Site Address: Boca Bay Master Association, Inc., 699 Boca Bay Drive

2. STRAP(s): 26-43-20-25-0000H.00CE / Boca Bay Master Association

B. Property Information:

Total Acreage of Property: _____

Total Acreage included in Request: ± 2.8 Acres in Overlay / ± 42.2 Acres in Port
District of Boca Bay Subdivision (See attached Exhibit "B")

Area of each Existing Future Land Use Category: _____

Total Uplands: N/A

Total Wetlands: N/A

Current Zoning: Port

Current Future Land Use Designation: Port District

Existing Land Use: Urban Community

**C. State if the subject property is located in one of the following areas and if so how
does the proposed change effect the area:**

Lehigh Acres Commercial Overlay: _____

Airport Noise Zone 2 or 3: _____

Acquisition Area: No _____

Joint Planning Agreement Area (adjoining other jurisdictional lands): No _____

Community Redevelopment Area: _____

D. Proposed change for the Subject Property: No Change _____

E. Potential development of the subject property:

1. Calculation of maximum allowable development under existing FLUM:

Residential Units/Density: No Change _____

Commercial intensity: Property zoned Port that could permit
industrial and commercial uses _____

Industrial intensity _____

2. Calculation of maximum allowable development under proposed FLUM:

Residential Units/Density: No Change _____

Commercial intensity Property text change would preclude
industrial and commercial uses _____

Industrial intensity: _____

IV. AMENDMENT SUPPORT DOCUMENTATION

At a minimum, the application shall include the following support data and analysis. These items are based on comprehensive plan amendment submittal requirements of the State of Florida, Department of Community Affairs, and policies contained in the Lee County Comprehensive Plan. Support documentation provided by the applicant will be used by staff as a basis for evaluating this request. To assist in the preparation of amendment packets, the applicant is encouraged to provide all data and analysis electronically. (Please contact the Division of Planning for currently accepted formats)

A. General Information and Maps

NOTE: For each map submitted, the applicant will be required to provide a reduced map (8.5" x 11") for inclusion in public hearing packets.

The following pertains to all proposed amendments that will affect the development potential of properties (unless otherwise specified).

1. Provide any proposed text changes.
2. Provide a Future Land Use Map showing the boundaries of the subject property, surrounding street network, surrounding designated future land uses, and natural resources.
3. Map and describe existing land uses (not designations) of the subject property and surrounding properties. Description should discuss consistency of current uses with the proposed changes.
4. Map and describe existing zoning of the subject property and surrounding properties.
5. The legal description(s) for the property subject to the requested change.
6. A copy of the deed(s) for the property subject to the requested change.
7. An aerial map showing the subject property and surrounding properties.
8. If applicant is not the owner, a letter from the owner of the property authorizing the applicant to represent the owner.

B. Public Facilities Impacts **N/A**

NOTE: The applicant must calculate public facilities impacts based on a maximum development scenario (see Part II.H.).

1. Traffic Circulation Analysis

The analysis is intended to determine the effect of the land use change on the Financially Feasible Transportation Plan/Map 3A (20-year horizon) and on the Capital Improvements Element (5-year horizon). Toward that end, an applicant must submit the following information:

Long Range - 20-year Horizon:

- a. Working with Planning Division staff, identify the traffic analysis zone (TAZ) or zones that the subject property is in and the socio-economic data forecasts for that zone or zones;
- b. Determine whether the requested change requires a modification to the socio-economic data forecasts for the host zone or zones. The land uses for the proposed change should be expressed in the same format as the socio-economic forecasts (number of units by type/number of employees by type/etc.);
- c. If no modification of the forecasts is required, then no further analysis for the long range horizon is necessary. If modification is required, make the change and provide to Planning Division staff, for forwarding to DOT staff. DOT staff will rerun the FSUTMS model on the current adopted Financially Feasible Plan network and determine whether

- network modifications are necessary, based on a review of projected roadway conditions within a 3-mile radius of the site;
- d. If no modifications to the network are required, then no further analysis for the long range horizon is necessary. If modifications are necessary, DOT staff will determine the scope and cost of those modifications and the effect on the financial feasibility of the plan;
 - e. An inability to accommodate the necessary modifications within the financially feasible limits of the plan will be a basis for denial of the requested land use change;
 - f. If the proposal is based on a specific development plan, then the site plan should indicate how facilities from the current adopted Financially Feasible Plan and/or the Official Trafficways Map will be accommodated.

Short Range - 5-year CIP horizon:

- a. Besides the 20-year analysis, for those plan amendment proposals that include a specific and immediated development plan, identify the existing roadways serving the site and within a 3-mile radius (indicate laneage, functional classification, current LOS, and LOS standard);
 - b. Identify the major road improvements within the 3-mile study area funded through the construction phase in adopted CIP's (County or Cities) and the State's adopted Five-Year Work Program;
Projected 2020 LOS under proposed designation (calculate anticipated number of trips and distribution on roadway network, and identify resulting changes to the projected LOS);
 - c. For the five-year horizon, identify the projected roadway conditions (volumes and levels of service) on the roads within the 3-mile study area with the programmed improvements in place, with and without the proposed development project. A methodology meeting with DOT staff prior to submittal is required to reach agreement on the projection methodology;
 - d. Identify the additional improvements needed on the network beyond those programmed in the five-year horizon due to the development proposal.
2. Provide an existing and future conditions analysis for: **N/A**
- a. Sanitary Sewer
 - b. Potable Water
 - c. Surface Water/Drainage Basins
 - d. Parks, Recreation, and Open Space.

Analysis should include (but is not limited to) the following:

- Franchise Area, Basin, or District in which the property is located;
- Current LOS, and LOS standard of facilities serving the site;
- Projected 2020 LOS under existing designation;
- Projected 2020 LOS under proposed designation;

- Improvements/expansions currently programmed in 5 year CIP, 6-10 year CIP, and long range improvements; and
 - Anticipated revisions to the Community Facilities and Services Element and/or Capital Improvements Element (state if these revisions are included in this amendment).
3. Provide a letter from the appropriate agency determining the adequacy/provision of existing/proposed support facilities, including: **N/A**
- a. Fire protection with adequate response times;
 - b. Emergency medical service (EMS) provisions;
 - c. Law enforcement;
 - c. Solid Waste;
 - d. Mass Transit; and
 - e. Schools.

In reference to above, the applicant should supply the responding agency with the information from Section's II and III for their evaluation. This application should include the applicant's correspondence to the responding agency.

C. Environmental Impacts

Provide an overall analysis of the character of the subject property and surrounding properties, and assess the site's suitability for the proposed use upon the following:

1. A map of the Plant Communities as defined by the Florida Land Use Cover and Classification system (FLUCCS).
2. A map and description of the soils found on the property (identify the source of the information).
3. A topographic map with property boundaries and 100-year flood prone areas indicated (as identified by FEMA).
4. A map delineating wetlands, aquifer recharge areas, and rare & unique uplands.
5. A table of plant communities by FLUCCS with the potential to contain species (plant and animal) listed by federal, state or local agencies as endangered, threatened or species of special concern. The table must include the listed species by FLUCCS and the species status (same as FLUCCS map).

D. Impacts on Historic Resources **N/A**

List all historic resources (including structure, districts, and/or archeologically sensitive areas) and provide an analysis of the proposed

change's impact on these resources. The following should be included with the analysis:

1. A map of any historic districts and/or sites, listed on the Florida Master Site File, which are located on the subject property or adjacent properties.
2. A map showing the subject property location on the archeological sensitivity map for Lee County.

E. Internal Consistency with the Lee Plan

1. Discuss how the proposal affects established Lee County population projections, Table 1(b) (Planning Community Year 2020 Allocations), and the total population capacity of the Lee Plan Future Land Use Map.
2. List all goals and objectives of the Lee Plan that are affected by the proposed amendment. This analysis should include an evaluation of all relevant policies under each goal and objective.
3. Describe how the proposal affects adjacent local governments and their comprehensive plans.
4. List State Policy Plan and Regional Policy Plan goals and policies which are relevant to this plan amendment. (See Exhibit "A" attached)

F. Additional Requirements for Specific Future Land Use Amendments N/A

1. Requests involving Industrial and/or categories targeted by the Lee Plan as employment centers (to or from)
 - a. State whether the site is accessible to arterial roadways, rail lines, and cargo airport terminals,
 - b. Provide data and analysis required by Policy 2.4.4,
 - c. The affect of the proposed change on county's industrial employment goal specifically policy 7.1.4.
2. Requests moving lands from a Non-Urban Area to a Future Urban Area
 - a. Demonstrate why the proposed change does not constitute Urban Sprawl. Indicators of sprawl may include, but are not limited to: low-intensity, low-density, or single-use development; 'leap-frog' type development; radial, strip, isolated or ribbon

pattern type development; a failure to protect or conserve natural resources or agricultural land; limited accessibility; the loss of large amounts of functional open space; and the installation of costly and duplicative infrastructure when opportunities for infill and redevelopment exist.

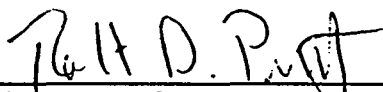
3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.
4. Requests moving lands from Density Reduction/Groundwater Resource must fully address Policy 2.4.3 of the Lee Plan Future Land Use Element.
- G. Justify the proposed amendment based upon sound planning principles. Be sure to support all conclusions made in this justification with adequate data and analysis.

Item 1: Fee Schedule

Map Amendment Flat Fee	\$500.00 each
Map Amendment > 20 Acres	\$500.00 and \$20.00 per 10 acres up to a maximum of \$2,255.00
Text Amendment Flat Fee	\$1,250.00 each

AFFIDAVIT

I, ROBERT D. PRITT, on behalf of Roetzel & Andress, A Legal Professional Association, certify that I am the owner or authorized representative of the property described herein, and that all answers to the questions in this application and any sketches, data, or other supplementary matter attached to and made a part of this application, are honest and true to the best of my knowledge and belief. I also authorize the staff of Lee County Community Development to enter upon the property during normal working hours for the purpose of investigating and evaluating the request made through this application.



Signature of owner or owner-authorized agent

Date

ROBERT D. PRITT, on behalf of Roetzel & Andress, A Legal Professional Association

Typed or printed name

STATE OF FLORIDA)
COUNTY OF LEE)

The foregoing instrument was certified and subscribed before me this 9th day of October, 2000, by ROBERT D. PRITT, on behalf of Roetzel & Andress, A Legal Professional Association, who is personally known to me or who has produced _____ (type of ID) as identification.

(SEAL)



Sandra E. Noble
Commission # CC 928983
Expires April 17, 2004
Bonded Thru
Atlantic Bonding Co., Inc.

Sandra E. Noble
Signature of notary public

SANDRA E. NOBLE
Printed name of notary public

77496_1

EXHIBIT "A"

II.B. SUMMARY OF REQUEST.

Boca Bay Master Association, Inc.

Proposed Amendment

Lee Plan

Goal 15

It is proposed that The Lee Plan, Goal 15: Gasparilla Island. Be amended to add the following Objective and Policy:

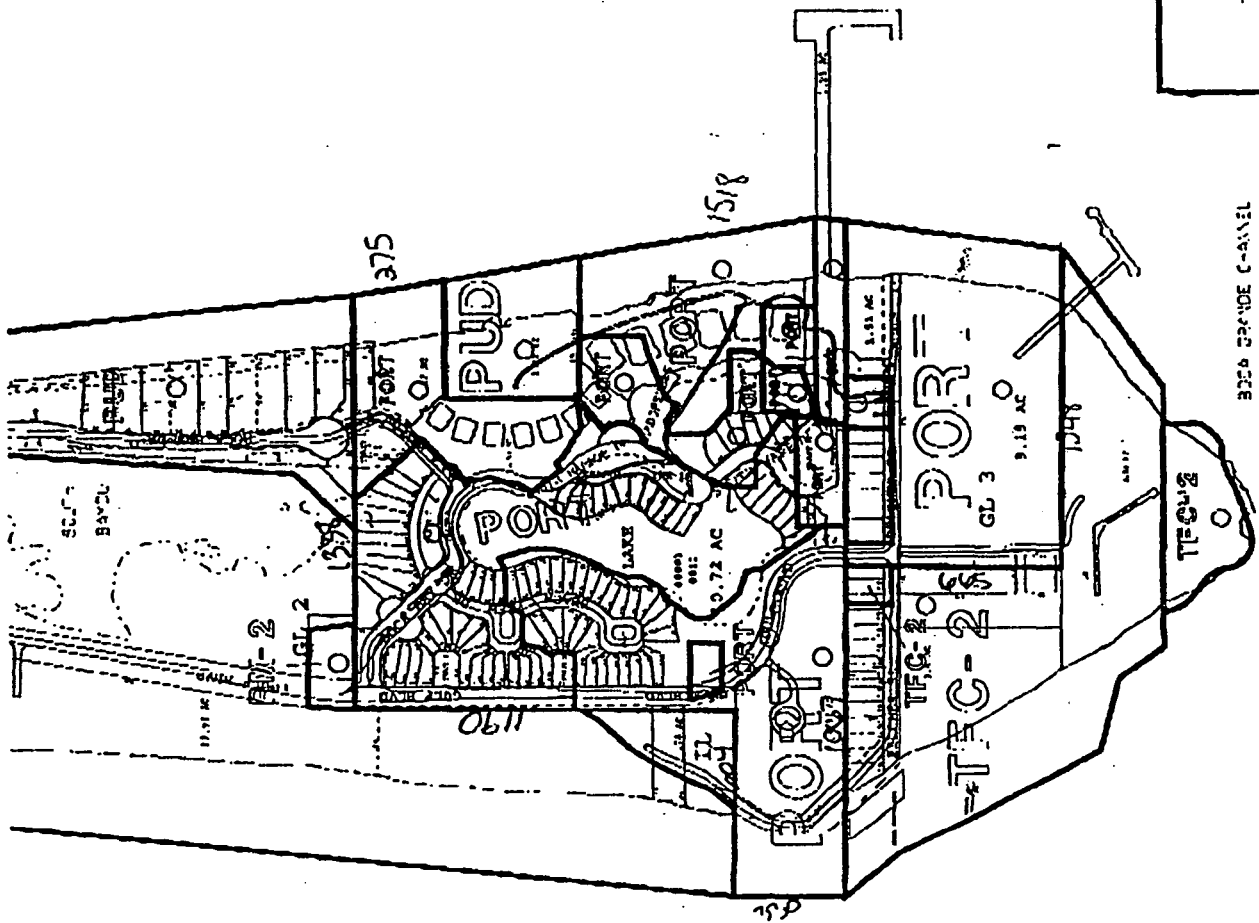
Objective 15.5: Port Facility. The County will limit the water dependent overlay FOR South Boca Grande and the PORT district designation to the Port facility south of Belcher Road.

Policy 15.5.1 The commercial and industrial uses permitted in the Port District (excluding residential, accessory and uses approved pursuant to Special Exception) will not be permitted with that portion of the boundaries of Boca Bay Community with the zoning designation of Port District.

Reasons:

1. The PORT District land use designation and the zoning regulations were created to protect the Boca Grande Port from being developed as residential.
2. After settlement of a lawsuit, the PORT District designation was amended to provide for a special exception in the PORT District for residential development.
3. A special exception was granted to that portion of the property developed for residential development.
4. The PORT District has been again amended to reflect that the only property that derives the benefit of residential development.
5. However, the Lee Plan still reflects that the residential development is included in the area depicted on Map 12 as the Water Dependent Overlay for South Boca Grande, and is zoned PORT in the Land Development Code. The Water dependent overlays are for the purpose of protecting from conversion from water dependent uses to non-water dependent uses. (See Water Dependent Overlay South Boca Grande, Map 12 Page 3 of 19-bottom and LDC Sec. 34-871, et seq.)
6. Similarly, there is no mention in Goal 15 of the unique history, and to acknowledge that PORT uses are not to be permitted within Boca Bay.
7. The proposed amendments to Goal 15 and to the Water Dependent Overlay Map 12 are technical only and are designed to clarify and reflect the actual Plan and Zoning status.

EXHIBIT "B"



3054 2340E C-ANAL

EXHIBIT II-G PRO. CONSULTANTS LIST

Dana L. Hume, E.I.
Johnson Engineering, Inc.
2158 Johnson Street
Fort Myers, FL 33902-1550
(941) 334-0046

WATER DEPENDENT OVERLAY SOUTH BOCA GRANDE

The water dependent overlay zone on the indicated parcel is defined as 150 feet landward of the shoreline or as landward to include the entire parcel, whichever is less. The base map is a reduction of the original.

BOCA GRANDE PASS/MARINA
STRAP NO. 26-43-20-00-00008.0000

PORT BOCA GRANDE
STRAP NO. 26-43-20-00-00010.0000



WATER DEPENDENT OVERLAY SOUTH BOCA GRANDE

The water dependant overlay zone on the indicated parcel is defined as 150 feet landward of the shoreline on as landward to include the entire parcel, whichever is less. The base map is a reduction of the original.

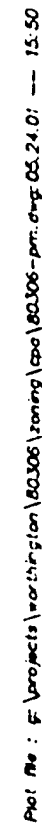
BOCA GRANDE PASS/MARINA
STRAP NO. 26-43-20-00-00008.0000

Proposed Deletion

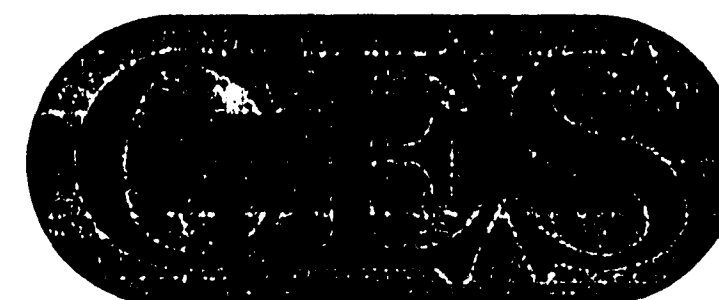
Boca Grande
Pass Marina

PORT BOCA GRANDE
STRAP NO. 26-43-20-00-00010.0000





date 022801
drawn RHH
file name: PARCELMAP
job CPA

[illegible]

COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering • Surveying • Project Management

9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 33923
Telephone (941) 495-0009 Fax (941) 495-7934

WORTHINGTON OF RENAISSANCE, LLC.
 PARCEL MAP

LEE COUNTY, FLORIDA

scale: $1'' = 300'$

SHEET

1 OF 1

date_

Boylan Environmental Consultants, Inc.

Wetland & Wildlife Surveys, Environmental Permitting,
Impact Assessments
11000 Metro Pkwy., Suite 4, Ft. Myers, Florida 33912

South Florida Water Management District
Wetland Jurisdictional Determination

Project: The Renaissance

Craig D. Schmittle 8-25-2000
Craig Schmittle Date

WETLANDS

FLUCCS		APPROX. ACREAGE
211H	WET PASTURE	29.80
411H	FLATWOOD WETLANDS	3.46
424H	MELALEUCA WETLANDS	62.29
500	DITCHES - OPEN WATER	27.86
621	CYPRESS	30.09
621/424	CYPRESS - MELALEUCA	3.17
624	PINE - CYPRESS	4.70
624/424	PINE - CYPRESS - MELALEUCA	16.20
645	WET PRAIRIE	1.15
740H	DISTURBED WETLANDS	2.35
	TOTAL	143.61

UPLANDS

FLUCCS		APPROX. ACREAGE
100	RESIDENTIAL	1.77
211	IMPROVED PASTURE	253.20
320	WAX MYRTLE	10.79
321	PALMETTO	12.14
411	PINE FLATWOODS	26.33
424	MELALEUCA	1.45
432	MIXED HARDWOODS	1.62
437	AUSTRALIAN PINE	0.40
740	DISTURBED	0.98
743	SOIL	0.09
800	ROADS	14.68
	TOTAL	335.45

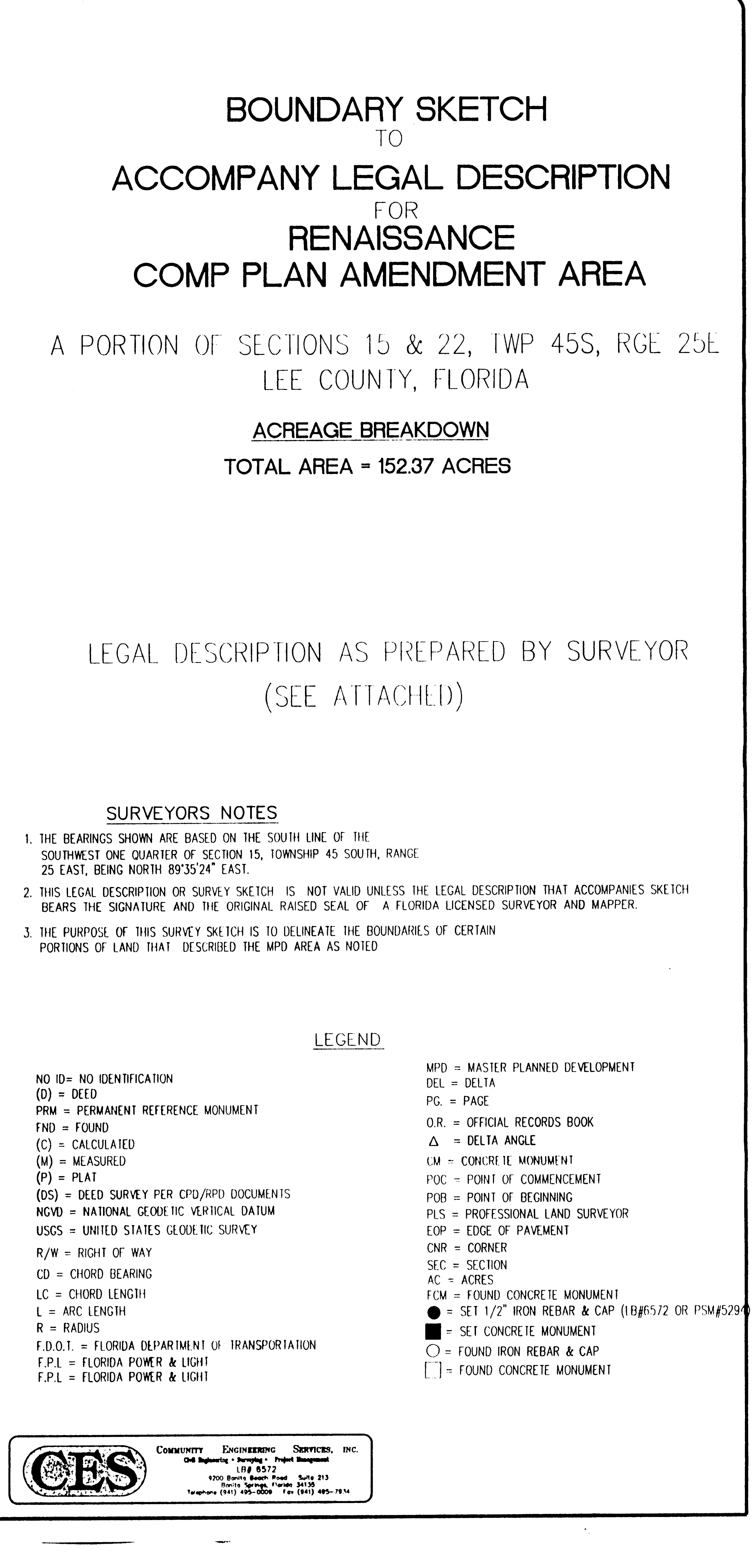
TOTAL UPLANDS = +/- 335.45 ACRES
TOTAL ACOE & SFWMD WETLANDS = +/- 143.61 ACRES
OPEN WATER = +/- 27.86 ACRES

JD Conducted
2-99

Wetlands
OSW, Swales

NOV 05 10

File: \\Bac\Bac\Bac\The Renaissance\2000\16152130



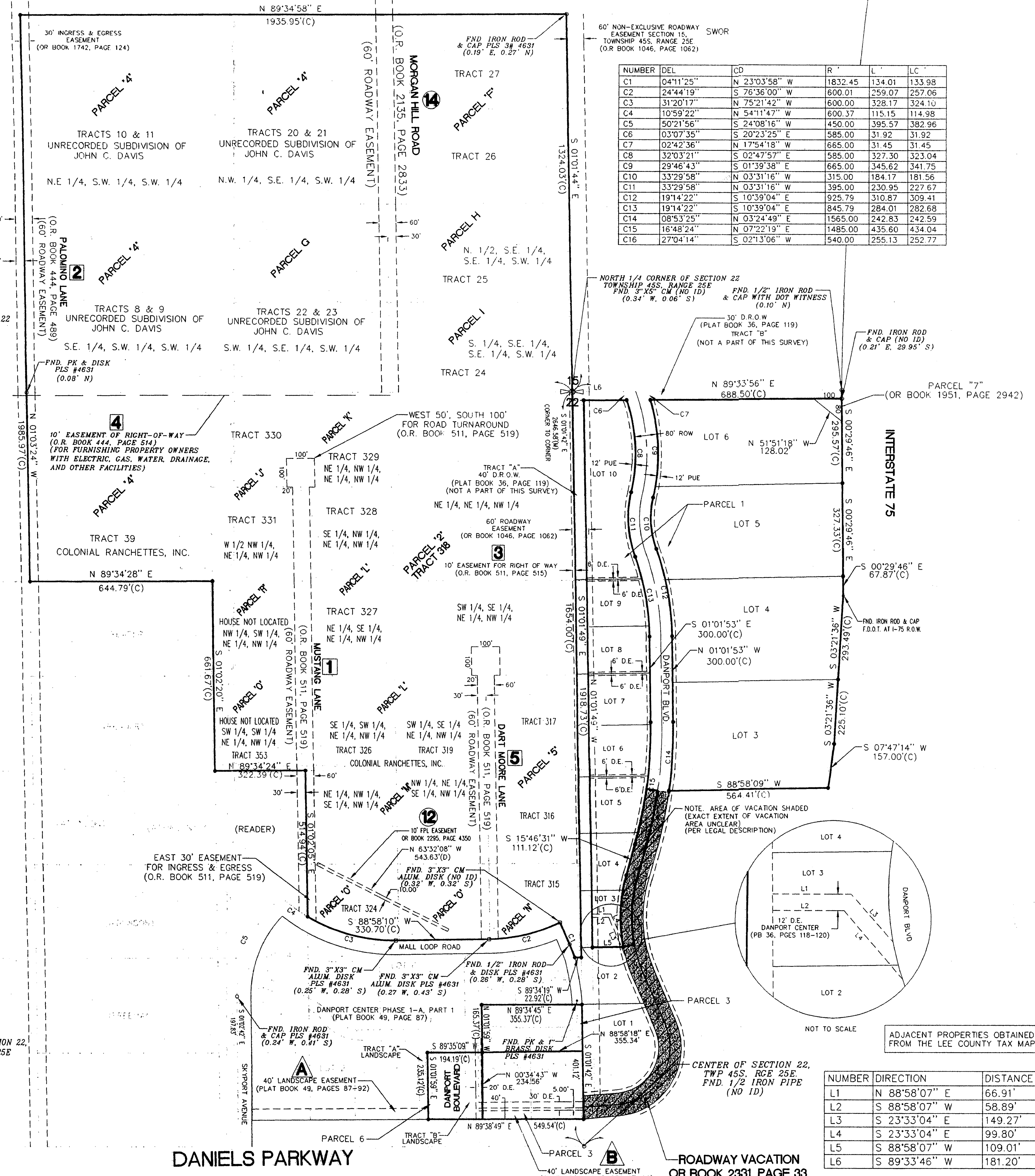
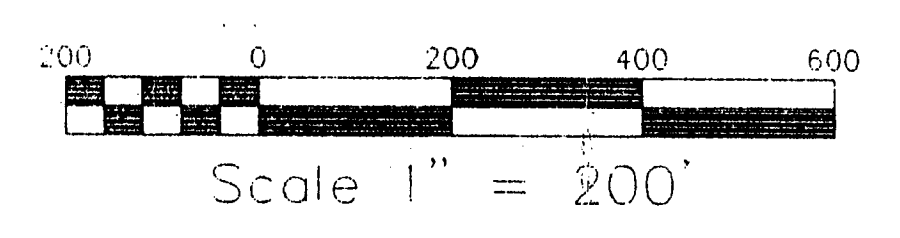
CES COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering • Surveying • Project Management
LB# 6572
9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 34135
Telephone (941) 495-0009 Fax (941) 495-7034

16 15
N 89°35'24" E
2583.16(M)
CORNER TO CORNER
SW 1/4 CORNER OF SECTION 15,
TOWNSHIP 45S, RANGE 25E
FND. 3" X 3" CM (NO ID)

16 15
N 89°34'17" E
2578.59(M)
CORNER TO CORNER
WEST 1/4 CORNER OF SECTION 22,
TOWNSHIP 45S, RANGE 25E
FND. IRON ROD
& CAP (NO ID)

16 15
N 89°34'17" E
2578.59(M)
CORNER TO CORNER
WEST 1/4 CORNER OF SECTION 22,
TOWNSHIP 45S, RANGE 25E
FND. IRON ROD
& CAP (NO ID)

16 15
N 89°34'17" E
2578.59(M)
CORNER TO CORNER
WEST 1/4 CORNER OF SECTION 22,
TOWNSHIP 45S, RANGE 25E
FND. IRON ROD
& CAP (NO ID)



NUMBER	DEL	CD	R	L	LC
C1	04°11'25"	N 23°03'58" W	1832.45	134.01	133.98
C2	24°44'19"	S 76°36'00" W	600.01	259.07	257.06
C3	31°20'17"	N 75°21'42" W	600.00	328.17	324.10
C4	10°59'22"	N 54°11'47" W	600.37	115.15	114.98
C5	50°21'56"	S 24°08'16" W	450.00	395.57	382.96
C6	03°07'35"	S 20°23'25" E	585.00	31.92	31.92
C7	02°42'36"	N 17°54'18" W	665.00	31.45	31.45
C8	32°03'21"	S 02°47'57" E	585.00	327.30	323.04
C9	29°46'43"	S 01°39'38" E	665.00	345.62	341.75
C10	33°29'58"	N 03°31'16" W	315.00	184.17	181.56
C11	33°29'58"	N 03°31'16" W	395.00	230.95	227.67
C12	19°14'22"	S 10°39'04" E	925.79	310.87	309.41
C13	19°14'22"	S 10°39'04" E	845.79	284.01	282.68
C14	08°53'25"	N 03°24'49" E	1565.00	242.83	242.59
C15	16°48'24"	N 07°22'19" E	1485.00	435.60	434.04
C16	27°04'14"	S 02°13'06" W	540.00	255.13	252.77

BOUNDARY DESCRIPTION (PROVIDED BY CLIENT)

CERTAIN PARCELS OF LAND
LYING IN SECTIONS 15 & 22, TWP 45S, R. 25E, E.
LEE COUNTY, FLORIDA

PARCEL 1
LOTS 3, 4, 5, 6, 7, 8, 9, AND 10, BLOCK A, AND LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 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Boylan
Environmental
Consultants, Inc.

Welland & Wildlife Survey's Environmental Permitting
Impact Examinations

11000 Metro Pkwy., Suite 4, Ft. Myers, Florida 33912

South Florida Water Management District
Wetland Jurisdictional Determination

Project: The Renaissance

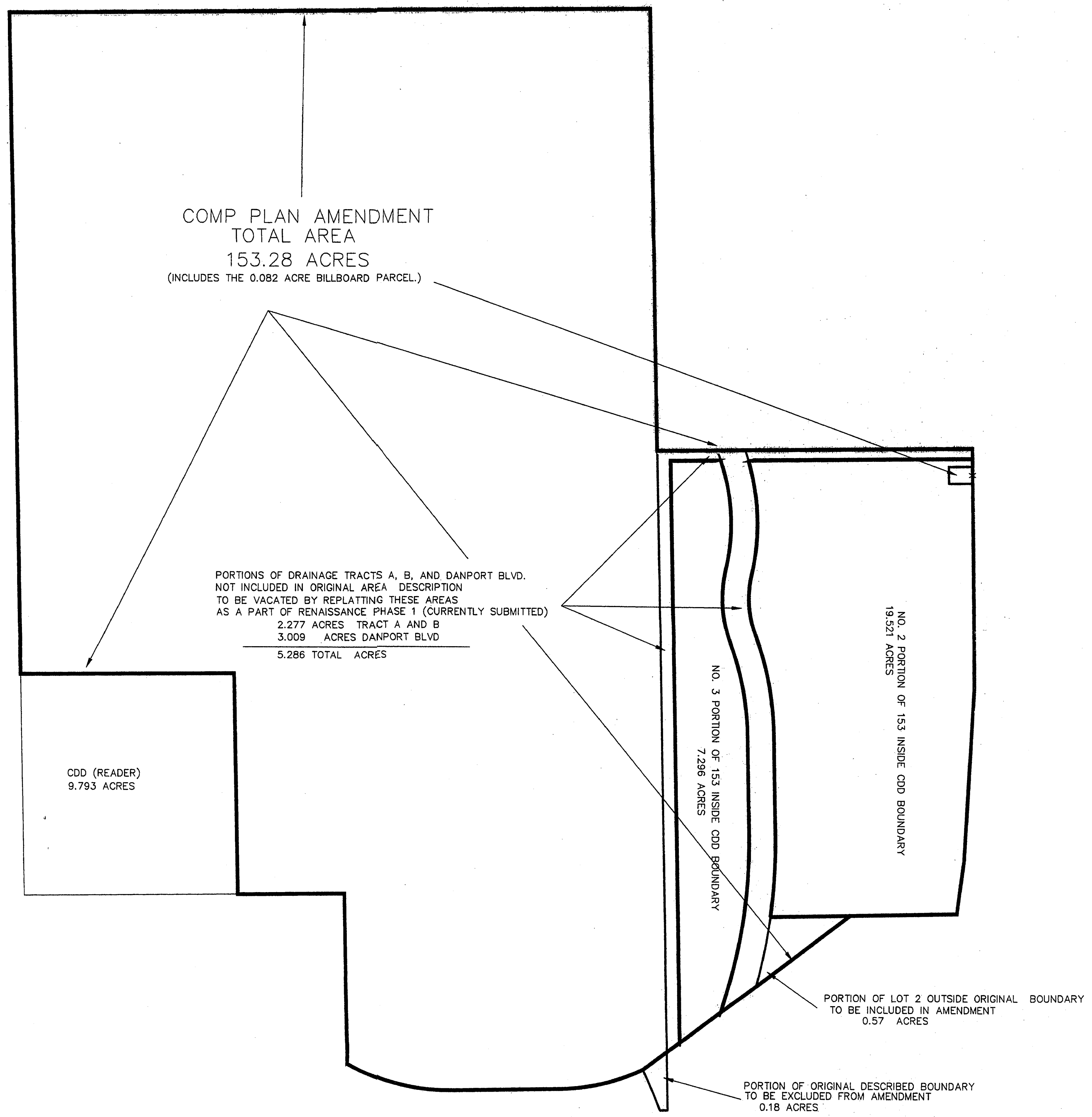
Craig D. Schmittler Pres 3-25-2008
 Date

WETLANDS		APPROX ACREAGE
FLUCCS		
2211H	WET PASTURE	29.60
4111H	FLATWOOD WETLANDS	3.88
424H	MELALEUCA WETLANDS	52.29
600	DITCHES OPEN WATER	5.85
621	CYPRESS	30.09
621424	CYPRESS - MELALEUCA	3.17
624	PINE - CYPRESS	24.70
624424	PINE - CYPRESS - MELALEUCA	16.20
643	WET PRAIRIE	1.75
740H	DISTURBED WETLANDS	2.35
	TOTAL	143.81

UPLANDS		
FLUCT.	ESTIM.	APPROX.
		ACREAGE
100	RESIDENTIAL	2.77
211	IMPROVED PASTURE	233.20
320	WAX MYRTLE	10.79
321	PALMETTO	32.14
314	PINE-FLATWOODS	26.33
421	MELALEUCA	1.45
431	MIXED HARDWOODS	5.62
437	AUSTRALIAN PINE	0.40
740	DISTURBED	0.98
743	SPOIL	8.08
800	ROADS	14.88
	TOTAL	335.45


TOTAL UPLANDS = +/- 335.45 ACRES
TOTAL ACOE & SFWMD WETLANDS = +/- 143.61 ACRES
OPEN WATER = +/- 27.86 ACRES

511.728 ACRES



PLEASE NOTE THAT THE AREAS AS SHOWN ARE BASED ON
ACTUAL SURVEY DATA AND MAY VARY FROM THOSE AREAS AS
INDICATED ON PARCEL INFORMATION ON RECORD IN OFFICES OF LEE COUNTY FLORIDA.

date 032901	No.	Date	Revisions
drawn			
file name: AMEND_KEY			
job CDD/153			

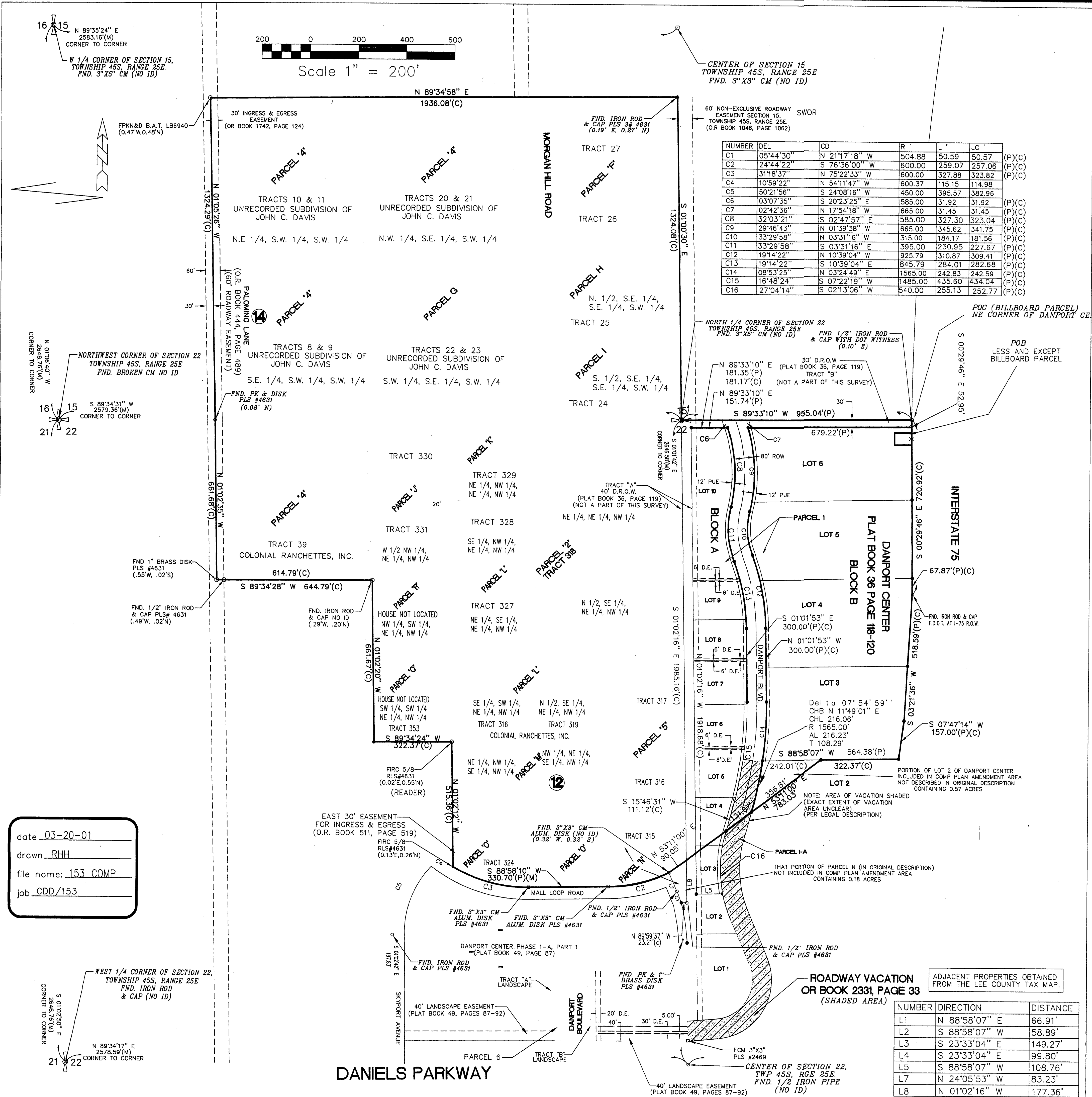


COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering • Surveying • Project Management

9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 33923
Telephone (941) 495-0009 Fax (941) 495-7934

COMP PLAN AMENDMENT AREAS
PARCEL KEY MAP

scale: 1"=200' 1"=10'	date
SHEET	
1 of 1	



BOUNDARY SKETCH OF DESCRIPTION
FOR
COMP PLAN AMENDMENT AREA

A PORTION OF SECTION 15 & 22, TWP 45S, RGE 25E
LEE COUNTY, FLORIDA

ACREAGE BREAKDOWN

TOTAL AREA = 153.28 ACRES

BILL BOARD PARCEL AS LESS AND EXCEPTED IN LEGAL DESCRIPTION = 0.082 ACRES

LEGAL DESCRIPTION AS PREPARED BY SURVEYOR

LEGAL DESCRIPTION
FOR
153 COMP PLAN AMENDMENT AREA

A PARCEL OF LAND LYING IN SECTIONS 15 AND 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, SAID LAND BEING SITUATED WEST OF I-75 AND NORTH OF DANIELS ROAD AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST; SAID POINT ALSO BEING THE NORTHWEST CORNER OF DANPORT CENTER PLAT BOOK 36, PAGES 118 THROUGH 120, THENCE ALONG THE NORTH LINE OF SAID PLAT AND THE SOUTH LINE OF SECTION 15, N 89°33'10" E, A DISTANCE OF 955.04' TO A POINT MARKING THE NORTHEAST CORNER OF SAID PLAT AND ALSO BEING ON THE WEST RIGHT OF WAY OF INTERSTATE 75, THENCE ALONG SAID RIGHT OF WAY AND SAID PLAT THE FOLLOWING BEARINGS AND DISTANCE CALLS:
THENCE S 0°29'46" E, A DISTANCE OF 720.92' TO A POINT;
THENCE S 0°21'36" W, A DISTANCE OF 518.59' TO A POINT;
THENCE S 0°47'14" W, A DISTANCE OF 157.00' TO A POINT MARKING THE SOUTHEAST CORNER OF LOT 3 OF DANPORT CENTER AS RECORDED IN PLAT BOOK 36 PAGES 118 THROUGH 120, THENCE WITH THE SOUTH LINE OF SAID LOT 3,
S 88°58'07" W, A DISTANCE OF 322.37' TO A POINT; THENCE LEAVING SAID RIGHT OF WAY AND CONTINUING ON SAID PLAT,
THENCE S 53°11'00" W, A DISTANCE OF 783.03' TO A POINT MARKING THE NORTHEAST CORNER OF DANPORT CENTER PHASE 1A AS RECORDED IN PLAT BOOK 49 PAGES 87 THROUGH 92, THENCE WITH THE NORTH LINE OF SAID PLATTED LANDS AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 24°44'22", AN ARC DISTANCE OF 259.07', RADIUS OF 600.00', WITH A CHORD BEARING OF S 76°36'00" W, A DISTANCE OF 257.06' TO A POINT;
THENCE S 88°58'10" W, A DISTANCE OF 330.70' TO A POINT;
THENCE AROUND A CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 31°18'37", AN ARC DISTANCE OF 327.88', HAVING A RADIUS OF 600.00',
WITH A CHORD BEARING OF N 75°22'33" W, A DISTANCE OF 323.82' TO A POINT;
THENCE LEAVING SAID PLAT AND RUNNING N 01°02'12" W, A DISTANCE OF 515.36' TO A POINT;
THENCE S 89°34'24" W, A DISTANCE OF 322.37' TO A POINT;
THENCE N 01°02'20" W, A DISTANCE OF 661.67' TO A POINT;
THENCE S 89°34'28" W, A DISTANCE OF 644.79' TO A POINT ON THE EAST LINE OF THE WEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, AND BEING NEAR THE CENTERLINE OF PALOMINO LANE,
THENCE N 01°02'35" W, A DISTANCE OF 1323.36' TO A POINT;
THENCE N 01°05'26" W, A DISTANCE OF 1324.29' TO A POINT;
THENCE LEAVING SAID EAST LINE AND RUNNING N 89°34'58" E, A DISTANCE OF 1936.08' TO A POINT;
THENCE S 01°00'09" E, A DISTANCE OF 1324.08' TO THE POINT OF BEGINNING.

CONTAINING 153.28 ACRES MORE OR LESS.

LESS AND EXCEPT A BILLBOARD PARCEL DESCRIBED AS FOLLOWS:

A PORTION OF LAND LYING IN SECTION 22, TOWNSHIP 45 SOUTH, RANGE 25 EAST, LEE COUNTY, FLORIDA; BEING PART OF THE DANPORT CENTER AS RECORDED IN PLAT BOOK 36, PAGES 118 THROUGH 120 OF THE OFFICIAL RECORDS OF LEE COUNTY, FLORIDA, SAID LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE DANPORT CENTER, PLAT BOOK 36, PAGES 118-120, THE POINT ALSO BEING ON THE WEST RIGHT OF WAY OF INTERSTATE 75, THENCE ALONG THE EAST LINE OF SAID PLAT AND SAID RIGHT OF WAY, S 0°29'46" E, A DISTANCE OF 52.95' TO A POINT MARKING THE NORTHEAST CORNER OF A PROPOSED BILLBOARD PARCEL AND BEING THE TRUE POINT OF BEGINNING

CERTIFICATION FOR LEGAL DESCRIPTION

Roger H. Barra
ROGER H. BARRA STATE OF FLORIDA LS#5294
DATE SIGNED: 03-29-01

SURVEYOR'S NOTES

- THE BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING NORTH 89°32'24" EAST.
- THE TRACT IS SITUATED IN SPECIAL FLOOD HAZARD AREA "ZONE B" (NO BASE FLOOD ELEV) PER THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP #125124 0350 B, AS SHOWN ON THE MAP INDEX DATED (MAP REVISED) SEPTEMBER 19, 1984.
- THE TRACT IS SUBJECT TO ALL RESERVATIONS, RESTRICTIONS, AND RIGHTS OF WAY OF RECORD.
- THIS SURVEY SKETCH IS FOR PURPOSES AS STATED AND IS NOT INTENDED TO IMPLY OWNERSHIP OF THE SUBJECT AREA.
- NO IMPROVEMENTS WERE LOCATED AS A PART OF THIS SURVEY.
- THIS SKETCH AND DESCRIPTION IS NOT VALID UNLESS IT BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
- THE PURPOSE OF THIS SURVEY IS TO DELINEATE THE BOUNDARIES OF A CERTAIN PORTION OF LAND AS DESCRIBED FOR COUNTY ZONING PURPOSES.
- THE EXPECTED USE OF THE LAND, AS CLASSIFIED IN THE MINIMUM TECHNICAL STANDARDS (61G17-6 FAC), IS "COMMERCIAL RISK". THE MINIMUM RELATIVE DISTANCE ACCURACY FOR THIS TYPE OF BOUNDARY SURVEY IS 1 FOOT IN 10,000 FEET. THE ACCURACY OBTAINED BY MEASUREMENT AND CALCULATION OF A CLOSED GEOMETRIC FIGURE WAS FOUND TO EXCEED THIS REQUIREMENT.

LEGEND

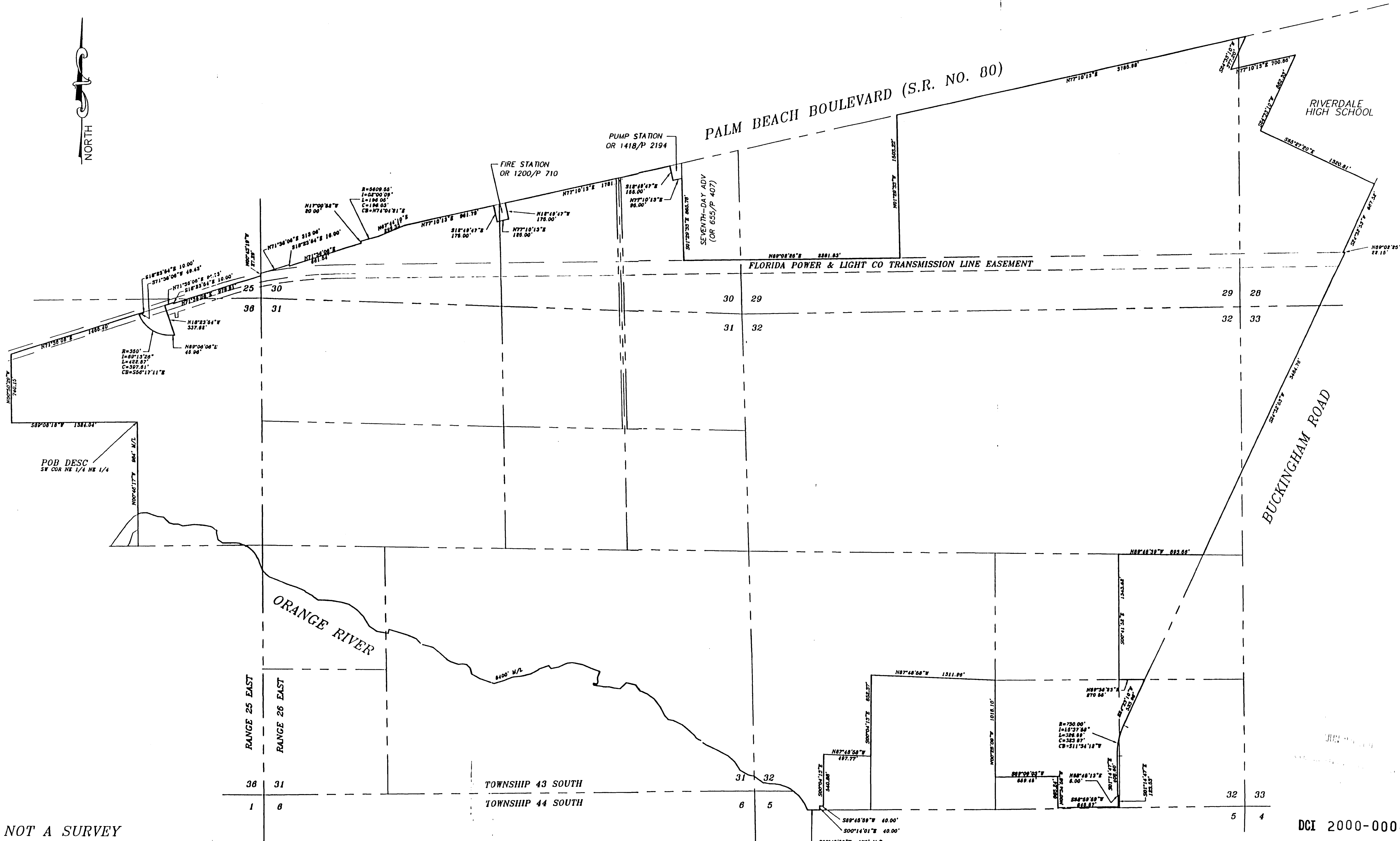
- NO ID = NO IDENTIFICATION
(S) = SET
FND = FOUND
FND = FOUND
(M) = MEASURED
(P) = PLAT
(D) = DEED SURVEY FOR OPEN/PRO DOCUMENTS
NODS = NATIONAL GEODETIC VERTICAL DATUM
USGS = UNITED STATES GEODETIC SURVEY
R/W = RIGHT OF WAY
AC = ACRES
FCM = FOUND CONCRETE MONUMENT
C = SET 1/2" IRON REBAR & CAP (LARGE SIZE OR PLATE#204)
F = SET CONCRETE MONUMENT
C = FOUND IRON REBAR & CAP
F = FOUND CONCRETE MONUMENT
F.L. = FLORIDA POWER & LIGHT
- DEL = DELTA
P2 = PAGE
O.A. = OFFICIAL RECORDS BOOK
DA = DELTA ANGLE
CM = CONCRETE MONUMENT
POC = POINT OF COMMENCEMENT
POB = POINT OF BEGINNING
PLS = PROFESSIONAL LAND SURVEYOR
EOP = EDGE OF PARCELS
SEC = SECTION
AC = ACRES
FCM = FOUND CONCRETE MONUMENT
C = SET 1/2" IRON REBAR & CAP (LARGE SIZE OR PLATE#204)
F = SET CONCRETE MONUMENT
C = FOUND IRON REBAR & CAP
F = FOUND CONCRETE MONUMENT
F.L. = FLORIDA POWER & LIGHT

NUMBER	DIRECTION	DISTANCE
L1	N 88°58'07" E	66.91'
L2	S 88°58'07" W	58.89'
L3	S 23°33'04" E	149.27'
L4	S 23°33'04" E	99.80'
L5	S 88°58'07" W	108.76'
L7	N 24°05'53" W	83.23'
L8	N 01°02'16" W	177.36'



COMMUNITY ENGINEERING SERVICES, INC.
Civil Engineering - Surveying - Project Management
LB# 6572
9200 Bonita Beach Road Suite 213
Bonita Springs, Florida 34135
Telephone (941) 495-0029 Fax (941) 495-7934

date 03-20-01
drawn_RHH
file name: 153 COMP
job_CDD/153



THIS IS NOT A SURVEY

W. Britt Pomeroy, Jr.
W. BRITT POMEROY, JR. (FOR THE FIRM - LB#642)
PROFESSIONAL LAND SURVEYOR
FLORIDA CERTIFICATE NO. 4448

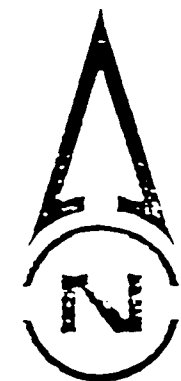
DATE SIGNED: 9-19-00

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

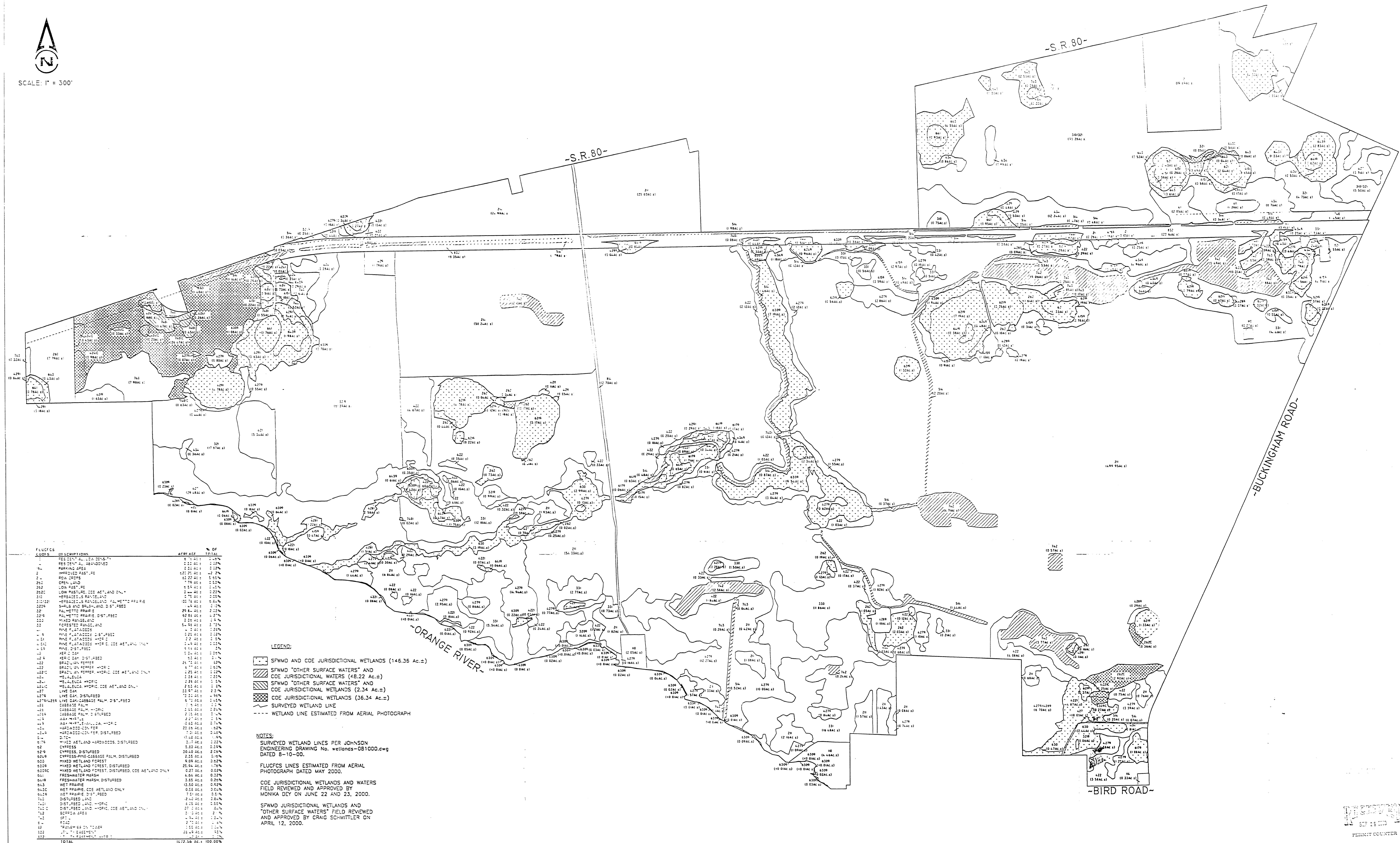
DCI 2000-00069

SKETCH TO ACCOMPANY DESCRIPTION
PARCEL IN
SECTIONS 25 & 36, T. 43 S., R. 25 E.
SECTIONS 28, 29, 30, 31, 32 & 33, T. 43 S., R. 26 E.
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Sept., 2000	991536	25-43-25	1" = 500'	1 OF 1



SCALE: 1" = 300'



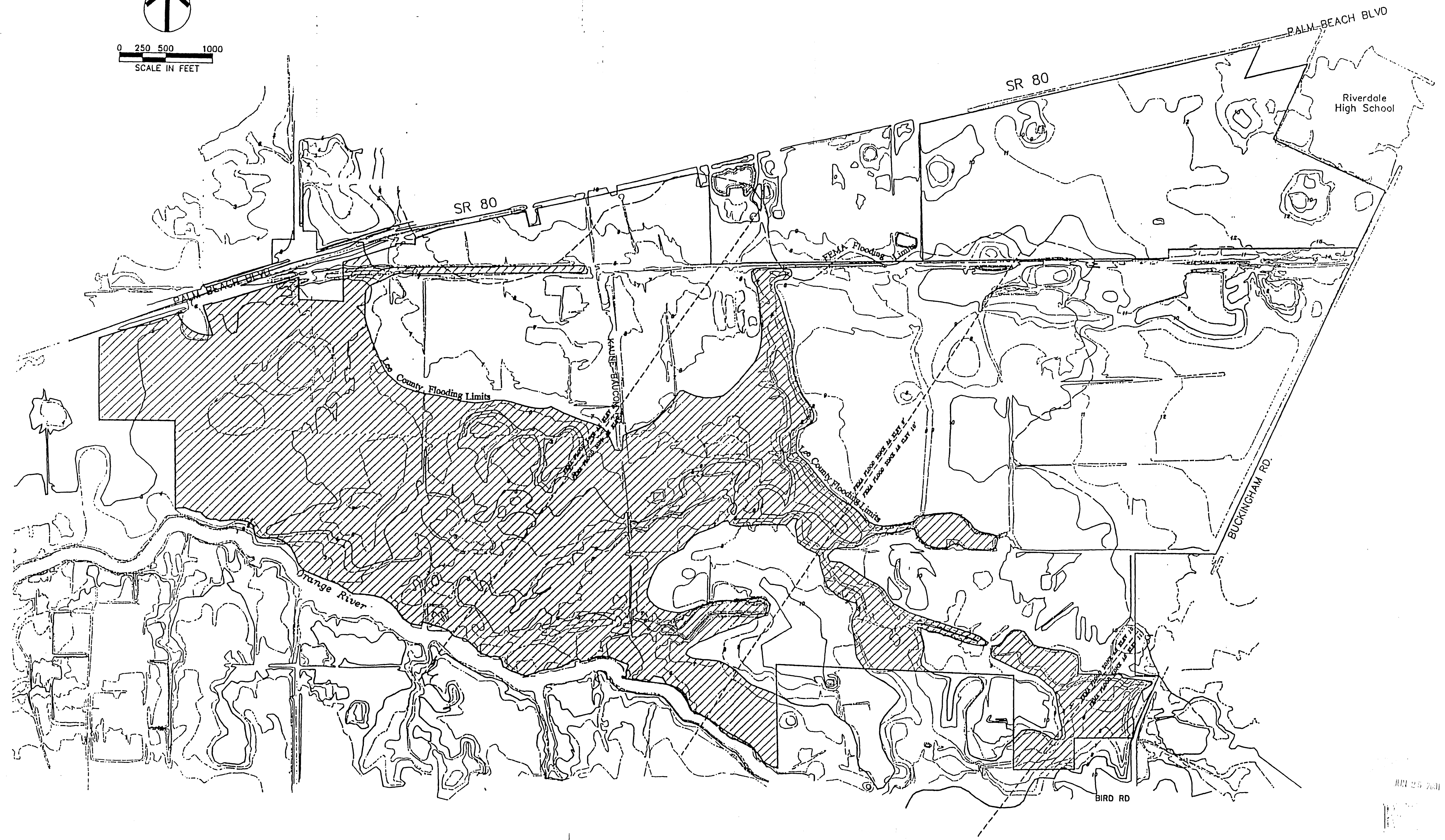
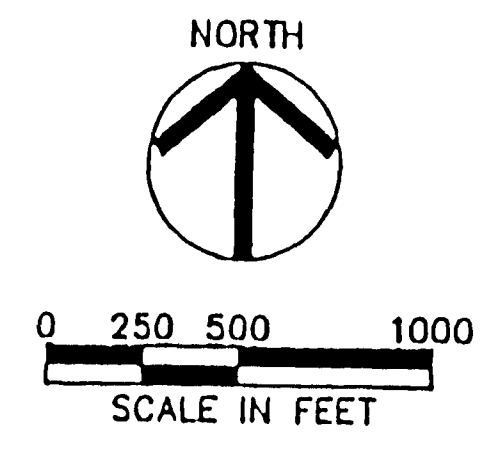
REVISIONS	DESIGNED BY	DATE	HORIZONTAL SCALE
REVISED WETLANDS 11 AND 14	A.W.	9/14/00	1"=300'
REVISED BOUNDARY ALONG RIVER	K.C.P.	9/14/00	VERTICAL SCALE
	P.A.F.	9/14/00	N/A

DATE	SEC./TWP./RNG.
9/14/00	25.36/43S/25E
	29.30.31.32/43S/26E

PASSARELLA and ASSOCIATES, INC.
Consulting Ecologists
4575 Via Royale Suite 201 Ft. Myers, FL 33919

BAUCOM PROPERTY
FLUCFCS AND WETLANDS MAP

EXHIBIT C.1
DRAWING No.: 99BBP402FW-1
SHEET No.: 1



1' CONTOUR BASED ON LEE COUNTY AERIAL DATA OF VARIOUS DATES.

EXHIBIT C.3 OCT 2000-00069

Lee County, Florida

Topographic Map
and Flooding Limits

JOHNSON ENGINEERING, INC.
ENGINEERS, SURVEYORS AND ECOLOGISTS
2158 JOHNSON STREET, P.O. BOX 1350, FORT MYERS, FLORIDA 33902-1350, PHONE (813) 334-0048

DATE	PROJECT NO.	FILE NO.	SCALE
09/23/99	19991536	28-44-26	1" = 500'